

No. 8494

**UNITED STATES OF AMERICA
and
PANAMA**

**Exchange of notes constituting an agreement concerning
joint explorations and surveys for a sea level canal site.
Panama, 15 February 1966**

Official texts : English and Spanish.

Registered by the United States of America on 30 December 1966.

**ÉTATS-UNIS D'AMÉRIQUE
et
PANAMA**

**Échange de notes constituant un accord relatif à des recherches
et études communes pour la détermination du tracé d'un
canal au niveau de la mer. Panama, 15 février 1966**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 30 décembre 1966.

No. 8494. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND PANAMA CONCERNING JOINT EXPLO-RATIONS AND SURVEYS FOR A SEA LEVEL CANAL SITE. PANAMA, 15 FEBRUARY 1966

I

The American Ambassador to the Panamanian Minister of Foreign Relations

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

No. 316

Panama, February 15, 1966

Excellency :

I have the honor to refer to notes Nos. 581 of March 4, 1963 ; 802 of June 18, 1963, and 21 of July 10, 1963² addressed to the then Foreign Minister, His Excellency Galileo Solís, by my distinguished predecessor, The Honorable Joseph S. Farland. I refer also to notes Nos. PREU-330/971 of May 3, 1963 and PREU-436/971 of June 19, 1963² addressed, in the first instance, to Mr. Wallace W. Stuart, then Chargé d'Affaires a.i. and, in the second instance, to Ambassador Farland by His Excellency Galileo Solís. Together, these notes constitute an understanding between our two Governments to the effect that the Government of the United States might engage in exploration and on-site surveys as part of a series of studies to determine the future adequacy of the present Panama Canal and the desirability and feasibility of constructing a new canal at some other location within the territory of the Republic of Panama, on the condition that Panamanian officials participate in the exploration and survey parties and that all information collected by these parties and the conclusions derived therefrom shall be furnished to the Government of Panama as soon as available.

As Your Excellency is aware, reconnaissance parties have from time to time over the past year made visits to the Darien region in accordance with the terms of the understanding reached in the 1963 exchange of notes cited above. My Government is now, however, desirous of intensifying and expanding the explorations and site survey work in Darien.

Your Excellency is informed, in this connection, that it will be necessary for the United States Government to bring into territory subject to the jurisdiction of the

¹ Came into force on 15 February 1966 by the exchange of the said notes.

² Not printed by the Department of State of the United States of America.

Republic of Panama personnel which, in cooperation with such appropriate personnel as may be designated by your Government, may intensify and expand the aforesaid exploration, on-site surveys and studies.

Your Government's consent will be necessary to ensure that the foregoing personnel, as well as data and samples obtained in the study, supplies, equipment, vehicles, aircraft, vessels and other property necessary to carry on the aforesaid exploration, on-site surveys and studies, in the manner herein provided, be permitted freely to enter, move within and leave the Republic of Panama as necessary. The Joint Commission hereinafter mentioned will agree on the procedures to be followed with respect to notifications to be made to the Government of Panama regarding the movement of the aforementioned personnel, supplies, equipment, etc. entering or departing the Republic.

The cooperation of the Government of Panama will also be necessary in connection with securing the use of public and/or private real property for the study. I would propose to Your Excellency, therefore, that once the personnel of my government, with the cooperation of your government's personnel, have made a determination as to what public and/or private real property may be necessary for the conduct of the surveys, the Government of Panama permit the use of such lands for the purpose of the exploration, on-site surveys and studies aforementioned, on the understanding that no cost or charge will be made for such use, except with regard to private land secured by the Government of Panama as above indicated, regarding which the United States Government will reimburse the Government of Panama of the cost paid for securing such use. It will be understood that, prior to the securing of such use of private land the cost thereof shall be approved through the Joint Commission hereinafter referred to.

On its part, the United States Government will bear the cost of the explorations, site surveys, other studies, and the facilities necessary therefor.

Any building or other permanent structures left at the survey or supporting sites at the conclusion of the proposed activities shall become the sole property of the Republic of Panama, which shall hold my Government harmless with respect to any claims which in this connection may arise from third parties. With reference to movable property, same may be disposed of within the Republic of Panama only under conditions agreeable to Your Excellency's Government, which shall have a preferential right to acquire said property under such terms as may have been determined for the disposition thereof.

I do not believe, Excellency, that there is contained in this note any provision which Your Excellency would find objectionable or unacceptable under the existing understanding. On the contrary, I believe the proposals reflect the earnest intent of my Government to carry out this important work in a spirit of close and friendly cooperation.

The understanding referred to in this note shall terminate no later than June 30, 1969, and may be extended by mutual consent.

If Your Excellency finds the foregoing method of implementing the existing understanding to be satisfactory, I would appreciate an early response to this effect in order to take advantage of the current dry season and would suggest that your Government designate a representative who, with the representative to be appointed by my Government, will constitute a Joint Commission responsible for the activities to be conducted under this understanding, the handling of other matters related to the proper accomplishment of its purposes, and the adoption of such safety measures as may be necessary.

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

C. W. ADAIR, Jr.

His Excellency Ing. Fernando Eleta
Minister of Foreign Relations
Panama

II

The Panamanian Minister of Foreign Relations to the American Ambassador

[SPANISH TEXT — TEXTE ESPAGNOL]

REPÚBLICA DE PANAMÁ
MINISTERIO DE RELACIONES EXTERIORES
PANAMÁ 4, PANAMÁ

Nº DREU-169/971

Panamá, Febrero 15 de 1966

Señor Embajador :

Tengo el honor de avisar recibo de la nota de Vuestra Excelencia Nº 316 fechada el día 15 de Febrero de 1966 referente al entendimiento existente entre nuestros dos gobiernos, acordado mediante canje de las notas números 581 de 4 de Marzo de 1963, 802 del 18 de Junio y 21 del 10 de Julio del mismo año, dirigidas a mi antecesor, Su Excelencia el Dr. Galileo Solís, por su Excelencia Joseph S. Farland, a la sazón Embajador de los Estados Unidos de América ; y números PREU-330/971 de 3 de

[TRANSLATION¹ — TRADUCTION²]

REPUBLIC OF PANAMA
MINISTRY OF FOREIGN RELATIONS
PANAMA 4, PANAMA

No. DREU-169/971

Panamá, February 15, 1966

Mr. Ambassador :

I have the honor to acknowledge receipt of Your Excellency's note No. 316 dated February 15, 1966 concerning the understanding between our two Governments reached by an exchange of notes Nos. 581 of March 4, 1963, 802 of June 18, 1963, and 21 of July 10, 1963, addressed to my predecessor, His Excellency Galileo Solís, by His Excellency Joseph S. Farland, at that time Ambassador of the United States of America ; and notes Nos. PREU-330/971 of May 3, 1963 and PREU-436/971 of June 19, 1963, the former sent by Minister Solís, to Mr. Wallace W. Stuart, then Chargé d'Affaires ad interim of the United States of America, and the latter sent by Minister Solís to Mr. Farland, then Ambassador. The aforesaid understanding concerns the explorations and on-site surveys that are to be made to determine the future adequacy of the present canal and the desirability and feasibility of constructing a new canal at some other location within the national territory, a proposal that my Government accepts on the condition that Panamanian officials and technicians participate in the aforesaid explorations and surveys, and that the information collected and the conclusions derived therefrom are given to the Government of Panama as soon as available.

My Government accepts the plan that is outlined in Your Excellency's note to which I am replying and whose purpose is to implement the above-mentioned understanding, and it will take such measures as may be necessary in this connection. Furthermore, in a few days, it will designate the Panamanian representative who, with a representative appointed by the Government of the United States of America, will constitute the Commission referred to in the aforesaid note. My Government thinks that, through this Commission, the details concerning the use of land can be worked out, and agreement can be reached on the procedure to be followed in order to make the necessary notifications regarding the personnel, supplies, equipment, and goods that are to enter the national territory for purposes of the above-mentioned explorations and surveys.

In connection with the foregoing, my Government thinks that such measures as are appropriate must be taken in order to handle any claims that may be submitted by Panamanian citizens as a result of the activities of the personnel of the United States of America who engage in the aforesaid work. My Government understands

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

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

that such claims will be handled either by direct negotiation between our two countries or by the procedure that may be agreed to by the representatives of our two Governments who will comprise the above-mentioned Commission. Furthermore, my Government understands that, when necessary, adequate insurance to cover the claims that may arise will be written.

I would appreciate a reply from Your Excellency's Government stating whether the foregoing understandings concerning the question of claims are correct.

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

Fernando ELETA A.
Minister of Foreign Relations

His Excellency Charles W. Adair, Jr.
Ambassador of the United States of America
City

III

The American Ambassador to the Panamanian Minister of Foreign Relations

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

No. 317

Panama, February 15, 1966

Excellency :

I have the honor to refer to my Note No. 316 of February 15, 1966, and to Your Excellency's Note No. DREU-169/971 of the same date, concerning the intensification and expansion of explorations and site survey work in Darien in connection with studies to determine the future adequacy of the present Panama Canal and the desirability and feasibility of constructing a new canal at some other location within the territory of the Republic of Panama.

In this connection, I wish to inform Your Excellency that the procedures to be followed in the settlement of claims which might arise under the understandings, as outlined in Your Excellency's Note, are acceptable to the Government of the United States of America.

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

C. W. ADAIR, JR.

His Excellency Ing. Fernando Eleta
Minister of Foreign Relations
Panama