

No. 10155

**UNITED STATES OF AMERICA
and
PANAMA**

Exchange of notes constituting an agreement concerning co-operation and assistance in geological studies regarding a sea level canal site along Route 10 (Caimito-Palmas Bellas). Panama, 20 March 1969

Authentic texts : English and Spanish.

Registered by the United States of America on 5 January 1970.

**ÉTATS-UNIS D'AMÉRIQUE
et
PANAMA**

Échange de notes constituant un accord de coopération et d'assistance en vue d'effectuer des études géologiques concernant l'emplacement d'un canal au niveau de la mer le long de la route 10 (Caimito-Palmas Bellas). Panama, 20 mars 1969

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 5 janvier 1970.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
PANAMA CONCERNING CO-OPERATION AND ASSIS-
TANCE IN GEOLOGICAL STUDIES REGARDING A
SEA LEVEL CANAL SITE ALONG ROUTE 10 (CAIMITO-
PALMAS BELLAS)

I

The American Ambassador to the Minister of Foreign Relations of Panama

EMBASSY OF THE UNITED STATES OF AMERICA

No. 126

Panama, March 20, 1969

Excellency :

I have the honor to refer to Your Excellency's Note No. DREU 216/971 of March 19, 1969* concerning certain studies placed under the responsibility of the Office of the Interoceanic Canal Studies, a branch of the Ministry of Foreign Relations, and inquiring whether the Government of the United States of America could offer its cooperation and assistance to the Government of the Republic of Panama in geologic studies to obtain core borings and samples of rock and soil along Route 10 (Caimito-Palmas Bellas) which will complete the scientific work initiated in 1946.

In this connection, my Government is willing to assist the Government of Panama and to cooperate with it in the geologic studies above stated.

Concerning the items listed in Your Excellency's note as areas in which cooperation and assistance are being sought, the Government of the United States of America would agree as follows :

1. The Government of the United States will provide at its expense the necessary technical and field personnel which, working jointly with the Director and personnel of your Office of Interoceanic Canal Studies, will be in a capacity to effect the stated drillings and the additional drillings which may be agreed upon as well as the geologic studies which may be necessary. The exact locations of the drilling holes and any additional holes will be as agreed on by the Joint Commission hereinafter referred to.

2. The Government of the United States will provide at its expense the equipment, material, labor and transportation for the execution of the work. Since it will be necessary in this connection to bring personnel into the territory subject to the jurisdiction of the Republic of Panama, the consent of the Government of Panama will be necessary to ensure that, in keeping with international practice regarding admission of personnel and equipment for official purposes, said personnel as well as data and samples obtained in the

¹ Came into force on 20 March 1969 by the exchange of the said notes.

* Not printed.

studies, supplies, equipment, vehicles, aircraft, vessels and other property necessary to carry on the aforesaid geologic studies and on-site investigation 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.

3. The Government of the United States will furnish any sums that the Government of Panama should have to pay (a) for the use of privately owned real property needed in the geologic studies referred to above as well as (b) for the purpose of restoring lands used for the drilling operation to a safe condition and (c) for the settlement of claims that might arise, including those submitted by squatters and tenants at sufferance on public and private land, as a result of the activities of the personnel engaged in the studies, all of which are subject to prior investigation and agreement by the Joint Commission.

4. The drilling will be accomplished by United States Government technical personnel using United States Government equipment and working jointly with the Director and personnel of your Office of Interoceanic Studies. The Government of the United States also agrees to employ the maximum number of available qualified Panamanian personnel practical in conducting the on-site investigations.

A sufficient number of copies of drilling logs and completed reports shall be available to both Governments so that the necessary dissemination of information may be accomplished. The exact number of copies will be as agreed on by our respective representatives in the Joint Commission.

It is the considered opinion of my Government that the establishment of the Joint Commission will be both convenient and expeditious for the accomplishment of the activities proposed. We welcome the appointment of Dr. Simón Quirós Guardia as the Representative of Your Excellency's Government.

In this regard, I would wish to reconfirm the appointment of Colonel Alex G. Sutton, Jr. in his capacity of Special United States Representative for Interoceanic Canal Studies. In this capacity I would propose that he represent the United States of America on the Joint Commission to be formed.

My Government looks forward with earnest intent to the performance of this important work in the spirit of close and friendly cooperation.

If the contents of this note meet with the approval of the Government of the Republic of Panama, a reply to this effect from Your Excellency would be understood to constitute an agreement on the subject.

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

C.W. ADAIR, Jr.

His Excellency Lic. Nander A. Pitty Velásquez
Minister of Foreign Relations
Panama

« Si el contenido de esta nota merece la aprobación del Gobierno de la República de Panamá, una contestación de Vuestra Excelencia a tal efecto se entendería constitutiva de un acuerdo sobre el particular.

« Acepte, Excelencia, las renovadas seguridades de mi más alta y distinguida consideración. »

Deseo informar a Vuestra Excelencia que la Oficina de Estudios del Canal Interoceánico del Ministerio de Relaciones Exteriores ha sido autorizada para iniciar de inmediato los estudios correspondientes y para trabajar conjuntamente con el Representante que el Gobierno de Estados Unidos de América se propone nombrar ante la Comisión Conjunta que se establecerá para este objeto.

El Gobierno Panameño recibiría con sumo placer el nombramiento del Coronel Alex G. Sutton, Jr. como Representante del Gobierno de Estados Unidos de América ante la Comisión Conjunta.

Aprovecho la ocasión para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

N.A. PITY V.
Ministro de Relaciones Exteriores

Su Excelencia Charles W. Adair, Jr.,
Embajador de Estados Unidos de América
E.S.D.

[TRANSLATION¹ — TRADUCTION²]

REPUBLIC OF PANAMA
MINISTRY OF FOREIGN AFFAIRS
PANAMA 4, PANAMA

No. DREU-217/971

Panama, March 20, 1969

Mr. Ambassador:

I have the honor to acknowledge the receipt of Your Excellency's note No. 126 of March 20, 1969, replying to the proposal which I made in my note No. DREU-216/971 of March 19, 1969.

I am happy to learn that the cooperation and assistance which the Government of the United States of America agrees to provide to the Government of Panama for making the studies on Route 10 will be made available under the satisfactory terms set forth in Your Excellency's note, which in Spanish reads as follows.

[See note I]

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

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

I wish to inform Your Excellency that the Office of Interoceanic Canal Studies of the Ministry of Foreign Affairs has been authorized to begin the pertinent studies immediately and to work jointly with the Representative whom the Government of the United States of America proposes to appoint to the Joint Commission that will be established for this purpose.

The Panamanian Government would welcome the appointment of Colonel Alex G. Sutton, Jr., as Representative of the Government of the United States on the Joint Commission.*

I take this occasion to renew to Your Excellency the assurances of my highest and most distinguished consideration.

N.A. PITY V.
Minister of Foreign Affairs

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

* In a note dated Mar. 21, 1969, the United States informed Panama that it had designated Col. Sutton to represent the United States on the Joint Commission. (Information provided by the Government of the United-States.)