

No. 21092

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**UNITED STATES OF AMERICA  
and  
PANAMA**

**Exchange of notes constituting an agreement relating to the designation of the Smithsonian Tropical Research Institute as custodian of the Barro Colorado Nature Monument. Washington, 7 September 1977**

*Authentic texts: English and Spanish.*

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

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

**Échange de notes constituant un accord relatif à la désignation du Smithsonian Tropical Research Institute comme conservateur du Monument naturel de Barro Colorado. 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 AGREEMENT<sup>1</sup>  
BETWEEN THE UNITED STATES OF AMERICA AND PANAMA  
RELATING TO THE DESIGNATION OF THE SMITHSONIAN  
TROPICAL RESEARCH INSTITUTE AS CUSTODIAN OF THE  
BARRO COLORADO NATURE MONUMENT

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 Agreement pursuant to article VI of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere,<sup>2</sup> and to the Panama Canal Treaty<sup>3</sup> and related agreements signed on September 7, 1977,<sup>4</sup> by representatives of the United States of America and the Republic of Panama. Article III of the Agreement relating to the Convention on Nature Protection provides that our Governments may agree from time to time on such arrangements as may be mutually convenient and desirable to facilitate their collaboration in the use of the Barro Colorado Nature Monument for the purposes of scientific research and investigation.

I consider it desirable within the spirit of the aforementioned Convention and for the purposes of the Agreement based thereon that our Governments agree that the Smithsonian Tropical Research Institute (STRI), a trust instrumentality of the United States of America, which I shall hereinafter call the Institute, be designated by both Governments as custodian of the Barro Colorado Nature Monument. I propose that our Governments further agree that the Institute shall, during the period of its custodianship, have sole responsibility to act on behalf of our Governments in authorizing use of the Nature Monument for the purposes of scientific research and investigation and for its protection as envisaged in the aforementioned Convention and our Agreement based thereon. In the event that one of the Parties should attempt to take any action related to the efficient operation of the Panama Canal as provided for in article V of our Agreement, I propose that the Institute, as custodian, be advised in advance and invited to comment on the potential impact of such action on the overall integrity of the Nature Monument.

I consider it desirable and to that end I propose to Your Excellency that, during the period of its custodianship, the Institute be authorized to employ scientific and support staff, to include game wardens, as necessary to enforce such laws and regulations as may apply to the protection of the Nature Monument. Persons violating the integrity of the Nature Monument contrary to the provisions of such laws or regulations shall be promptly delivered to the authorities of the Republic of Panama by game wardens employed by the Institute for appropriate action under the laws of the Republic of Panama.

<sup>1</sup> Came into force on 1 October 1979, the date of the entry into force of the Panama Canal Treaty (see note 3 below).

<sup>2</sup> United Nations, *Treaty Series*, vol. 161, p. 193.

<sup>3</sup> See p. 3 of this volume.

<sup>4</sup> See pp. 79, 201, 297, 305, 311, 327, 339 and 349 of this volume.

I further consider it desirable and I therefore propose to Your Excellency that our Governments agree to designate the Institute as custodian for the Barro Colorado Nature Monument for an initial period of five years, to be extended for additional five-year periods upon request by the Institute at least one year in advance of the date of expiration of the period, or until such time as our Governments may mutually agree on other understandings for the administration of the Nature Monument. If, subsequent to the termination of the Panama Canal Treaty, the Republic of Panama should desire to terminate the custodianship of the Institute of the Nature Monument, I consider it desirable and I therefore propose that our Governments agree that the decision take effect one year after the day on which the Republic of Panama shall inform the United States of this intent.

If the foregoing understandings proposed for custodianship of the Barro Colorado Nature Monument by STRI are acceptable to the Government of the Republic of Panama, I propose that this note and Your Excellency's affirmative response constitute an agreement between our Governments concerning this matter.

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 referirme a la nota de Su Excelencia, con fecha de hoy, relativa a la designación del Instituto Smithsonian para Investigaciones Tropicales como custodio del Monumento Natural de Barro Colorado, que dice lo siguiente:

« Excelencia: Tengo el honor de referirme al Convenio de conformidad con el artículo VI de la Convención para la Protección de la Naturaleza y la Conservación de la Flora y la Fauna en el Hemisferio Occidental, y al Tratado del Canal de Panamá y convenios conexos suscritos el 7 de septiembre de 1977 por los representantes de los Estados Unidos de América y la República de Panamá. El artículo III del Acuerdo relacionado con la Convención para la Protección de la Naturaleza dispone que nuestros Gobiernos podrán celebrar, de tiempo en tiempo, los arreglos que pudieren ser mutuamente convenientes y deseables para facilitar su colaboración en el uso del Monumento Natural Barro Colorado para los fines de estudios e investigaciones científicas.

Considero deseable, dentro del espíritu de la antedicha Convención y para los fines del Acuerdo basado en la misma, que nuestros Gobiernos convengan que el Instituto Smithsonian de Investigación Tropical (STRI), una agencia de fideicomiso

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

EMBASSY OF PANAMA  
WASHINGTON, D.C.

September 7, 1977

Excellency:

I have the honor to refer to Your Excellency's note of today's date concerning the designation of the Smithsonian Tropical Research Institute as custodian of the Barro Colorado Nature Monument, which reads as follows:

[*See note I*]

I have the honor to confirm that my Government accepts the understanding set forth in Your Excellency's note, and that your note and this note in reply shall constitute an agreement between our two Governments.

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

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

<sup>2</sup> Traduction fournie par le Gouvernement des Etats-Unis.