

No. 21094

**UNITED STATES OF AMERICA
and
PANAMA**

**Exchange of notes constituting an agreement relating to
health. Washington, 7 September 1977**

Authentic texts: English and Spanish.

Registered by the United States of America on 22 June 1982.

**ÉTATS-UNIS D'AMÉRIQUE
et
PANAMA**

**Échange de notes constituant un accord relatif à la santé.
Washington, 7 septembre 1977**

Textes authentiques : anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 22 juin 1982.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND PANAMA RELATING TO HEALTH

I

The American Ambassador-at-Large to the Panamanian Chief Negotiator

DEPARTMENT OF STATE
WASHINGTON

September 7, 1977

Excellency:

I have the honor to refer to the Gorgas Memorial Institute of Tropical and Preventive Medicine, Incorporated, and its subsidiary, the Gorgas Memorial Laboratory. The Institute and Laboratory were established in memory of Dr. William C. Gorgas for research on diseases endemic to Central America and northern South America. The Institute receives from the Government of the United States an annual contribution in Dr. Gorgas' memory for the operation and maintenance of the Laboratory.

The Gorgas Memorial Laboratory is established and operates in Panama under provisions of Law 15 of October 16, 1930, Law 5 of February 5, 1953, and Law 84 of September 20, 1973, of the Republic of Panama. The Institute has informed the United States of its desire to continue its operations in Panama pursuant to the provisions of these laws.

I refer further to the Panama Canal Treaty² and related agreements signed this date³ by representatives of the Governments of the United States and Panama, and, in that connection, propose that our Governments agree that, subsequent to the entry into force of the Treaty, the Gorgas Memorial Institute and Laboratory shall continue to enjoy the sole and exclusive use, without charge, of the following areas of lands and waters, and installations, being used by the Institute and Laboratory prior to the entry into force of the Treaty:

- Juan Mina Plantation, approximately 15 acres of land, and one multi-purpose building situated thereon, located on the east side of the Chagres River in the Balboa East District; and
- Building 265, a laboratory building adjacent to the Gorgas Hospital, Ancon, and adjacent land.

It is understood that this arrangement shall continue for an initial period of five years, and will be renewed upon request at least one year in advance by the Gorgas Memorial Institute.

I propose further that in the event the Republic of Panama establishes any means whereby any legal or natural person other than the Government of the Republic of Panama may acquire title under the laws of the Republic of Panama to any areas of lands and

¹ Came into force on 1 October 1979, the date of the entry into force of the Panama Canal Treaty (see note 2 below), in accordance with the provisions of the said notes.

² See p. 3 of this volume.

³ See pp. 79, 201, 297, 305, 311, 319, 327 and 349 of this volume.

waters, or other real property located thereon, which prior to the entry into force of the Panama Canal Treaty formed part of the Canal Zone, our Governments agree that the Gorgas Memorial Institute shall be permitted by the Republic of Panama to acquire title to the above-mentioned areas the use of which it enjoys. Such title shall be accorded by the Republic of Panama pursuant to an arrangement not less favorable than that accorded by the Republic of Panama to any other such legal or natural person.

I propose further that our Governments agree to the issuance of a license to the Gorgas Memorial Institute in accordance with the procedures set forth in article IV of the Agreement in implementation of article III of the Panama Canal Treaty¹ to permit the use, without charge, by the Gorgas Memorial Laboratory of Abogado and Aojeta Islands, located in Gatun Lake, for the purposes of the Laboratory.

I further propose that our Governments agree that the United States may permit the Gorgas Memorial Institute and Laboratory to enjoy the privilege of making official purchases for the Laboratory's operations in the United States military commissaries and exchanges established pursuant to the Agreement in implementation of article IV of the Panama Canal Treaty,² and that the United States may provide to the Institute and Laboratory for official purposes such other supplies or services of the United States Forces or the Panama Canal Commission as may be convenient. It is understood that this agreement will not extend to personal purchases by individual members of the staff and employees of the Gorgas Memorial Laboratory, regardless of their nationality.

If the foregoing proposals relating to the status and operations of the Gorgas Memorial Institute and Laboratory are acceptable to the Government of the Republic of Panama, I have the honor to propose that this note, and Your Excellency's affirmative response, shall constitute an agreement between our Governments concerning this matter, which will enter into force on the date of entry into force of the Panama Canal Treaty.

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

For the Secretary of State:

[Signed]

ELLSWORTH BUNKER
Ambassador-at-Large

His Excellency Rómulo Escobar Bethancourt
Chief Negotiator

II

[SPANISH TEXT — TEXTE ESPAGNOL]

EMBAJADA DE PANAMÁ
WASHINGTON, D.C.

7 de septiembre de 1977

Excelencia:

Tengo el honor de acusar recibo de la nota de Su Excelencia, con fecha de hoy, que dice lo siguiente:

« Excelencia: Tengo el honor de referirme al Instituto Conmemorativo Gorgas de Medicina Tropical y Preventiva, Incorporado, y a su subsi-

¹ See p. 79 of this volume.

² See p. 201 of this volume.

dido que este acuerdo no se extenderá a las compras de carácter personal hechas por los miembros del personal y los empleados del Laboratorio Conmemorativos Gorgas, independientemente de su nacionalidad.

Si las propuestas anteriores relacionadas con el estatuto y funcionamiento del Instituto y Laboratorio Conmemorativos Gorgas fueren aceptables al Gobierno de la República de Panamá, tengo el honor de proponer que esta nota y la respuesta afirmativa de Su Excelencia, constituirán un acuerdo entre nuestros Gobiernos sobre esta materia, el cual entrará en vigor en la fecha de la entrada en vigor del Tratado del Canal de Panamá.

Sírvase aceptar, Excelencia, las seguridades de mi más alta consideración. »

Tengo el honor de confirmar que mi Gobierno accede a las propuestas que anteceden y que la nota de Su Excelencia y esta nota constituirán un acuerdo entre nuestros dos Gobiernos, que entrará en vigor en la fecha de entrada en vigencia del Tratado del Canal de Panamá.

Ruego a Vuestra Excelencia acepte las seguridades de mi más alta consideración.

[Signed — Signé]

RÓMULO ESCOBAR BETHANCOURT
Jefe de la Misión Negociadora
de Panamá

Su Excelencia Ellsworth Bunker
Embajador sin Cartera
de los Estados Unidos de América

[TRANSLATION¹ — TRADUCTION²]

EMBASSY OF PANAMA
WASHINGTON, D.C.

September 7, 1977

Excellency:

I have the honor to acknowledge receipt of Your Excellency's note of today's date, which reads as follows:

[See note I]

I have the honor to confirm that my Government accepts the foregoing proposals, and that Your Excellency's note and this note shall constitute an agree-

¹ Translation supplied by the Government of the United States.

² Traduction fournie par le Gouvernement des Etats-Unis.

ment between our two Governments which will enter into force on the date of the entry into force of the Panama Canal Treaty.

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

[Signed]

RÓMULO ESCOBAR BETHANCOURT
Chief Negotiator

His Excellency Ellsworth Bunker
Ambassador-at-Large
of the United States of America