

Ministry for Foreign Affairs, Internal Memorandum of 26 October 1983 entitled The European Convention on State Immunity and its Additional Protocol.

In the memorandum the main objections that Sweden had raised against the Convention during its preparation are discussed. The first of these objections concerned the fact that rules of the Convention are only applicable between the Contracting States. Sweden was of the view that it would have been better if at least the Convention's rules regarding restrictions of immunity had been formulated in such a way that they could apply to relations with all states. Furthermore, Sweden found that the Convention is too far-reaching when it comes to restrictions of immunity in its Article 4. The Swedish point of view was that restrictions of immunity should be restricted to *acta jure gestionis*. According to Article 32 the Convention shall not have any effect on diplomatic or consular immunities. However, during the preparation of the Convention different interpretations emerged that Sweden did not share and regretted, since the Convention may leave room for different interpretations. According to Article 20 a Contracting State is under certain conditions obliged to give effect to a judgement given against it by a court of another Contracting State. Sweden was of the view that the Convention should not deal with the legal force of judgements, which traditionally belongs to the Hague Conference on Private International Law. According to Article 15 a Contracting State shall be entitled to immunity if the proceedings do not fall within Article 1 to 14. Sweden found that such a formulation prevents further restrictions on immunity that might be desirable. Finally, it is commented in the memorandum that no Swedish decision, for or against Convention, is to be found in the archives.