

No. 9687

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**UNITED STATES OF AMERICA  
and  
COLOMBIA**

**Exchange of notes constituting an agreement referring to the technical-economic feasibility investigations and studies of the possibility of constructing an interoceanic sea-level canal through Colombian territory (with memorandum of record). Bogotá, 25 October 1966**

*Authentic texts: English and Spanish.*

*Registered by the United States of America on 2 July 1969.*

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

**Échange de notes constituant un accord relatif aux recherches et études techniques et économiques entreprises en vue de la construction éventuelle d'un canal interocéanique au niveau de la mer traversant le territoire colombien (avec mémorandum). Bogotá, 25 octobre 1966**

*Textes authentiques: anglais et espagnol.*

*Enregistré par les États-Unis d'Amérique le 2 juillet 1969.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup>  
BETWEEN THE UNITED STATES OF AMERICA AND  
COLOMBIA REFERRING TO THE TECHNICAL-  
ECONOMIC FEASIBILITY INVESTIGATIONS AND  
STUDIES OF THE POSSIBILITY OF CONSTRUCTING  
AN INTEROCEANIC SEA-LEVEL CANAL THROUGH  
COLOMBIAN TERRITORY

I

*The American Ambassador to the Colombian Minister of Foreign Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

No. 242

Bogotá, October 25, 1966

Excellency:

I have the honor to refer to the conversations that I have been having with Your Excellency in regard to the technical-economic feasibility investigations and studies of the possibility of constructing an interoceanic sea-level canal through Colombian territory.

In those conversations we have agreed that it is opportune and desirable to renew and amplify the permission and facilitative assistance previously granted to the Government of the United States of America, so that a Commission of my Government, with the participation of Colombian technical personnel, may continue and intensify the investigations and studies to determine the most adequate route, the methods of construction, and the cost of the possible interoceanic sea-level canal, in accordance with the following conditions.

*Article I*

The Government of the Republic of Colombia authorizes the Government of the United States of America to carry out, with the participation of Colombian technical personnel as provided below, such site surveys, mapping and other investigations and studies, together with economic and financial studies, in the region of the Atrato, Truandó and Curiche Rivers, as may be necessary to determine the feasibility of the construction of a sea-level canal connecting the Atlantic and Pacific Oceans, the most suitable route, the best methods of construction, and the cost thereof.

<sup>1</sup> Came into force on 25 October 1966 by the exchange of the said notes.

In the activities referred to in this article, such Colombian agencies and technical experts as the Government of the Republic of Colombia may, in cooperation with the representative of the Government of the United States of America referred to in Article VI, designate in due course shall participate, in the understanding that this Colombian participation shall in no way obligate the Government of the Republic of Colombia with respect to subsequent studies or works relating to the feasibility of constructing the interoceanic canal.

#### *Article II*

The Government of the Republic of Colombia will permit and facilitate the entry, movement, and departure of personnel and of the supplies, equipment, vehicles, aircraft, and, within the framework of the legal system in force, vessels, required for the aforementioned investigations and studies, and will accord similar treatment to movement of the data and samples obtained in the investigations and studies.

In connection with the property and equipment referred to above, the personnel referred to above and their personal effects, by Government of the Republic of Colombia through the agency of the Ministry of Finance and Public Credit will arrange for the application of the exemptions enumerated in Law 157 of December 24, 1959, and Law 24 of May 22, 1959.

The Government of the Republic of Colombia may permit, in accordance with the applicable legislation, the disposal of property brought into the country under the terms of this exchange of notes.

#### *Article III*

Goods and services may be procured and labor, technical experts and contractors may be employed in the Republic of Colombia as may be necessary for the investigations and studies, under the system of juridical equality between nationals and aliens established in the Constitution and laws of Colombia, and under conditions no less favorable than those applicable to agencies of the Government of the Republic of Colombia.

#### *Article IV*

The funds used for purposes of the investigations and studies may be converted into Colombian currency at the most favorable rate of exchange permitted by law.

#### *Article V*

The investigations and studies may be commenced on the date of this exchange of notes and will be completed within five years of that date, but an additional five years shall be allowed for the completion of investigations and studies in progress at the end of the five year period.

#### *Article VI*

The Government of the Republic of Colombia and the Government of the United States of America will each appoint one representative to conclude the detailed arrangements required for the proposed purposes, including those relating

to the permission and facilitative assistance referred to in Article II, to the number and remuneration of the Colombian agencies and technical experts that may participate in the investigations and studies, and to the nature of the participation to be rendered by the Colombian agencies and technical experts.

#### *Article VII*

The Government of the Republic of Colombia will make available to the Government of the United States of America, without cost to the latter, all facilities for attaining the objectives sought, especially with regard to the utilization of such public and private property as may be necessary for those purposes, in the understanding that the Government of the United States of America will be exempt from all liability for claims relating to the acquisition and utilization of such private property for the investigations and studies.

The Government of the United States of America agrees to bear the cost of the site surveys, mapping, and other investigations and studies, and to make available to the Government of the Republic of Colombia all data of the investigations and studies obtained in the Republic of Colombia.

The Government of the United States of America agrees to pay just and reasonable compensation for *bona fide* claims of persons who are nationals or inhabitants of the Republic of Colombia for injury or damage, loss, or destruction of property, except as provided above, or for injury, work accidents, death, and other losses of persons engaged in the investigations and studies pursuant to Article III.

#### *Article VIII*

The Government of the United States of America agrees that all buildings or other permanent structures left at the survey or supporting sites at the conclusion of the proposed activities will become the property of the Government of the Republic of Colombia without any cost to it, and the Government of the Republic of Colombia will hold the Government of the United States of America harmless with respect to any claims from third parties that may arise in this connection.

#### *Article IX*

The Government of the Republic of Colombia and the Government of the United States of America will cooperate in taking appropriate measures for the protection of the personnel and property used for the investigations and studies.

#### *Article X*

A group of Colombian and United States physicians will study matters of safety and health along the route of study and prepare a plan of preventive medicine for the area.

#### *Article XI*

Whenever a person engaged in the investigations and studies, who is not a national of or normally resident in Colombia, is prosecuted under the jurisdiction of the Republic of Colombia, such person shall have the rights of Colombian nationals under the Constitution and laws of Colombia, which grant aliens the same

civil rights and social guarantees as those enjoyed by nationals, including universal procedural rights, and the rights accorded under general international law.

I have the honor to request that the Government of the Republic of Colombia extend, amplify, and broaden, in conformity with the foregoing conditions, the permission and facilitative assistance previously extended to the Government of the United States of America, effective as of the date of your reply.

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

Réynold E. CARLSON

His Excellency Dr. Germán Zea Hernandez  
Minister of Foreign Affairs  
Bogotá

## II

[SPANISH TEXT — TEXTE ESPAGNOL]

MINISTERIO DE RELACIONES EXTERIORES

DM 1886

Bogotá, D.E. 25 de octubre de 1.966

Señor Embajador :

Tengo el honor de avisar recibo de la Nota Número 242 de Vuestra Excelencia, de esta fecha, la cual dice lo siguiente :

Excelencia : Tengo el honor de referirme a las conversaciones que he venido sosteniendo con Vuestra Excelencia, relativas a los estudios e investigaciones de factibilidad técnico-económica sobre la posibilidad de construir un canal interoceánico al nivel del mar, por territorio colombiano.

En esas conversaciones hemos acordado que es oportuno y conveniente prorrogar y ampliar el permiso y las facilidades anteriormente concedidas al Gobierno de los Estados Unidos de América, para que una Comisión de mi Gobierno, con la participación de personal técnico colombiano, continúe e intensifique las investigaciones y estudios encaminados a determinar la ruta más adecuada, los métodos de construcción y el costo del posible canal interoceánico al nivel del mar, de acuerdo con las siguientes condiciones :

### *Artículo I*

El Gobierno de la República de Colombia autoriza al Gobierno de los Estados Unidos de América para realizar, con participación de personal técnico

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

MINISTRY OF FOREIGN AFFAIRS

DM 1886

Bogotá, D.E., October 25, 1966

Mr. Ambassador:

I have the honor to acknowledge receipt of Your Excellency's note No. 242 of this date, which reads as follows:

[See note I]

In reply, I have the honor to inform Your Excellency that the foregoing conditions are acceptable to the Government of the Republic of Colombia; consequently, it extends, amplifies, and broadens, in conformity with the foregoing conditions, the permission and facilities previously given to the Government of the United States of America, effective from this date.

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

Germán ZEA  
Minister of Foreign Affairs

His Excellency Reynold E. Carlson  
Ambassador Extraordinary and Plenipotentiary  
of the United States of America  
City

[SPANISH TEXT — TEXTE ESPAGNOL]

MEMORANDUM OF RECORD \*  
RELATING TO THE NOTES  
EXCHANGED ON OCTOBER  
25, 1966 BY THE GOVERN-  
MENTS OF THE REPUBLIC OF  
COLOMBIA AND THE UNITED  
STATES OF AMERICA CON-  
CERNING FEASIBILITY IN-  
VESTIGATIONS AND STU-  
DIES FOR THE CONSTRUC-

MEMORANDUM DE NEGOCIA-  
CIONES RELACIONADO CON  
LAS NOTAS CANJEADAS EL 25  
DE OCTUBRE DE 1966 ENTRE  
EL GOBIERNO DE LA REPÚ-  
BLICA DE COLOMBIA Y EL  
GOBIERNO DE LOS ESTADOS  
UNIDOS DE AMÉRICA, CON-  
CERNIENTES A LAS INVESTI-  
GACIONES Y ESTUDIOS DE

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

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

\* Initialled at Bogotá on 25 October 1966 (Information provided by the Government of the United States).

TION OF AN INTEROCEANIC  
SEA LEVEL CANALFACTIBILIDAD PARA LA CON-  
STRUCCIÓN DE UN CANAL  
INTEROCEÁNICO A NIVEL  
DEL MAR*Article I and Article VI*

It is understood that the Government of the Republic of Colombia may wish to send technicians and other experts to participate in the site survey, under the direction of the Atlantic-Pacific Interoceanic Canal Study Commission of the Government of the United States, but as stipulated in Articles I and VI only such Colombian nationals agreed to by the Government of the United States, through its representative in the Joint Commission in conjunction with the Colombian representative, will be paid by the Government of the United States and be given logistic and other support. It is hoped and anticipated that a number of Colombian citizens will be available for work on the investigations and studies.

*Article II*

It is understood that the personnel referred to in this exchange of notes will include contractors of the Government of the United States, their personnel, support personnel, and military personnel. Military personnel will enter Colombia in a technical and not in a military capacity. They will not enter in military formations nor will they wear military uniforms.

It is understood that reference in Article II to Colombian law in connection with vessels relates to the vessel clearance requirements under

*Artículo I y Artículo VI*

Queda entendido que el Gobierno de la República de Colombia podrá enviar técnicos y otros expertos a participar en las exploraciones y reconocimientos locales, bajo la dirección de la Comisión del Gobierno de los Estados Unidos de América, pero, como se estipula en los artículos I y VI, únicamente los nacionales colombianos seleccionados por el Gobierno de los Estados Unidos, por intermedio de su representante en la Comisión Conjunta en unión con el representante colombiano, serán pagados por el Gobierno de los Estados Unidos y únicamente a ellos se les darán las facilidades previstas para el personal de la Comisión. Se desea y se espera que varios ciudadanos colombianos estarán disponibles para trabajar en las investigaciones y estudios.

*Artículo II*

Queda entendido que el personal mencionado en este Canje de Notas incluirá contratistas del Gobierno de los Estados Unidos, su personal, personal de apoyo y personal militar. El personal militar entrará a Colombia en un carácter técnico y no militar. No entrarán en formaciones militares ni usarán uniformes militares.

Queda entendido que la referencia del artículo II a la ley Colombiana en relación con buques, se refiere a los requisitos necesarios para la estación

that law. The Government of the Republic of Colombia will attempt to arrange a general clearance procedure for vessels used in the investigations and studies and, pending such arrangements, will expedite the clearance of vessels so that the investigations and studies will not be delayed.

It is understood that Law 24 of 1959 will be applied so that salaries and emoluments paid to personnel who come to Colombia under the terms of this exchange of notes shall be exempt from Colombian income and other taxes.

It is understood that personnel brought into Colombia for the purpose of this exchange of notes will be exempt from any registration requirements relating to the practice of a profession or the conduct of business.

It is understood that Law 24 of 1959 and Law 157 of 1959 will be applied so that personal effects of personnel brought into Colombia for the purpose of this exchange of notes will be permitted to enter into and depart from Colombia without taxes or duties.

It is understood that facilities may be established and operated for the accommodation, health, welfare and recreation of the personnel engaged in the investigations and studies who are not nationals of the Republic of Colombia.

Although the vessels mentioned in Article II may be operated by the United States Army or the United States Navy, they will not enter the

de buques extranjeros en aguas territoriales de Colombia, de acuerdo con esa Ley. El Gobierno de la República de Colombia procurará establecer un procedimiento de permisos generales para los buques empleados en las investigaciones y estudios y, mientras tanto, acelerará los permisos especiales de los buques, de manera que las investigaciones y estudios no se demoren.

Queda entendido que la ley 24 de 1.959 será aplicada de modo que los sueldos y emolumentos pagados al personal que venga a Colombia de acuerdo con los términos de este Canje de Notas, estén exentos del impuesto sobre la renta y de otros impuestos colombianos.

Queda entendido que el personal traído a Colombia para la finalidad de este Canje de Notas estará exento de cualesquiera requisitos de inscripción relacionados con el ejercicio de una profesión o gestión de negocios.

Queda entendido que la ley 24 de 1.959 y la ley 157 de 1.959 se aplicarán a fin de que los efectos personales del personal traído a Colombia para la finalidad de este Canje de Notas, puedan entrar a Colombia y salir de este país sin pagar impuestos ni derechos.

Queda entendido que podrán ser establecidos y operados servicios para el alojamiento, salud, bienestar y diversión del personal dedicado a las investigaciones y estudios, que no sea nacional de la República de Colombia.

Aunque los buques mencionados en el artículo II podrán ser operados por el Ejército o por la Marina de los Estados Unidos de América, no entra-



waters of Colombia as war vessels. Their essential purpose will be to function as "work vessels" to assist in the investigations and studies. They will carry property, equipment and personnel and otherwise participate in the contemplated investigations and studies in a non-military capacity.

*Article IV*

The "most favorable rate of exchange permitted by law" in Article IV is understood to mean the most favorable rate of exchange for the Government of the United States.

*Article VII*

It is understood that the Government of the Republic of Colombia can and will provide public and private real property to the Government of the United States or agencies thereof at no cost to the Government of the United States, and the Government of Colombia will expeditiously use its right of eminent domain for the aforesaid purpose.

It is understood that any claims resulting from the provision or utilization of public property for the purposes of the investigations and studies will be the responsibility of the Government of the Republic of Colombia.

rán en aguas colombianas como buques de guerra. Su misión esencial será funcionar como « buques de trabajo » para ayudar en las investigaciones y estudios. Transportarán bienes, equipo y personal y, en otros términos, participarán en las investigaciones y estudios contemplados, en caracter nó militar.

*Artículo IV*

El « tipo más favorable de cambio permitido por la ley », mencionado en el Artículo IV, se entiende en el sentido de que significa el tipo más favorable de cambio para el Gobierno de los Estados Unidos de América.

*Artículo VII*

Queda entendido que el Gobierno de la República de Colombia puede suministrar y suministrará bienes inmuebles públicos y privados al Gobierno de los Estados Unidos de América o a sus dependencias, sin costo para dicho Gobierno, y que el Gobierno de Colombia ejercerá prontamente su derecho de dominio eminente para la finalidad propuesta.

Queda entendido que cualesquiera reclamaciones derivadas del suministro o utilización de bienes públicos para las finalidades de las investigaciones y estudios, serán de responsabilidad del Gobierno de la República de Colombia.

Bogotá, D.E. 25 de octubre de 1.966

R.E.C.

G. Z.

G.Z.

R.E.C.