

No. 4309

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**UNITED STATES OF AMERICA**  
**and**  
**PANAMA**

**Exchange of notes constituting an arrangement relating  
to the inspection of Panamanian vessels in the Canal  
Zone. Panamá, 5 August 1957**

*Official texts: English and Spanish.*

*Registered by the United States of America on 30 April 1958.*

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**ÉTATS-UNIS D'AMÉRIQUE**  
**et**  
**PANAMA**

**Échange de notes constituant un arrangement relatif à  
l'inspection des navires panaméens dans la Zone du  
Canal. Panama, 5 août 1957**

*Textes officiels anglais et espagnol.*

*Enregistré par les États-Unis d'Amérique le 30 avril 1958.*

No. 4309. EXCHANGE OF NOTES CONSTITUTING AN ARRANGEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND PANAMA RELATING TO THE INSPECTION OF PANAMANIAN VESSELS IN THE CANAL ZONE. PANAMÁ, 5 AUGUST 1957

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I

*The American Ambassador to the Panamanian Minister of Foreign Relations*

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

No. 75

Panamá, R. P., August 5, 1957

Excellency :

I have the honor to refer to note D-947 dated October 30, 1956,<sup>2</sup> signed by Ambassador J. J. Vallarino in Washington, and to previous correspondence in which the Panamanian Government seeks authorization for Panamanian nautical inspectors to board vessels of Panamanian registry in the Canal Zone for the purpose of ascertaining compliance with the maritime and labor laws of the Republic of Panamá.

In response to the request made by the Government of Panamá, and in recognition of the traditional spirit of friendship and good will which characterizes relations between the United States and Panamá, and as further evidence of this friendship and good will and of the desire of the Government of the United States to cooperate closely with the Government of Panamá, the United States Government will permit the Government of Panamá to assign Panamanian nautical inspectors to board vessels of Panamanian registry while such vessels are within Canal Zone waters for the purpose of ascertaining, as stated below, whether there has been compliance with Panamanian maritime and labor laws applicable to such vessels.

It is understood that the functions of such Panamanian nautical inspectors within the Canal Zone shall be limited to the following :

1. To observe the safety and health conditions of such vessels;
2. To observe the general living conditions of crews;
3. To examine the vessels' registers (*Patentes de Navegación*);
4. To ascertain possession of receipt for payment of vessels' annual registration fee;

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<sup>1</sup> Came into force on 5 August 1957 by the exchange of the said notes.

<sup>2</sup> Not printed by the Department of State of the United States of America.

5. To ascertain possession of ship Inspection Certificates issued in accordance with the International Convention for the Safety of Life at Sea<sup>1</sup> and the International Load Line Convention,<sup>2</sup> to wit :
  - (a) Gauging Certificate;
  - (b) Safety Certificate;
  - (c) International Load Line Certificate;
  - (d) Safety Radio-telegraphy Certificate;
  - (e) "Deratting" Certificate;
6. To ascertain possession of semi-annual Sanitary Inspection Certificates;
7. To ascertain possession of Panamanian Radio License;
8. To ascertain possession of Certificates of Fitness for Officers, and of Seaman's Papers;
9. To ascertain percentage of Panamanian nationals included in complements of vessels;
10. To observe safety and health of crew members;
11. To ascertain existence of obligatory insurance for seamen;
12. To examine shipping articles; and
13. To observe compliance in payment of wages and of overtime to seamen.

It is also understood that inasmuch as the functions of such Panamanian nautical inspectors will be those of inspection, they shall not include enforcement of laws, regulations or requirements within the Canal Zone, or the levying, collection or receipt within the Canal Zone of fees, fines, taxes or charges or collections of any character. Further, such Panamanian nautical inspectors shall not remove ships papers from such vessels or request Canal Zone authorities to withhold clearance of any vessel or delay or interfere with the expeditious transit of any such vessel through the Canal.

It is further understood that visits to such vessels shall be at such times and places, and in such manner, as shall be arranged with the Canal Zone port authorities, and shall of course be in conformity with applicable rules and regulations.

It is further understood that the right is reserved to the Governor of the Canal Zone to deny boarding privileges to Panamanian nautical inspectors whose activities are not in conformity with the conditions of this *modus operandi* or whose presence is deemed to be inimical to the security of the Canal or to the expeditious and free transit of vessels through the Canal.

<sup>1</sup> United Nations, *Treaty Series*, Vol. 164, p. 113; Vol. 167, p. 338; Vol. 172, p. 409; Vol. 173, p. 416; Vol. 175, p. 374; Vol. 183, p. 372; Vol. 187, p. 464; Vol. 191, p. 406; Vol. 193, p. 361; Vol. 198, p. 404; Vol. 200, p. 326; Vol. 202, p. 339; Vol. 210, p. 335; Vol. 212, p. 351; Vol. 218, p. 390; Vol. 230, p. 438; Vol. 250, p. 313; Vol. 252, p. 334; Vol. 253, p. 364; Vol. 267, p. 382 and Vol. 274, p. 349.

<sup>2</sup> League of Nations, *Treaty Series*, Vol. CXXXV, p. 301; Vol. CXLII, p. 392; Vol. CXLVII, p. 354; Vol. CLII, p. 313; Vol. CLVI, p. 256; Vol. CLX, p. 417; Vol. CLXIV, p. 393; Vol. CLXXII, p. 423; Vol. CLXXXV, p. 405, and Vol. CXCIII, p. 271; and United Nations, *Treaty Series*, Vol. 54, p. 413; Vol. 186, p. 381; Vol. 190, p. 394; Vol. 193, p. 368; Vol. 199, p. 366; Vol. 214, p. 394; Vol. 233, p. 342, and Vol. 267, p. 391.

If the foregoing *modus operandi* is acceptable to the Government of Panamá this arrangement will be continued for a period of one year at the conclusion of which the arrangement will be reviewed.

It is, of course, the understanding of the two Governments that this *modus operandi* does not in any way modify existing treaties or agreements between our two Governments.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

Julian F. HARRINGTON

His Excellency Lic. Aquilino E. Boyd  
Minister of Foreign Relations  
Panamá, R. P.

## II

### *The Panamanian Minister of Foreign Relations to the American Ambassador*

[SPANISH TEXT — TEXTE ESPAGNOL]

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

REPÚBLICA DE PANAMA  
MINISTERIO DE RELACIONES EXTERIORES

REPUBLIC OF PANAMA  
MINISTRY OF FOREIGN RELATIONS

P.r.e.u. 660/382

P.r.e.u. 660/382

Panamá, 5 de agosto de 1957  
Señor Embajador :

Tengo el honor de avisar recibo de la atenta nota de Vuestra Excelencia No. 75 de 5 de agosto del presente año, relativa al *modus operandi* que desde hace varios años viene gestionando mi Gobierno a fin de que Inspectores Náuticos nombrados por Panamá puedan abordar las naves de matrícula panameña en aguas de la Zona del Canal, con el objeto de verificar si dan cumplimiento a las Leyes Laborales y Marítimas de la República.

Panamá, August 5, 1957  
Mr. Ambassador :

I have the honor to acknowledge receipt of Your Excellency's note No. 75 of August 5 of this year, with respect to the *modus operandi* which my Government has been taking steps to attain for some years, in order that nautical inspectors appointed by Panama may board vessels of Panamanian registry in Canal Zone waters for the purpose of checking on compliance with the maritime and labor laws of the Republic.

<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.

Después de haber consultado al Excelentísimo señor Presidente de la República, tengo a bien manifestarle que el Gobierno Panameño acepta los términos del *modus operandi* esbozado en la comunicación antes mencionada.

Al agradecer el interés que Vuestra Excelencia ha tomado en este asunto, actuación que refleja el espíritu de amistad y cooperación que son norma de las buenas relaciones entre nuestros dos países, aprovecho la oportunidad para reiterarle las seguridades de mi más alta y distinguida consideración.

A. E. BOYD

Ministro de Relaciones Exteriores

A Su Excelencia  
Don Julian F. Harrington  
Embajador de los Estados Unidos  
Ciudad

After having consulted His Excellency the President of the Republic, I take pleasure in informing you that the Panamanian Government accepts the terms of the *modus operandi* outlined in the above-mentioned communication.

Thanking Your Excellency for the interest you have taken in this matter, which action reflects the spirit of friendship and cooperation that characterize the good relations existing between our two countries, I avail myself of the opportunity to renew to you the assurances of my highest and most distinguished consideration.

A. E. BOYD

Minister of Foreign Relations

His Excellency  
Julian F. Harrington  
Ambassador of the United States  
City