The Nordic Countries and the International Protection of Human Rights

By Allan Rosas*

Introduction
In historical and socio-political terms, the Nordic countries have a common human rights platform. Indeed, their human rights policy profiles in the United Nations (UN) and elsewhere are to a large extent similar, if not identical. There are some differences, though. These differences stem partly from patterns of security policy and economic and political co-operation, three Nordic countries being members of the North Atlantic Treaty Organization (NATO) while the two other follow a policy of neutrality, and one Nordic country only (Denmark) being a member of the European Community. Some of the differences may also be explained by primarily internal factors, such as cultural features and peculiarities of the national legal systems.

This paper deals with the attitudes and policies of the Nordic countries with respect to the international protection of human rights. We are looking at the foreign policy aspect rather than at the status of human rights in the respective countries, acknowledging at the same time that it is impossible to draw a sharp line between the external and the internal aspect. The paper draws upon studies published elsewhere.1 In the present paper, an effort is made to highlight some of the differences rather than the similarities. This bias should be kept in mind, when assessing the overall pattern. Several issues of a human rights interest (such as asylum and refugee policies) are either bypassed or mentioned only in passing.

Commitment to Global Human Rights Treaties
Adherence to human rights treaties provides a significant yardstick for assessing mainstreams in a state’s human rights policy and may also affect its stands on concrete issues. Of course, human rights treaties may also have direct implications for the internal legal system.

The following table is a survey of Nordic adherence to 19 international treaties in force concluded within a UN framework. An “X” means that the country in question adheres to the treaty. The figure after each treaty gives the total number of Contracting Parties (as of 1 January 1988).2 The titles of the conventions are in abbreviated form.

The pattern is fairly similar, although Iceland adheres to somewhat fewer treaties than the other Nordic countries. It is to be noted that all the five countries adhere to the most important conventions, such as the 1951 Convention relating to the Status of Refugees and its 1966 Protocol, the 1965 Convention on the Elimination of All Forms of Racial Discrimination, the 1966 Covenants and the Optional Protocol, and the 1979 Convention on the Elimination of All Forms of Discrimination against Women.

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The only treaties which have not been ratified by any Nordic country are the 1968 Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid. These conventions reflect concerns among Third World and Socialist countries, in particular, while the Western countries have adopted a hostile or at least reserved attitude. The unwillingness of the Nordic countries to adhere points to a "Western" and "conservative" stream in their human rights policies, something which will be developed below.

An important facet of adherence to international treaties is the question as to whether reservations have been entered. The Nordic states have made perhaps surprisingly frequent use of the right to formulate reservations. This goes for Finland in particular. Of the 16 conventions which bind at least some of the Nordic countries and which leave room for reservations, seven conventions have drawn reservations by Finland, six conventions by Denmark and Sweden, five conventions by Norway and three by Iceland. The total number of provisions against which reservations still in force have been formulated are for Finland 32, for Sweden 17, for Denmark 13 and for Iceland and Norway 7. It should be noted, on the other hand, that most of the reservations are of a more or less technical nature. In some cases, the Nordic states have formulated identical reservations to a given provision. The politically most interesting reservation has been made to the prohibition of war propaganda contained in Article 20 of the International Covenant on Civil and Political Rights. The Nordic states voted against this provision when it was considered by the UN General