Elements of Nordic State Practice 2003: Sweden

KATARINA FRUNGE*

1. Introduction

The purpose of this article is to give an overall view of Swedish State practice and policy in public international law during 2003. The article focuses on significant statements and interpretations of international law. In 2003 the situation in Iraq had an impact on several of the issues debated and discussed concerning public international law in Sweden. One section of this article is devoted to the Iraq theme. Statements and decisions by the EU are not included.

2. Use of Force – Iraq

The Swedish Government took the clear view that the armed force used against Iraq in the spring 2003 was a breach of international law and that a decision by the Security Council would have been needed. The Government emphasised that the weapons inspectors should have been given more time, as they had requested. Even if the United States and allied States had resorted to the use of force, the handling of the conflict needed to be brought back to the Security Council. At the same time, the Government took the view that Iraq was a threat against international peace and security. It had started two wars. Weapons of mass destruction in the hands of the Iraqi regime were a threat against peace and security, as the Security Council had stated. The serious situation did not exclude the option of the use of force against the Iraqi regime, but it was up to the Security Council to take such a decision.

The Government also underlined that the laws of armed conflict, must be upheld while hostilities were undertaken.1

* Katarina Frunge, L.L.M. Stockholm University. This report has been compiled by an independent researcher in close cooperation with the Swedish Ministry of Foreign Affairs. The responsibility for the contents of the article rests with the author.

1 There are numerous statements and comments by the Swedish Government on the Iraqi war. Some are in Swedish and some in English. Of particular significance are: Comments by the Swedish Prime Minister Göran Persson on 20 March 2003, Statement by the Prime Minister...
3. The Convention Relating to the Non-fortification and Neutralisation of the Åland Islands

In September 2003, on their way to a joint multinational peace exercise, Swedish troops erroneously passed through the demilitarised zone of the Åland Islands. As a consequence, Sweden expressed its regrets to the Finnish authorities, and took measures to ensure that the Swedish troops would return without passing through the demilitarised zone on their way back. The incident put focus on the Swedish understanding concerning the demilitarised zone of the Åland Islands. The regime of the Åland Islands is the only demilitarised regime in the Baltic Sea and has, in the view of the Swedish Government, developed into regional customary law.

4. Human Rights

4.1. Promoting Human Rights

In her speech to the United Nations Commission on Human Rights on 20 March 2003 Swedish Foreign Minister Anna Lindh spoke on issues such as justice and reconciliation, development and impunity. Among other things she stated:

“I strongly welcome the establishment of the International Criminal Court, inaugurated in The Hague on 11 March. It will strengthen respect for international law and human rights, and be an important tool in the fight against impunity. It is Sweden’s hope that accession to the ICC eventually will be universal. Today, more countries put human rights high on their national and international agendas. But much remains to be done. No distinction must be made between people. Everyone has the same human rights. However, special efforts are required to grant persons with disabilities equal opportunities to use all their rights. This is a priority for Sweden, and this year we will introduce a resolution, in the Commission, on ‘human rights and persons with disabilities’. We must increase our common efforts to combat human rights violations and injustices, wherever they occur.’”

Human rights are established as a main priority in Swedish foreign policy.