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DEPARTMENT OF INTERNATIONAL LAW (DIL)

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CONVENTION ON POLITICAL ASYLUM (A-37)

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The Governments represented in the Seventh International Conference of American States:

Wishing to conclude a Convention on Political Asylum, to define the terms of the one signed at Havana, have appointed the following Plenipotentiaries:

[Here follow the names of the Plenipotentiaries]

Who, after having exhibited their full powers, which were found in good and due form, have agreed upon the following:

Article 1.

In place of Article 1 of the Convention of Havana on Right of Asylum, of February 20, 1928, the following is substituted: "It shall not be lawful for the States to grant asylum in legations, warships, military camps, or airships to those accused of common offenses who may have been duly prosecuted or who may have been sentenced by ordinary courts of justice, nor to deserters of land or sea forces.

"The persons referred to in the preceding paragraph who find refuge in some of the above-mentioned places shall be surrendered as soon as requested by the local government".

Article 2.

The judgment of political delinquency concerns the State which offers asylum.

Article 3.

Political asylum, as an institution of humanitarian character, is not subject to reciprocity. Any man may resort to its protection, whatever his nationality, without prejudice to the obligations accepted by the State to which he belongs; however, the States that do not recognize political asylum, except with limitations and peculiarities, can exercise it in foreign countries only in the manner and within the limits recognized by said countries.

Article 4.

When the withdrawal of a diplomatic agent is requested because of the discussions that may have arisen in some case of political asylum, the diplomatic agent shall be replaced by his government, and his withdrawal shall not determine a breach of diplomatic relations between the two States.

Article 5.

The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

Article 6.

The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The Minister of Foreign Affairs of the Republic of Uruguay shall transmit 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, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

Article 7.

The present Convention will enter into force between the High Contracting Parties in the order in which they deposit their respective ratification.

Article 8.

The present Convention shall remain in force indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces but shall remain in effect for the remaining High Contracting Parties.

Article 9.

The present Convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union which shall communicate them to the other High Contracting Parties.

In witness whereof, the following Plenipotentiaries have signed this Convention in Spanish, English, Portuguese and French and hereunto affix their respective seals in the city of Montevideo, Republic of Uruguay, this 26th day of December, 1933.

[Here follow the names of the Plenipotentiaries].