

RIGHTS AND DUTIES OF STATES IN EVENT OF CIVIL STRIFE (INTER-AMERICAN)

Convention signed at Habana February 20, 1928
Senate advice and consent to ratification, with an understanding, April
*15, 1930*¹
Ratified by the President of the United States, with an understanding,
*May 7, 1930*¹
Ratification of the United States deposited with the Pan American
Union May 21, 1930
Entered into force May 21, 1929; for the United States May 21, 1930
Proclaimed by the President of the United States June 6, 1930
*Amended by protocol of May 1, 1957*²

46 Stat. 2749; Treaty Series 814

CONVENTION

The Governments of the Republics represented at the Sixth International Conference of American States, held in the city of Habana, Republic of Cuba, in the year 1928, desirous of reaching an agreement as to the duties and rights of states in the event of civil strife, have appointed the following plenipotentiaries:

Perú: Jesús Melquiades Salazar, Víctor Maúrtua, Enrique Castro Oyanguren, Luis Ernesto Denegri.

Uruguay: Jacobo Varela Acevedo, Juan José Amézaga, Leonel Aguirre, Pedro Erasmo Callorda.

Panamá: Ricardo J. Alfaro, Eduardo Chiari.

Ecuador: Gonzalo Zaldumbide, Victor Zevallos, Colón Eloy Alfaro.

Mexico: Julio García, Fernando González Roa, Salvador Urbina, Aquiles Elorduy.

Salvador: Gustavo Guerrero, Héctor David Castro, Eduardo Alvarez.

¹ The Senate gave its advice and consent to ratification and the President ratified the convention with the understanding that the provisions of art. 3 shall not apply where a state of belligerency has been recognized.

² 284 UNTS 201; S. Ex. F, 86th Cong., 1st sess. The United States has not become a party.

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: 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 Vázquez.

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 Riboul.

Dominican Republic: Francisco J. Peynado, Gustavo A. Díaz, Elías Brache, Angel Morales, Tulio M. Cestero, 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, which were found to be in good and due form, have agreed upon the following:

ARTICLE 1

The contracting states bind themselves to observe the following rules with regard to civil strife in another one of them:

1. To use all means at their disposal to prevent the inhabitants of their territory, nationals or aliens, from participating in, gathering elements, cross-

ing the boundary or sailing from their territory for the purpose of starting or promoting civil strife.

2. To disarm and intern every rebel force crossing their boundaries, the expenses of internment to be borne by the state where public order may have been disturbed. The arms found in the hands of the rebels may be seized and withdrawn by the government of the country granting asylum, to be returned, once the struggle has ended, to the state in civil strife.

3. To forbid the traffic in arms and war material, except when intended for the government, while the belligerency of the rebels has not been recognized, in which latter case the rules of neutrality shall be applied.

4. To prevent that within their jurisdiction there be equipped, armed or adapted for warlike purposes any vessel intended to operate in favor of the rebellion.

ARTICLE 2

The declaration of piracy against vessels which have risen in arms, emanating from a government, is not binding upon the other states.

The state that may be injured by depredations originating from insurgent vessels is entitled to adopt the following punitive measures against them: Should the authors of the damages be warships, it may capture and return them to the government of the state to which they belong, for their trial; should the damage originate with merchantmen, the injured state may capture and subject them to the appropriate penal laws.

The insurgent vessel, whether a warship or a merchantman, which flies the flag of a foreign country to shield its actions, may also be captured and tried by the state of said flag.

ARTICLE 3³

The insurgent vessel, whether a warship or a merchantman, equipped by the rebels, which arrives at a foreign country or seeks refuge therein, shall be delivered by the government of the latter to the constituted government of the state in civil strife, and the members of the crew shall be considered as political refugees.

ARTICLE 4

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

ARTICLE 5

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

³ For U.S. understanding, see footnote 1, p. 694.

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 M. SALAZAR
VÍCTOR M. MAÚRTUA
LUIS ERNESTO DENEGRI
E. CASTRO OYANGUREN

Uruguay:

VARELA
PEDRO ERASMO CALLORDA

Panama:

R. J. ALFARO
EDUARDO CHIARI

Ecuador:

GONZALO ZALDUMBIDE
VÍCTOR ZEVALLOS
C. E. ALFARO

Mexico:

JULIO GARCÍA
FERNANDO GONZÁLEZ ROA
SALVADOR URBINA
AQUILES ELORDUY

Salvador:

J. GUSTAVO GUERRERO
HÉCTOR DAVID CASTRO
ED. ALVAREZ

Guatemala:

CARLOS SALAZAR
B. ALVARADO
LUIS BELTRANENA
J. AZURDIA

Nicaragua:

CARLOS CUADRA PAZOS
MÁXIMO H. ZEPEDA
JOAQUÍN GÓMEZ

Bolivia:

JOSÉ ANTEZANA
A. COSTA DU R.

Venezuela:

SANTIAGO KEY AYALA
FRANCISCO G. YANES
RAFAEL ANGEL ARRAIZ

Colombia:

ENRIQUE OLAYA HERRERA
R. GUTIÉRREZ LEE
J. M. YEPES

Honduras:

F. DÁVILA
MARIANO VÁZQUEZ

Costa Rica:

RICARDO CASTRO BEECHE
J. RAFAEL OREAMUNO
A. TINOCO JIMÉNEZ

Chile:

ALEJANDRO LIRA
ALEJANDRO ALVAREZ
C. SILVA VILDÓSOLA
MANUEL BIANCHI

Brazil:

RAÚL FERNANDES
LINDOLFO COLLOR

Argentina:

LAURENTINO OLASCOAGA
FELIPE A. ESPIL
CARLOS ALBERTO ALCORTA

Paraguay:

LISANDRO DÍAZ LEÓN
JUAN VICENTE RAMÍREZ

Haiti:

FERNANDO DENNIS

Dominican Republic:

FRACO. J. PEYNADO
TULIO M. CESTERO
JACINTO R. DE CASTRO
ELÍAS BRACHE
R. PÉREZ ALFONSECA

United States of America:

CHARLES EVANS HUGHES
NOBLE BRANDON JUDAH
HENRY P. FLETCHER
OSCAR W. UNDERWOOD
MORGAN J. O'BRIEN
JAMES BROWN SCOTT
RAY LYMAN WILBUR
LEO S. ROWE

Cuba:

ANTONIO S. DE BUSTAMANTE
ORESTES FERRARA
E. HERNÁNDEZ CARTAYA
ARÍSTIDES DE AGÜERO BETHENCOURT
M. MÁRQUEZ STERLING
NÉSTOR CARBONELL