

Convention on Asylum (Havana, 1928)

Signed in Havana, February 20, 1928, at the Sixth International Conference of American States

Entry into force: 21 May 1929

Text: OAS Official Records, OEA/Ser.X/I. Treaty Series 34

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:

Here follow the names of the Plenipotentiaries.

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

Article 1.-

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 of 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 guarantees 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 aforesigned Plenipotentiaries sign the present convention in Spanish, English, French and Portuguese, in the city of Havana, the 20th day of February, 1928.

Here follow the signatures of the Plenipotentiaries.

CONVENCIÓN SOBRE ASILO

CONVENTION ON ASYLUM

Adoptada en / Adopted at: La Habana, Cuba

Fecha / Date: 20 de febrero, 1928 / February 20, 1928

Entrada en vigor / Entry into force: 21 de mayo, 1929 / May 21, 1929

Observaciones / Observations:

Modificada por la Convención de Montevideo (1933) y la Convención de Caracas (1954)
Modified by the Montevideo Convention (1933) and the Caracas Convention (1954)

PAÍS SIGNATARIO / SIGNATORY COUNTRY	FIRMA / SIGNATURE (día, mes, año / day, month, year)	RATIFICACIÓN/RATIFICATION (día, mes, año / day, month, year)
Antigua & Barbuda		
Argentina	20/02/1928	
Bahamas		
Barbados		
Belice / Belize		
Bolivia	20/02/1928	
Brasil / Brazil		30/07/1929
Canadá		
Chile	20/02/1928	
Colombia		25/08/1936
Costa Rica		08/05/1933
Cuba		12/01/1931
Dominica, C.		
Ecuador		15/06/1936
El Salvador		26/07/1936
Estados Unidos / United States	20/02/1928	
Grenada		
Guatemala		20/05/1931
Guyana		
Haití		03/01/1951
Honduras		24/08/1956
Jamaica		
México		11/01/1929
Nicaragua		22/12/1929
Panamá		20/03/1929
Paraguay		20/09/1948
Perú		09/04/1945
República Dominicana		22/03/1932
St. Kitts and Nevis		
St. Vincent & the Granadines		
Santa Lucía / St. Lucia		
Suriname		
Trinidad & Tobago		
Uruguay		21/07/1933
Venezuela	20/02/1928	

Reservas / Reservations
(only in Spanish)

Estados Unidos: (Reserva hecha al firmar la Convención)

Los Estados Unidos de América, al firmarse la presente Convención, hacen expresa reserva, haciendo constar que los Estados Unidos no reconocen y no firman la llamada doctrina del asilo como parte del Derecho Internacional.

Haití:

Denuncia 1 de agosto, 1967

Retiro 1 de diciembre, 1974

República Dominicana:

Denuncia 6 de octubre, 1954