

SWEDEN

Explanation of vote, 7 July 2017

Negotiations on a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination - concluding statement by Sweden

Madame President,

In connection with today's adoption of a treaty on prohibition of nuclear weapons by the conference, I would like to make the following explanation of vote.

Motivated by a humanitarian perspective, mindful of the urgent need to break the stalemate, and willing to explore any path with potential of delivering concrete results, Sweden decided to support, and participate in, these negotiations. Anything else, we felt, would be to evade an obligation, also enshrined in Article VI of the NPT. We joined a broad majority of the UN membership whose frustration with the lack of progress triggered this clear political stance against an increasingly dangerous status quo.

The result of this effort is now before us in the form of a treaty. It does not meet all the expectations we had. Despite the complexity of the matter, and the unprecedentedly limited time at our disposal, Sweden has voted in favour of the adoption of this treaty.

One significant achievement of this treaty is, the reaffirmation of the fundamental importance of the humanitarian perspective with regard to nuclear weapons. It is beyond doubt that any use of nuclear weapons would be catastrophic to humanity, as well as to the environment.

We warmly welcome the fact that at last we have a treaty prohibiting nuclear weapons, the only weapon of mass destruction not prohibited until now. Though nuclear weapons are not likely to disappear soon, we are convinced that the norm against the use and possession of nuclear weapons will be strengthened by this treaty.

At the same time, we recognize that there are crucial elements of this treaty that do not meet what my delegation was aiming for:

- The NPT remains the cornerstone for nuclear disarmament and non-proliferation,. We wanted this to be more clearly articulated in the treaty. We have felt, however, that this view has not been shared by all delegations, in spite of declarations made in the first committee and during the first session of this Conference.
- Sweden does not subscribe to the language in pp.10 which aims at describing international law as it stands today. Sweden maintains the view taken by the International Court of Justice in the Nuclear Weapons Advisory Opinion 1996

namely, that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.

- Sweden also notes that the reference in pp.9 to the prohibition on the use of weapons of a nature to cause superfluous injury or unnecessary suffering reflects a general obligation on the parties to an armed conflict in their choice of means of warfare. It does not identify which weapons that fall under this prohibition. It should also be underlined that this prohibition should not be mixed up with the principle of distinction, which aims at protecting civilians.
- With respect to pp12, Sweden would like to underline that the obligations imposed by the Charter of the United Nations with respect to the obligation to refrain from the threat or the use of force against the territorial integrity or political independence of any State are firmly established in the Charter and remain fully applicable irrespective of matters related to diversions for armaments.
- We had a strong preference not to have nuclear testing in this Treaty, since we have the CTBT, which has established a norm respected by all countries but one.
- Regarding the scope of the prohibition, we would have preferred clearer references in Art 1 (f) specifying that it is direct assistance to third parties in prohibited activities which are covered and of relevance for this treaty.
- On verification we are, of course, disappointed, that it was not possible to have the Additional Protocol, Infcirc 540, as the standard of verification of this treaty. We believe that would have strengthened the credibility of the treaty and allowed for sufficient verifications of states parties' compliance with key elements of the general obligations.
- We are not in full agreement with respect to the chapeau to Art 8. Meetings of States Parties to this Treaty are not the most effective forum to discuss further measures on disarmament.
- As for article 17 Sweden takes the position that the prerogative of interpreting what is to be considered the supreme interest of its national sovereignty rests with the sovereign State.
- We are not in full agreement with the language in article 18. We had a strong preference to delete the words after the last comma. The NPT and CTBT remain fully applicable even after this treaty enters into force. Nothing in this treaty can be interpreted as reducing the obligations of states parties to the NPT and CTBT.

As the negotiations come to a close, another phase – not prejudged by today’s decision – beckons: national digestion, debate and decision. For Sweden’s part, as I assume for many others, the treaty and its relation to civilian nuclear industry, trade, research including nuclear defence research for peaceful purposes, as well as broader security and defence policy interests will be subject to consideration by the government. Any decision to ratify and accede to the treaty will subsequently need be taken by the Swedish parliament.

Madame President,

Lastly, I would like to thank all delegations and civil society organizations for active and friendly participation, the secretariat and the members of the bureau for hard work. But most of all to thank you, Madame President, for guiding us to a successful conclusion of this important negotiation.

Thank you!