

## SWEDEN

### LEGAL BASIS

**1. Has your State signed and/or ratified the *United Nations Convention on special missions* (1969)? If not, does your State intend to sign/ratify the Convention?**

Sweden has not signed or ratified the United Nations Convention on special missions and has no intentions at the moment to do so.

**2. Does your State apply other international legal instruments in this area (ex.: bilateral, multilateral agreements or headquarters agreements)?**

The provisions regarding immunities in the Vienna Convention on Diplomatic Relations (1961) as well as the Vienna Convention on Consular Relations (1963) are incorporated in Swedish law through the Act on Immunity and Privileges in Certain Cases (1976:661).

Incorporated in the aforementioned Swedish Act are also the UN Convention on the Privileges and Immunities of the Specialized Agencies (1947) and specific host agreements between Sweden and international organizations located in Sweden. Special missions, as defined in the United Nations Convention on special missions (1969), are not explicitly mentioned in the Act. However, Sweden has ratified, and incorporated in the Act, the UN Convention on the Privileges and Immunities of the United Nations (1946), which gives representatives of Members to conferences convened by the United Nations some privileges and immunities while exercising their functions and during the journey to and from the place of meeting. There is also a specific agreement from 2003 between Sweden and the United Nations on privileges and immunities and certain other matters concerning United Nations seminars, symposia, courses, workshops and other meetings held in Sweden, which likewise has been incorporated in the Act.

Immunities not regulated by the Swedish Act on immunity and Privileges in Certain Cases may also follow from international customary law, which could be the case for e.g. a head of state, a head of government or a minister for foreign affairs, on visit to Sweden. Sweden has ratified the United Nations Convention on Jurisdictional Immunities of States and their property from 2004 and has incorporated it into Swedish law.

**3. Has your State adopted a specific national legislation in the field of immunities of special missions?**

No, Sweden has not adopted any specific legislation in the field of immunities of special missions.

- a. **If so, please provide information concerning the relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources);**
- b. **If not, is the issue of immunities of special missions covered by another part of your legislation? If so, please provide information concerning these relevant legislative provisions (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources).**

The issue of immunities of special missions is not covered by any other part of Swedish legislation than the abovementioned.

**4. Have the authorities of your State released official statements, reports or any other document concerning the status and the immunities of special missions? If so, please provide any relevant information relating to these documents.**

In the preparatory work to the Swedish Act on jurisdictional immunity of states and their property (prop. 2008/09:204) there is a reference to special missions stating that Sweden has not signed the convention and that it is uncertain if the convention reflects customary law. There is no position expressed in the matter.

- 5. Does your State consider that certain obligations and/or definitions regarding immunity of special missions derive from customary international law? If so, please provide a brief description of the main requirements of customary international law in this respect.**

See answer to question four above.

- 6. Please provide information on the scope of the immunities of special missions, in particular:**
- a. The extent of the privileges and immunities granted to special missions and to their members;
  - b. The scope *ratione personae* (categories of individuals who may enjoy an immunity of special mission);
  - c. The scope *ratione materiae*, in particular by specifying if there are exceptions to the granting of the immunity;
  - d. The temporal limits of the immunities accorded to special missions.

See above.

#### **NATIONAL PRACTICE AND PROCEDURE**

- 7. Is there national case law in the field of immunities of special missions? If so, please provide information on these decisions (date of the judgment, authority that issued the judgment, name of the parties, main points of law, French or English translation of the judgment or summary of the judgment in English or in French).**

Not to our knowledge.

- 8. Is there a mechanism of formal agreement of special missions, namely a process under which your State can accept in advance that an official visit constitutes or not a special mission?**
- a. If yes, which authority delivers these agreements? What weight do the courts attach to such agreements? Is there a formal notification or communication procedure between the governmental authorities and the courts?
  - b. In the absence of such a formal agreement, can an implied consent derive from the behaviour of the governmental authorities?

There is no mechanism of formal agreement of special missions in advance.