

N° 3581.

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

Convention relative aux fonctionnaires diplomatiques, adoptée par la sixième conférence internationale américaine. Signée à La Havane, le 20 février 1928.

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

Convention regarding Diplomatic Officers, adopted by the Sixth International American Conference. Signed at Habana, February 20th, 1928.

No. 3581. — CONVENTION<sup>1</sup> REGARDING DIPLOMATIC OFFICERS,  
ADOPTED BY THE SIXTH INTERNATIONAL AMERICAN CONFERENCE.  
SIGNED AT HABANA, FEBRUARY 20TH, 1928.

*Spanish, English, French and Portuguese official texts communicated by the Under-Secretary of State of the Republic of Cuba and by the Minister for Foreign Affairs of Venezuela. The registration of this Convention took place January 12th, 1935.*

THE GOVERNMENTS OF THE REPUBLICS represented at the Sixth International Conference of American States, held in the city of Habana, Republic of Cuba, the year 1928, being aware that one of the most important matters in the field of international relations is that pertaining to the rights and duties of diplomatic officers, which should be regulated in accordance with the conditions of economic, political and international life of nations ;

Realizing the desirability that such regulation be effected pursuant to the new trends on the matter ;

Recognizing that diplomatic officers do not in any case represent the person of the chief of State but only their Government and that they must be accredited to a recognized Government, and acknowledging the fact that diplomatic officers represent their respective States and should not claim immunities which are not essential to the discharge of their official duties, and acknowledging also that it would seem desirable that either the officer himself or the State represented by him renounce diplomatic immunity whenever touching upon a civil action entirely alien to the fulfilment of his mission ;

There being no possibility, nevertheless, at the present moment, of agreeing to general stipulations which although forming a well-defined trend in international relations sometimes conflict with the established practices of various States in a contrary sense ;

Therefore and until a more complete regulation of the rights and duties of diplomatic officers can be formulated ;

<sup>1</sup> Ratifications deposited in the archives of the Pan-American Union at Washington :

MEXICO . . . . .	February 6th, 1929.
PANAMA . . . . .	May 21st, 1929.
BRAZIL . . . . .	September 3rd, 1929.
NICARAGUA . . . . .	June 9th, 1930.
DOMINICAN REPUBLIC . . . . .	May 3rd, 1932.
VENEZUELA . . . . .	August 30th, 1932.
CUBA . . . . .	April 5th, 1933.
COSTA RICA . . . . .	June 7th, 1933.
URUGUAY . . . . .	September 16th, 1933.

Have decided to conclude a Convention incorporating the principles generally accepted by all nations, and have designated the following 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.  
Aguiles ELORDUY.

## SALVADOR :

Gustavo GUERRERO.  
Héctor David CASTRO.  
Eduardo ALVAREZ.

## GUATEMALA :

Cárlos SALAZAR.  
Bernardo ALVARADO TELLO.  
Luis BELTRANENA.  
José AZURDIA.

## NICARAGUA :

Cárlos 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 :

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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.

## HAÍTÍ :

Fernando DENNIS.

Charles RIBOUL.

## REPÚBLICA DOMINICANA :

Francisco J. PEYNADO.

Gustavo A. DÍAZ.

Elías BRACHE.

Angel MORALES.

Tulio M. CESTEROS.

Ricardo PÉREZ ALFONSECA.

Jacinto R. DE CASTRO.

Federico C. ALVAREZ.

## ESTADOS UNIDOS DE AMÉRICA :

Charles Evans HUGHES.

Noble Brandon JUDAH.

Henry P. FLETCHER.

ESTADOS UNIDOS DE AMÉRICA (*cont.*) :

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.

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José Manuel CORTINA.

Aristides AGÜERO.

José B. ALEMÁN.

Manuel MÁRQUEZ STERLING.

Fernando ORTÍZ.

Néstor CARBONELL.

Jesús María BARRAQUÉ.

Quienes, después de haber depositado sus plenos poderes, hallados en buena y debida forma, han acordado las siguientes disposiciones :

*Artículo 1.*

## DISPOSICIÓN GENERAL.

Los Estados tienen el derecho de hacerse representar unos ante otros por medio de funcionarios diplomáticos.

## SECCIÓN I.

## DE LOS JEFES DE MISIÓN.

*Artículo 2.*

Los funcionarios diplomáticos se dividen en ordinarios y extraordinarios.

Son ordinarios los que representan de manera permanente al gobierno de un Estado ante el otro.

Son extraordinarios los encargados de misión especial, o los que se acreditan para representar al Gobierno en conferencias, congresos u otros organismos internacionales.

*Artículo 3.*

Los funcionarios diplomáticos tienen los mismos derechos, prerrogativas e inmunidades, cualquiera que sea su categoría, salvo en lo tocante a precedencia y etiqueta.

La etiqueta depende de los usos diplomáticos en general, así como de las leyes y reglamentos del país ante el cual está acreditado el diplomático.

*Artículo 4.*

Además de las funciones señaladas en sus credenciales, los funcionarios ordinarios tienen atribuciones que pueden conferirles las leyes o decretos de los respectivos países. Deberán

## PARAGUAY :

Lisandro DÍAZ LEÓN.

## HAITI :

Fernando DENNIS.

Charles RIBOUL.

## DOMINICAN REPUBLIC :

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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.

UNITED STATES OF AMERICA (*cont.*)<sup>1</sup>:

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Fernando ORTÍZ.

Néstor CARBONELL.

Jesús María BARRAQUÉ.

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

*Article 1.*

## GENERAL PROVISION.

States have the right of being represented before each other through diplomatic officers.

## SECTION I.

## CHIEFS OF MISSION.

*Article 2.*

Diplomatic officers are classed as ordinary and extraordinary.

Those who permanently represent the Government of one State before that of another are ordinary.

Those entrusted with a special mission or those who are accredited to represent the Government in international conferences and congresses or other international bodies are extraordinary.

*Article 3.*

Except as concerns precedence and etiquette, diplomatic officers, whatever their category, have the same rights, prerogatives and immunities.

Etiquette depends upon diplomatic usages in general as well as upon the laws and regulations of the country to which the officers are accredited.

*Article 4.*

In addition to the functions indicated in their credentials, ordinary officers possess the attributes which the laws and decrees of the respective countries may confer upon them. They should exercise

their attributes without coming into conflict with the laws of the country to which they are accredited.

*Article 5.*

Every State may entrust its representation before one or more Governments to a single diplomatic officer.

Several States may entrust their representation before another to a single diplomatic officer.

*Article 6.*

Diplomatic officers, duly authorized by their Governments, may, with the consent of the local Government, and upon the request of a State not represented by an ordinary officer before the latter Government, undertake the temporary or accidental protection of the interests of the said State.

*Article 7.*

States are free in the selection of their diplomatic officers ; but they may not invest with such functions the nationals of a State in which the mission must function without its consent.

*Article 8.*

No State may accredit its diplomatic officers to other States without previous agreement with the latter.

States may decline to receive an officer from another or, having already accepted him, may request his recall, without being obliged to state the reasons for such a decision.

*Article 9.*

Extraordinary diplomatic officers enjoy the same prerogatives and immunities as ordinary ones.

SECTION II.

PERSONNEL OF MISSIONS.

*Article 10.*

Each mission shall have the personnel determined by its Government.

*Article 11.*

When diplomatic officers are absent from the place where they exercise their functions or find it impossible to discharge them, they shall be substituted for temporarily by persons designated for that purpose by their Government.

SECTION III.

DUTIES OF DIPLOMATIC OFFICERS.

*Article 12.*

Foreign diplomatic officers may not participate in the domestic or foreign politics of the State in which they exercise their functions.

*Article 13.*

Diplomatic officers shall, in their official communications, address themselves to the Minister of Foreign Relations or Secretary of State of the country to which they are accredited. Communications to other authorities shall also be made through the said Minister or Secretary.

## SECTION IV.

## IMMUNITIES AND PREROGATIVES OF DIPLOMATIC OFFICERS.

*Article 14.*

Diplomatic officers shall be inviolate as to their persons, their residence, private or official, and their property. This inviolability covers :

- (a) All classes of diplomatic officers ;
- (b) The entire official personnel of the diplomatic mission ;
- (c) The members of the respective families living under the same roof ;
- (d) The papers, archives and correspondence of the mission.

*Article 15.*

States should extend to diplomatic officers every facility for the exercise of their functions and especially to the end that they may freely communicate with their Governments.

*Article 16.*

No judicial or administrative functionary or official of the State to which the diplomatic officer is accredited may enter the domicile of the latter, or of the mission, without his consent.

*Article 17.*

Diplomatic officers are obliged to deliver to the competent local authority that requests it any person accused or condemned for ordinary crimes who may have taken refuge in the mission.

*Article 18.*

Diplomatic officers shall be exempt in the State to which they are accredited :

- (1) From all personal taxes, either national or local ;
- (2) From all land taxes on the building of the mission, when it belongs to the respective Government ;
- (3) From Customs duties on articles intended for the official use of the mission or for the personal use of the diplomatic officer or of his family.

*Article 19.*

Diplomatic officers are exempt from all civil or criminal jurisdiction of the State to which they are accredited ; they may not, except in the case when duly authorized by their Government, waive immunity, be prosecuted or tried unless it be by the courts of their own country.

*Article 20.*

The immunity from jurisdiction survives the tenure of office of diplomatic officers in so far as regards actions pertaining thereto ; it may not, however, be invoked in respect to other actions, except while discharging their diplomatic functions.

*Article 21.*

Persons enjoying immunity from jurisdiction may refuse to appear as witnesses before the territorial courts.

*Article 22.*

Diplomatic officers enter upon the enjoyment of their immunity from the moment they pass the frontier of the State where they are going to serve and make known their position.

The immunities shall continue during the period that the mission may be suspended, and, even after it shall be terminated, for the time necessary for the officer to be able to withdraw with the mission.

*Article 23.*

Persons belonging to the mission shall also enjoy the same immunities and prerogatives in the States which they cross to arrive at their post or to return to their own country, or in a State where they may casually be during the exercise of their functions and to whose Government they have made known their position.

*Article 24.*

In case of death of the diplomatic officer, his family shall continue to enjoy the immunities for a reasonable term, until they may leave the State.

## SECTION V.

## TERMINATION OF THE DIPLOMATIC MISSION.

*Article 25.*

The mission of the diplomatic officer ends :

- (1) By the official notification of the officer's Government to the other Government that the officer has terminated his functions ;
- (2) By the expiration of the period fixed for the completion of the mission ;
- (3) By the solution of the matter, if the mission had been created for a particular question ;
- (4) By the delivery of passports to the officer by the Government to which he is accredited ;
- (5) By the request for his passports made by the diplomatic officer to the Government to which he is accredited.

In the above-mentioned cases, a reasonable period shall be given the diplomatic officer, the official personnel of the mission, and their respective families, to quit the territory of the State ; and it shall be the duty of the Government to which the officer was accredited to see that during this time none of them is molested nor injured in his person or property.

Neither the death or resignation of the head of the State nor the change of Government or political regime of either of the two countries shall terminate the mission of the diplomatic officer.

*Article 26.*

The present Convention does not affect obligations previously undertaken by the Contracting Parties through international agreements.

*Article 27.*

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 the non-signatory States.



En fe de lo cual los plenipotenciarios expresados firman la presente Convención en español, inglés, francés y portugués, en la ciudad de la Habana, el día 20 de febrero de 1928.

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.

*Perù :*

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

*Uruguay :*

Jacobo VARELA ACEVEDO.  
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Aquiles ELORDUY.

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Héctor David CASTRO.  
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Joaquín GÓMEZ.  
Máximo H. ZEPEDA.

*Peru :**Uruguay :**Panama :**Ecuador :**Mexico :**Salvador :**Nicaragua :**Bolivia :*

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Manuel BIANCHI.

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*Bolivia :**Venezuela :**Colombia :**Honduras :**Costa Rica :**Chile :**Brazil :*

<i>Argentina :</i>	<i>Argentine :</i>	<i>Estados Unidos de América :</i>	<i>United States of America :</i>
Laurentino OLASCOAGA.			Charles Evans HUGHES.
Felipe A. ESPIL.			Noble Brandon JUDAH.
			Henry P. FLETCHER.
<i>Paraguay :</i>	<i>Paraguay :</i>		Oscar W. UNDERWOOD.
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			Morgan J. O'BRIEN.
<i>Haiti :</i>	<i>Haiti :</i>		James Brown SCOTT.
Fernando DENNIS.			Ray Lyman WILBUR.
Charles RIBOUL.			Leo S. ROWE.
		<i>Cuba :</i>	<i>Cuba :</i>
<i>República Dominicana : Dominican Republic :</i>			Antonio S. DE BUSTAMANTE.
Francisco J. PEYNADO.			Orestes FERRARA.
Gustavo A. DÍAZ.			Enrique HERNÁNDEZ CARTAYA.
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