

白皮書第七十九號（三十七年一月）

中瑞關於取消瑞典在華治外法權及其有關特權條約

（中華民國三十四年四月五日簽字  
中華民國三十四年七月二十日生效  
中華民國三十五年十一月十八日互換批准書）

中華民國國民政府外交部編印

## 中瑞關於取消瑞典在華治外法權及其有關特權條約

中華民國國民政府主席閣下願以友好精神使兩國間之一般關係更爲明顯並藉以解決若干與在中國之管轄權有關事件起見  
瑞典國君主陛下

立本約各派全權代表如左

中華民國國民政府主席閣下特派

中華民國外交部部長宋子文爲全權代表

瑞典國君主陛下特派

瑞典國駐中華民國全權公使亞勒爲全權代表

兩全權代表各將所奉全權證書互相校閱均屬妥善議定條款如左

### 第一條

現行中華民國與瑞典王國間之條約與協定凡授權瑞典王國政府或其代表實行管轄在中華民國領土內瑞典王國人民之一切條款茲特撤銷作廢瑞典王國人民在中華民國領土內應依照國際公法之原則及國際慣例受中華民國政府之管轄

### 第二條

爲免除瑞典王國政府或人民公司或社團在中華民國領土內現有關於不動產之權利發生任何問題尤爲免除各條約及協定之各條款因本約第一條規定廢止而可能發生之問題起見雙方同意上述現有之權利不得取消作廢並不得以任何理由加以追究但依照法律手續提出證據證明此項權利係以詐欺或類似詐欺或其他不正當之手段所取得者不在此限同時相互了解此項權利取得時所根據之原來手續如日後有任何變更之處該項權利不得因之作廢雙方並同意此項權利之行使應受中華民國關於徵收捐稅徵用土地及有關國防各項法令之約束非經中華民國政府之明白許可並不得移轉於第三國政府或人民（包括公司及社團）

雙方並同意中華民國政府對於瑞典王國政府或人民公司或社團持有之不動產永租契或其他證據如欲另行換發新所有權狀時中國官廳當不徵收任何費用此項新所有權狀應充分保障上述租契或其他證據之持有人與其合法之繼承人及受讓人並不得減損其原來權益包括轉讓權在內

### 第三條

瑞典王國政府對於中華民國人民在瑞典國全境內早已予以旅行居住及經商之權利中華民國政府同意對於瑞典國人民在中華民國領土內予以相同之權利

## 第四條

此締約國人民在彼締約國領土內關於法院及其他官廳保護其身體與財產之一切事項應享受與彼締約國人民同樣之待遇

## 第五條

中華民國政府與瑞典王國政府同意彼此領事官經對方給予執行職務證書後得在對方國領土內雙方同意之口岸地方與城市駐紮兩國之領事官在其領事區內應有與其本國人民公司及社團會晤通訊以及指示之權倘其本國人民在其領事區內被拘留逮捕或監禁時應立即通知該領事官該領事官於通知主管官廳後得探視此等人民總之兩國之領事官應享有現代國際慣例所給予之權利特權與豁免

雙方並同意對方人民公司及社團在此國領土內者有隨時與其領事官通訊之權對方人民在此國之領土內被拘留逮捕或監禁者其與領事官之通訊主管官廳應予轉遞

## 第六條

中華民國政府與瑞典王國政府同意於現在戰事停止後六個月內進行談判簽訂一現代廣泛之友好通商航海設領條約此項條約將以近代國際程序與中華民國政府及瑞典王國政府近年來與他國政府所締結之近代條約中所表現之國際公法原則與國

際慣例爲根據

前項廣泛條約未經訂立以前倘日後遇有涉及中華民國領土內瑞典王國政府或人民公司或社團權利之任何問題發生而不在本約範圍內或不在中華民國政府與瑞典王國政府間現行而未經本約廢止或與本約不相牴觸之條約專約及協定之範圍內者應由兩國政府代表會商依照普通承認之國際公法原則及近代國際慣例解決之

## 第七條

本約用中文瑞典文及英文各繕兩份解釋遇有歧異時應以英文本爲準

## 第八條

本約應由兩國政府各依其憲法程序予以批准在瑞典方面並應經其議會之同意

本約自兩國政府彼此通知批准之日起發生效力批准書應隨後於重慶迅速互換

本約由下列簽字人各依其全權簽字蓋印以昭信守

中華民國三十四年四月五日即西曆一九四五年四月五日訂於重慶

宋子文 (簽字)

亞勒 (簽字)

## 換文

### 甲 中國外交部部長致瑞典國公使照會

關於中華民國政府與瑞典王國政府本日所簽訂瑞典王國政府放棄其在中國之治外法權及其有關特權之條約本代表茲特聲明下列各點雙方業已同意

1 關於北平使館界及上海廈門公共租界關於通商口岸制度以及中國領土內各口岸外籍引水人之雇用瑞典王國政府及人民所享有各權利一併放棄鑒於此項通商口岸制度之廢止彼此了解中華民國領土內凡平時對外國海外商運已開放之沿海口岸於上述條約發生效力後對於瑞典海外商運仍繼續開放

2 此國之商船許其自由駛至彼國對於海外商運業已或將來開放之口岸地方及領水在該口岸地方及領水內給予此等船舶之待遇不得低於所給予各該本國船舶之待遇且應與所給予任何第三國船舶之待遇同樣優厚

3 瑞典王國政府放棄給予瑞典船舶在中華民國領水內關於沿海貿易及內河航行之特權任何用以經營此項事業之瑞典產業如業主願意出賣時中華民國政府準備以公平價格收購之

4 如任何一方於日後簽定之協定中以任何關於沿海貿易或內河航行之優惠給予任何第三國之船舶則此項優惠應同樣給予彼方之船舶但中華民國不得要求瑞典給予斯坎的那維亞國家中任何一國或數國之特殊優惠沿海貿易與內河航行依

照彼方有關法律之規定辦理不得要求彼方之本國待遇

5 瑞典王國政府放棄給予其軍艦在中華民國領水內之特權中華民國政府與瑞典王國政府關於一方軍艦訪問彼方口岸應依照通常國際慣例相互給予優禮

6 兩國政府在各該國管轄所及之領土內給予對方國人民公司及社團關於租稅之徵收或其有關事項不低於所給予任何第三國人民公司及社團之待遇但兩國均不得要求對方國與第三國間依據避免複稅之協定而互相適用關於徵稅之優惠

7 關於本日簽訂之條約第一條雙方了解瑞典在中國之法院之命令宣告判決決定及其他處分應認為確定案件於必要時中國官廳應予以執行當本約效力發生時凡瑞典在中國之法院之任何未結案件如原告或告訴人希望移交於中華民國政府之主管法院時該法院應從速進行處理之並於可能範圍內適用瑞典法律

8 關於本約第二條中華民國政府茲聲明該條內所指現有不動產權利之轉讓權所受之限制中國官廳當秉公辦理如中國政府對於所提出之轉讓拒絕同意而瑞方利益關係人希望中國政府收購該項權利時中國政府本公平之精神及為避免該利益關係之人民公司或社團之損失起見當以適當之代價收購之

9 關於本約第四條雙方了解關於訴訟費用之擔保及訴訟救助問題應由兩國政府以特殊協定解決之

10 通商口岸制度之廢止不得影響現有之財產權締約一方之人民在締約彼方得依照締約彼方之法令所規定之條件享受取

得並置有不動產之權利

11 凡上述條約未涉及之問題如有影響中華民國主權時應由兩國政府之代表會商依照普通承認之國際公法原則及近代國際慣例解決之

雙方了解本照會中所稱之同意與諒解如荷

貴國政府證實即作爲本日所簽訂條約內容之一部分並自該約生效之日起發生效力如任何一方政府要求談判修改本照會之第二四六各節中之一節或數節時此項談判應即舉行如自要求舉行談判之日起六個月內尚未獲致同意任何一方政府保留廢止曾被要求修改之條款之權該項條款如經宣告廢止自宣告廢止之日起六個月期滿後即應失效

本代表應請

貴代表證實上述之了解爲荷

本代表順向

貴代表重表敬意

此致

瑞典國駐中華民國全權公使亞勒閣下

中華民國三十四年四月五日

宋子文（簽字）



乙 瑞典國公使致中國外交部長照會

關於瑞典王國政府與中華民國政府本日所簽訂瑞典王國政府放棄其在中國之治外法權及其有關特權之條約本代表接准貴代表本日之照會內開

「關於中華民國政府與瑞典王國政府本日所簽訂瑞典王國政府放棄其在中國之治外法權及其有關特權之條約本代表茲特聲明下列各點雙方業已同意

1 關於北平使館界及上海廈門公共租界關於通商口岸制度以及中國領土內各口岸外籍引水人之雇用瑞典王國政府及人民所享有各權利一併放棄鑒於此項通商口岸制度之廢止彼此了解中華民國領土內凡平時對外國海外商運已開放之沿海口岸於上述條約發生效力後對於瑞典海外商運仍繼續開放

2 此國之商船許其自由駛至彼國對於海外商運業已或將來開放之口岸地方及領水在該口岸地方及領水內給予此等船舶之待遇不得低於所給予各該本國船舶之待遇且應與所給予任何第三國船舶之待遇同樣優厚

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4 如任何一方於日後簽訂之協定中以任何關於沿海貿易或內河航行之優惠給予任何第三國之船舶則此項優惠應同樣給予彼方之船舶但中華民國不得要求瑞典給予斯坎的那維亞國家中任何一國或數國之特殊優惠沿海貿易與內河航行依照彼方有關法律之規定辦理不得要求彼方之本國待遇

5 瑞典王國政府放棄給予其軍艦在中華民國領水內之特權中華民國政府與瑞典王國政府關於一方軍艦訪問彼方口岸應依照通常國際慣例相互給予優禮

6 兩國政府在各該國管轄所及之領土內給予對方國民公司及社團關於租稅之徵收或其有關事項不低予所給予任何第三國人民公司及社團之待遇但兩國均不得要求對方國與第三國間依據避免複稅之協定而互相適用關於徵稅之優惠

7 關於本日簽訂之條約第一條雙方了解瑞典在中國之法院之命令宣告判決及其他處分應認為確定案件於必要時中國官廳應予以執行當本約效力發生時凡瑞典在中國之法院之任何未結案件如原告或告訴人希望移交於中華民國政府之主管法院時該法院應從速進行處理之並於可能範圍內適用瑞典法律

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11 凡上述條約未涉及之問題如有影響中華民國主權時應由兩國政府之代表會商依照普通承認之國際公法原則及近代國際慣例解決之

雙方了解本照會中所稱之同意與諒解如荷

貴國政府證實即作爲本日所簽訂條約內容之一部分並自該約生效之日起發生效力如任何一方政府要求談判修改本照會之第二四六各節中之一節或數節時此項談判應即舉行如自要求舉行談判之日起六個月內尙未獲致同意任何一方政府保留廢止曾被要求修改之條款之權該項條款如經宣告廢止自宣告廢止之日起六個月期滿後即應失效

本代表應請

貴代表證實上述之了解爲荷

本代表順向

貴代表重表敬意」

本代表茲特證實關於瑞典王國政府與中華民國政府本日簽訂之條約業已成立之同意與諒解正如  
貴代表上述來照所稱者本代表順向  
貴代表重表敬意

此致

中華民國外交部部長宋閣下

西曆一九四五年四月五日

亞  
勒  
(簽字)

TREATY BETWEEN THE REPUBLIC OF CHINA  
AND THE KINGDOM OF SWEDEN CONCERNING  
THE RELINQUISHMENT BY SWEDEN OF ITS  
EXTRATERRITORIAL AND RELATED  
SPECIAL RIGHTS IN CHINA

His Excellency the President of the National Government of the Republic of China and His Majesty the King of Sweden, desirous of defining more clearly in a spirit of friendship the general relations between them, and for this purpose to settle certain matters relating to jurisdiction in China, have decided to conclude a Treaty for this purpose, and have appointed as their Plenipotentiaries:

His Excellency the President of the National Government of the Republic of China,

His Excellency, Dr. Tse Vung Soong, Minister for Foreign Affairs of the Republic of China;

His Majesty the King of Sweden,

His Excellency, Mr. Sven Allard, Envoy Extraordinary and Minister Plenipotentiary of Sweden in China,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

ARTICLE I

All those provisions of treaties or agreements in force between the Republic of China and the Kingdom of Sweden which authorize the Government of the Kingdom of Sweden or its representatives to exercise jurisdiction over nationals of Sweden in the territory of the Republic of China are hereby abrogated. Nationals of Sweden in such territory shall be subject to the jurisdiction of the Government of the Republic of China in accordance with the principles of international law and practice.

ARTICLE II

In order to obviate any questions as to existing

rights in respect of real property in territory of the Republic of China possessed by the Government of the Kingdom of Sweden or by Swedish nationals, companies or associations, particularly questions which might arise from the abrogation of the provisions of treaties or agreements as stipulated in Article I of the present Treaty, it is agreed that such existing rights shall be indefeasible and shall not be questioned upon any ground except upon proof, established through due process of law, of fraud or of fraudulent or other dishonest practices in the acquisition of such rights, it being understood that no right shall be rendered invalid by virtue of any subsequent change in the original procedure through which it was acquired. It is also agreed that the exercise of these rights shall be subject to the laws and regulations of the Republic of China concerning taxation, national defence and the right of eminent domain, and that no such rights may be alienated to the Government or nationals (including companies and associations) of any third country without the express consent of the Government of the Republic of China.

It is also agreed that if it should be the desire of the Government of the Republic of China to replace, by new deeds of ownership, existing leases in perpetuity or other documentary evidence relating to real property held by the Government of the Kingdom of Sweden or by Swedish nationals, companies or associations, the replacement shall be made by the Chinese authorities without charges of any sort and the new deeds of ownership shall fully protect the holders of such leases or other documentary evidence and their legal heirs and assigns without diminution of their prior rights and interests, including the right of alienation.

It is further agreed that the Government of the Kingdom of Sweden or Swedish nationals, companies or associations shall not be required or asked by the Chinese authorities to make any payments of fees in connection with land transfers for or with relation to any period prior to the effective date of this Treaty.

### ARTICLE III

The Government of the Kingdom of Sweden having long accorded rights to nationals of the Republic of China within the territory of Sweden to travel, reside and carry on trade throughout that territory, the Government of the Republic of China agrees to accord similar rights to nationals of Sweden within the territory of the Republic of China.

### ARTICLE IV

The nationals of each country shall, within the territory of the other country, in all questions regarding protection by the Courts of Justice and other authorities for their persons and property, enjoy the same treatment as the nationals of that country.

### ARTICLE V

The Government of the Republic of China and the Government of the Kingdom of Sweden agree that the consular officers of each country, duly provided with exequaturs, shall be permitted to reside in such ports, places and cities of the territory of the other country as may be agreed upon. The consular officers of each country shall have the right to interview, to communicate with, and to advise nationals, companies and associations of their country within their consular districts; they shall be informed immediately whenever nationals of their country are under detention or arrest or in prison in their consular districts and they shall, upon notification to the appropriate authorities, be permitted to visit any such nationals; and, in general, the consular officers of each country shall be accorded the rights, privileges, and immunities enjoyed by consular officers under modern international usage.

It is likewise agreed that the nationals, companies and associations of each country, in the territory of the other country, shall have the right at all times to communicate with the consular officers of their country. Communications to their consular officers from nationals of each country who are under detention or arrest

or in prison in the territory of the other country shall be forwarded to such consular officers by the competent authorities.

#### ARTICLE VI

The Government of the Republic of China and the Government of the Kingdom of Sweden agree that they will enter, within six months after the cessation of the present hostilities, into negotiations for the conclusion of a comprehensive modern treaty of friendship, commerce, navigation and consular rights. The treaty to be thus negotiated will be based upon the principles of international law and practice as reflected in modern international procedures and in the modern treaties which the Government of the Republic of China and the Government of the Kingdom of Sweden respectively have in recent years concluded with other governments.

Pending the conclusion of a comprehensive treaty of the character referred to in the preceding paragraph, if any questions affecting the rights in the territory of the Republic of China of the Government of the Kingdom of Sweden or of Swedish nationals, companies or associations, should arise in future, and if these questions are not covered by the present Treaty, or by the provisions of existing treaties, conventions, or agreements between the Government of the Republic of China and the Government of the Kingdom of Sweden not abrogated by or inconsistent with this Treaty, such questions shall be discussed by representatives of the two Governments and shall be decided in accordance with the generally accepted principles of international law and modern international practice.

#### ARTICLE VII

The present Treaty has been drawn up in two copies in Chinese, Swedish and English. In case of any difference of interpretation, the English text shall prevail.

#### ARTICLE VIII

The present Treaty shall be ratified by the two



Governments in accordance with the respective constitutional procedure of their countries, by Sweden subject to the approval of the Riksdag.

The present Treaty shall come into force on the day on which the two Governments shall have notified each other that the ratifications have been effected. The instruments of ratification shall thereafter be exchanged at Chungking as soon as possible.

In testimony whereof, we the undersigned, by virtue of our respective powers, have signed this Treaty and have affixed our seals.

Done at Chungking this fifth day of the fourth month of the thirty-fourth year of the Republic of China corresponding to the fifth day of April nineteen hundred and forty-five.

(L.S.) Tse Vung SOONG

(L.S.) Sven ALLARD