

No. 3243

**UNITED STATES OF AMERICA
and
PANAMA**

**Exchange of notes constituting an agreement relating to
the sump-pump station in the Colón Free Zone.
Panama, 8 and 25 March 1954**

Official texts: English and Spanish.

Registered by the United States of America on 11 April 1956.

**ÉTATS-UNIS D'AMÉRIQUE
et
PANAMA**

**Échange de notes constituant un accord relatif à la station
de pompe de vidange dans la zone franche de Colon.
Panama, 8 et 25 mars 1954**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 11 avril 1956.

No. 3243. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND PANAMA RELATING TO THE SUMP-PUMP STATION IN THE COLÓN FREE ZONE. PANAMA, 8 AND 25 MARCH 1954

I

The American Ambassador to the Panamanian Acting Minister for Foreign Affairs

AMERICAN EMBASSY

No. 236

Panamá, R. P., March 8, 1954

Excellency :

In connection with the pending development by the Government of the Republic of Panamá of the Colón sewerage system in the Colón Free Zone area, I have the honor to state that the Canal Zone Government is interested in utilizing the said system to serve certain sewage disposal needs of the Camp Bierd and Old Cristóbal areas in the Canal Zone, and that the needs of the Canal Zone Government in this regard could be served economically by the enlargement of the proposed sump-pump station in the Free Zone area, by the enlargement of the discharge line therefrom, and by the installation of a collecting or inflow line from the Canal Zone areas involved to said sump-pump station.

In view of the foregoing and pursuant to the request of the Canal Zone Government, I therefore am authorized by my Government to propose that an agreement be entered into between the Government of the United States of America and the Government of the Republic of Panamá containing the following provisions :

1. The two contracting Governments mutually agree that the proposed sump-pump station and discharge line in the Colón Free Zone area shall be enlarged, at the expense of the United States, to the extent and in a manner mutually satisfactory to the authorized representatives of the two Governments, who for this and other purposes of this agreement shall be the Governor of the Canal Zone and the Minister for Foreign Affairs, respectively, or their designated representatives.

2. The United States shall be authorized to construct, in due course, at its expense, a collecting or inflow line from the Canal Zone to the said sump-pump station ; and the Republic of Panamá agrees that said line may be laid in street, sidewalk, or other areas, owned by the Government of Panama. The said inflow line shall serve Canal Zone areas only, except as may be mutually agreed upon by the authorized representatives of the two Governments.

¹ Came into force on 25 March 1954 by the exchange of the said notes.

3. All facilities constructed or installed under this agreement in the City of Colón shall be owned by the Republic of Panamá as part of the Colón sewerage system.

4. The United States shall bear its appropriate share of the annual cost of operation and maintenance of the facilities referred to in this agreement. In the case of the sump-pump station and discharge line, said share shall bear the same ratio to the total annual cost of operation and maintenance of the said facilities as the area in the Canal Zone served by the sump-pump station bears to the total area so served, unless the authorized representatives of the two Governments shall mutually agree upon some other means of determining the said share in whole or in part. In the case of the inflow line from the Canal Zone, the United States shall maintain the line entirely at its expense so long as the line serves the Canal Zone only ; and if the line should at any time be used to serve Colón areas also, the United States shall bear its appropriate share of the annual cost of maintenance of the line, said share to be determined on a use basis in such manner as may be mutually agreed upon by the authorized representatives of the two Governments.

5. The Republic of Panamá agrees to the continuous use by the United States of the sewerage facilities involved, in accordance with the provisions of this agreement.

I shall appreciate receiving an expression from Your Excellency's Government concerning the acceptability of the foregoing proposal. The Government of the United States of America will consider the present note and your reply concurring therein as constituting an agreement between our two Governments which shall enter into force on the date of your reply.

I am entirely in accord with the oral suggestion made by His Excellency, the Minister for Foreign Affairs, by way of informally replying to Embassy Note No. 215 of November 16, 1953, that all previous correspondence on this subject (i. e., Embassy Note No. 197 of June 15, 1953 ; Foreign Office Note D. P. No. 867 of July 31, 1953 ; and the above-mentioned Embassy Note No. 215) be regarded henceforth as preliminary to this agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

Selden CHAPIN

His Excellency Catalino Arrocha Graell
Acting Minister for Foreign Affairs

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS

D. P. No. 337

Panamá, March 25, 1954

Mr. Ambassador :

I have the honor to acknowledge receipt of Your Excellency's courteous note No. 236 of the 8th of this month, which reads as follows :

[*See note I*]

In reply, I have the honor to state that the Government of the Republic of Panama considers that the proposal made in Your Excellency's note is acceptable and that these two communications constitute an Agreement on this matter, in force from this date.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

J. R. GUIZADO
Minister for Foreign Affairs

His Excellency Selden Chapin
Ambassador of the United States of America
City

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.