

N° 3046.

ÉTATS-UNIS D'AMÉRIQUE,
RÉPUBLIQUE ARGENTINE,
BOLIVIE,
BRÉSIL, CHILI, etc.

Convention fixant les règles à observer pour la concession du droit d'asile, adoptée par la VI^e Conférence internationale américaine. Signée à La Havane, le 20 février 1928.

UNITED STATES OF AMERICA,
ARGENTINE REPUBLIC,
BOLIVIA, BRAZIL, CHILE, etc.

Convention fixing the Rules to be observed for the Granting of Asylum, adopted by the VIth International Conference of American States. Signed at Habana, February 20, 1928.

No. 3046. — CONVENTION¹ FIXING THE RULES TO BE OBSERVED FOR THE GRANTING OF ASYLUM, ADOPTED BY THE VIth INTERNATIONAL CONFERENCE OF AMERICAN STATES. SIGNED AT HABANA, FEBRUARY 20, 1928².

Spanish official text communicated by the Secretary of State for Foreign Affairs of the Republic of Guatemala. The registration of this Convention took place October 1st, 1932.

The Governments of the States of America, being desirous of fixing the rules they must observe for the granting of asylum in their mutual relations have agreed to establish them in a Convention and to that end have appointed as Plenipotentiaries :

PERU :

Jesús Melquiades SALAZAR, Víctor MAÚRTUA, Enrique CASTRO OYANGUREN, Luis Ernesto DENEGRI.

URUGUAY :

Jacobo VARELA ACEVEDO, Juan José AMÉZAGA, Leonel AGUIRRE, Pedro Erasmo CALLORDA.

PANAMA :

Ricardo J. ALFARO, Eduardo CHIARI.

ECUADOR :

Gonzalo ZALDUMBIDE, Víctor ZEVALLOS, Colón Eloy ALFARO.

MEXICO :

Julio GARCÍA, Fernando GONZÁLEZ ROA, Salvador URBINA, Aquiles ELORDUY.

SALVADOR :

Gustavo GUERRERO, Héctor David CASTRO, Eduardo ALVAREZ.

GUATEMALA :

Carlos SALAZAR, Bernardo ALVARADO TELLO, Luis BELTRANENA, José AZURDIA.

¹ Deposit of ratifications in the archives of the Pan-American Union at Washington :

BRAZIL	} *
CUBA	
DOMINICAN REPUBLIC	
GUATEMALA	
MEXICO	
NICARAGUA	
PANAMA	

² Texte reproduit d'après l'Acte final de la Sixième Conférence internationale américaine.

² The text is reprinted from the Final Act of the Sixth International Conference of American States.

* The dates of deposit of these ratifications will be published, as soon as possible, in the Annex to this Series.

NICARAGUA :

Carlos CUADRA PAZOS, Joaquín GÓMEZ, Máximo H. ZEPEDA.

BOLIVIA :

José ANTEZANA, Adolfo COSTA DU RELS.

VENEZUELA :

Santiago KEY AYALA, Francisco Gerardo YANES, Rafael Angel ARRAIZ.

COLOMBIA :

Enrique OLAYA HERRERA, Jesús M. YEPES, Roberto URDANETA ARBELÁEZ, Ricardo GUTIÉRREZ LEE.

HONDURAS :

Fausto DÁVILA, Mariano VÁSQUEZ.

COSTA RICA :

Ricardo CASTRO BEECHE, J. Rafael OREAMUNO, Arturo TINOCO.

CHILE :

Alejandro LIRA, Alejandro ALVAREZ, Carlos SILVA VILDÓSOLA, Manuel BIANCHI.

BRAZIL :

Raúl FERNANDES, Lindolfo COLLOR, Alarico DA SILVEIRA, Sampaio CORREA, Eduardo ESPÍNOLA.

ARGENTINA :

Honorio PUEYRREDÓN (later resigned), Laurentino OLASCOAGA, Felipe A. ESPIL.

PARAGUAY :

Lisandro DÍAZ LEÓN.

HAITI :

Fernando DENNIS, Charles RIBOUI.

DOMINICAN REPUBLIC :

Francisco J. PEYNADO, Gustavo A. DÍAZ, Elías BRACHE, Angel MORALES, Tulio M. CESTEROS, Ricardo PÉREZ ALFONSECA, Jacinto R. DE CASTRO, Federico C. ALVAREZ.

UNITED STATES OF AMERICA :

Charles EVANS HUGHES, Noble BRANDON JUDAH, Henry P. FLETCHER, Oscar W. UNDERWOOD, Dwight W. MORROW, Morgan J. O'BRIEN, James BROWN SCOTT, Ray LYMAN WILBUR, Leo S. ROWE.

CUBA :

Antonio S. DE BUSTAMANTE, Orestes FERRARA, Enrique HERNÁNDEZ CARTAYA, José Manuel CORTINA, Arístides AGÜERO, José B. ALEMÁN, Manuel MÁRQUEZ STERLING, Fernando ORTIZ, Néstor CARBONELL, Jesús María BARRAQUÉ.

Who, after exchanging their respective full powers, found to be in good and due form, have agreed on the following :

Article I.

It is not permissible for States to grant asylum in legations, warships, military camps or military aircraft, to persons accused or condemned for common crimes, or to deserters from the army or navy.

Persons accused of or condemned for common crimes taking refuge in any of the places mentioned in the preceding paragraph, shall be surrendered upon request of the local government.

Should said persons take refuge in foreign territory, surrender shall be brought about through extradition, but only in such cases and in the form established by the respective treaties and conventions or by the constitution and laws of the country of refuge.

Article 2.

Asylum granted to political offenders in legations, warships, military camps or military aircraft, shall be respected to the extent in which allowed, as a right or through humanitarian toleration, by the usages, the conventions or the laws of the country in which granted and in accordance with the following provisions :

First : Asylum may not be granted except in urgent cases and for the period of time strictly indispensable for the person who has sought asylum to ensure in some other way his safety.

Second : Immediately upon granting asylum, the diplomatic agent, commander of a warship, or military camp or aircraft, shall report the fact to the Minister for Foreign Relations of the State of the person who has secured asylum, or to the local administrative authority, if the act occurred outside the capital.

Third : The Government of the State may require that the refugee be sent out of the national territory within the shortest time possible ; and the diplomatic agent of the country who has granted asylum may in turn require the guaranties necessary for the departure of the refugee with due regard to the inviolability of his person, from the country.

Fourth : Refugees shall not be landed in any point of the national territory nor in any place too near thereto.

Fifth : While enjoying asylum, refugees shall not be allowed to perform acts contrary to the public peace.

Sixth : States are under no obligation to defray expenses incurred by one granting asylum.

Article 3.

The present Convention does not affect obligations previously undertaken by the contracting parties through international agreements.

Article 4.

After being signed, the present Convention shall be submitted to the ratification of the signatory States. The Government of Cuba is charged with transmitting authentic certified copies to the Governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan-American Union in Washington, the Union to notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications. This Convention shall remain open to the adherence of non-signatory States.

In witness whereof, the aforementioned Plenipotentiaries sign the present Convention in Spanish, English, French and Portuguese, in the city of Habana, the 20th day of February, 1928.

Peru :

Jesús Melquiades SALAZAR, Víctor MAÚRTUA, Enrique CASTRO OYANGUREN,
Luis Ernesto DENEGRI.

Uruguay :

Jacobo VARELA ACEDEVO, Juan José AMÉZAGA, Leonel AGUIRRE, Pedro ERASMO CALLORDA.

Panama :

Ricardo J. ALFARO, Eduardo CHIARI.

Ecuador :

Gonzalo ZALDUMBIDE, Víctor ZEVALLOS, Colón Eloy ALFARO.

Mexico :

Julio GARCÍA, Fernando GONZÁLEZ ROA, Salvador URBINA, Aquiles ELORDUY.

Salvador :

GUSTAVO GUERRERO, Héctor David CASTRO, Eduardo ALVAREZ.

Guatemala :

Carlos SALAZAR, Bernardo ALVARADO TELLO, Luis BELTRANENA, José AZURDIA.

Nicaragua :

Carlos CUADRA PAZOS, Joaquín GÓMEZ, Máximo H. ZEPEDA.

Bolivia :

José ANTEZANA, Adolfo COSTA DU RELS.

Venezuela :

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Colombia :

Enrique OLAYA HERRERA, Jesús María YEPES, Roberto URDANETA ARBELÁEZ, Ricardo GUTIÉRREZ LEE.

Honduras :

Fausto DÁVILA, Mariano VÁSQUEZ.

Costa Rica :

Ricardo CASTRO BEECHE, J. Rafael OREAMUNO, Arturo TINOCO.

Chile :

Alejandro LIRA, Alejandro ALVAREZ, Carlos SILVA VILDÓSOLA, Manuel BIANCHI.

Brazil :

Raúl FERNANDES, Lindolfo COLLOR, Alarico DA SILVEIRA, Sampaio CORREA, Eduardo ESPÍNOLA.

Argentine :

Laurentino OLASCOAGA, Felipe A. ESPIL.

Paraguay :

Lisandro DÍAZ LEÓN.

Haiti :

Fernando DENNIS, Charles RIBOUL.

Dominican Republic :

Francisco J. PEYNADO, Gustavo A. DÍAZ, Elias BRACHE, Angel MORALES,
Tulio M. CESTEROS, Ricardo PÉREZ ALFONSECA, Jacinto R. DE CASTRO,
Federico C. ALVAREZ.

United States of America :

The United States of America, in signing the present Convention, establishes an explicit reservation, placing on record that the United States does not recognise or subscribe to as part of international law, the so called doctrine of asylum.

Charles EVANS HUGHES, Noble BRANDON JUDAH, Henry P. FLETCHER, Oscar
W. UNDERWOOD, Dwight W. MORROW, Morgan J. O'BRIEN, James BROWN
SCOTT, Ray LYMAN WILBUR, Leo S. ROWE.

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José Manuel CORTINA, Arístides AGÜERO, José B. ALEMÁN, Manuel MÁRQUEZ
STERLING, Fernando ORTÍZ, Néstor CARBONELL, Jesús María BARRAQUÉ.

TEXTE PORTUGAIS. — PORTUGUESE TEXT.

Nº 3046. — CONVENÇÃO FIXANDO AS REGRAS QUE DEVEM OBSERVAR-SE PARA A CONCESSÃO DE ASYLO, ADOPTADA PELA VIª CONFERENCIA INTERNACIONAL AMERICANA. ASSIGNADA NA CIDADE DA HAVANA, EM 20 DE FEVEREIRO DE 1928¹.

Desejosos os Governos dos Estados da America de fixar as regras que devem observar-se para a concessão de Asylo nas suas mutuas relações, concordaram estabelecê-las numa Convenção, e para esse fim nomearam como Plenipotenciarios :

Do PERU :

Jesús Melquiades SALAZAR, Víctor MAÚRTUA, Enrique CASTRO OYANGUREN, Luis Ernesto DENEGRI.

Do URUGUAY :

Jacobo VARELA ACEVEDO, Juan José AMÉZAGA, Leonel AGUIRRE, Pedro Erasmo CALLORDA.

Do PANAMÁ :

Ricardo J. ALFARO, Eduardo CHIARI.

Do EQUADOR :

Gonzalo ZALDUMBIDE, Víctor ZEVALLOS, Colón Eloy ALFARO.

Do MEXICO :

Julio GARCÍA, Fernando GONZÁLEZ ROA, Salvador URBINA, Aquiles ELORDUY.

Do SALVADOR :

Gustavo GUERRERO, Héctor David CASTRO, Eduardo ALVAREZ.

DE GUATEMALA :

Carlos SALAZAR, Bernardo ALVARADO TELLO, Luis BELTRANENA, José AZURDIA.

DE NICARAGUA :

Carlos CUADRA PAZOS, Joaquín GÓMEZ, Máximo H. ZEPEDA.

DE BOLIVIA :

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DE VENEZUELA :

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DE COLOMBIA :

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¹ The text is reprinted from the Final Act of the Sixth International Conference of American States.

Ecuador :

Gonzalo ZALDUMBIDE, Víctor ZEVALLOS, Colón Eloy ALFARO.

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Eduardo ESPÍNOLA.

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Paraguay :

Lisandro DÍAZ LEÓN.

Haïti :

Fernando DENNIS, Charles RIBOUL.

Republica Dominicana :

Francisco J. PEYNADO, Gustavo A. DÍAZ, Elías BRACHE, Angel MORALES,
Tulio M. CESTEROS, Ricardo PÉREZ ALFONSECA, Jacinto R. DE CASTRO,
Federico C. ALVAREZ.