



NEWS from U.S. Senator Bob Dole

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FOR IMMEDIATE RELEASE
THURSDAY, MARCH 2, 1978

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DOLE CITES CARTER CONCESSIONS IN PANAMA CANAL TREATY NEGOTIATIONS

WASHINGTON, D.C. -- Following are excerpts from remarks made today in the Senate chamber by Senator Bob Dole:

A TRAIL OF AMERICAN CONCESSIONS AND RETREATS

If we understand the bargaining process -- particularly in the first six or seven months of 1977 -- we can better understand the final provisions in the treaties before us. And we can also better understand just how so many ambiguities, uncertainties, weaknesses, and other flaws ended up in the final product.

President Carter suggests that the pending treaties have the weight of four Presidential Administrations behind them. I suggest that such a statement is inaccurate and misleading. There is ample reason to believe that significant concessions were made by the Carter Administration during treaty negotiations, which went far beyond the limits acceptable to earlier Administrations.

A preliminary review of existing evidence suggests that the Carter Administration backed off relatively quickly from certain key negotiating positions. As a result new Canal treaties were concluded, but with a string of ambiguities and concessions I believe imperil American interests.

EVIDENCE OF RETREAT

Of course, neither the Senate nor the American people can be absolutely sure just what the exact extent of concession was, because the negotiations were conducted in secrecy and the details have never been made public. It is possible, however to get a fair idea of the nature of those negotiations from bits and pieces of available information.

I believe it is essentially unfair for the current Administration to imply that a number of United States Presidents during the past two decades were architects of the accords produced in September of 1977. The end result was clearly a child of the Carter Administration.

I believe that a clearer understanding of "retreats" in the U.S. negotiating position will provide a better idea of the weaknesses in these treaties, and how they came about.

BACKDOWN IN NEGOTIATING POSITIONS

It can be determined that American negotiators receded on the following treaty issues during the Carter Administration:

DURATION OF BASIC TREATY -- The new Secretary of State, Cyrus Vance, made it very clear at a news conference on January 31, 1977, that remaining "matters to be discussed in the negotiations" included the termination date of the new Panama Canal Treaty.

A previously "confidential," now unclassified, document provided to me demonstrates that a more favorable termination procedure was advocated by the United States, at least up until the summer of 1977. That provision allowed for treaty termination on December 31, 1999 or anytime thereafter, with one year's prior notice required of the party wishing to terminate.

TRANSFER OF PROPERTY AND CONTROL -- At the same press conference in January of 1977, the new Secretary of State suggested that the rate of transfer of both the Canal and Canal Zone property remained in question. The final treaty called for immediate dissolution of the Canal Zone and transfer of all property to the Panamanian government. This, along with transfer of most American military bases to Panamanian authority within twenty-two years.

SEA-LEVEL CANAL COMMITMENTS -- The Administration has publicly admitted that the sea level canal commitments were added to the treaty at the insistence of the Carter Administration.

DURATION OF UNITED STATES BASE RIGHTS -- The concept, at least, of an extended American military presence in the Canal Zone -- even beyond the termination of the Panama Canal Treaty -- is confirmed by documents provided to me by a source close to the treaty negotiations. According to that source, the following language represented the United States negotiating position with regard to Article V of the Neutrality Treaty until May of 1977:
"After the termination of the Panama Canal Treaty, only the Republic of Panama shall operate the Canal and maintain military forces, defense sites and military installations within its national territory, except as the U.S. and Panama may otherwise agree."

UNILATERAL RIGHT TO INTERVENE -- During an appearance before the Senate Armed Services Committee on January 31 of this year, former Deputy Secretary of Defense William P. Clements, Jr. testified that a significant concession was made by the Carter Administration with respect to the unilateral American right to intervene to protect the Canal.

RIGHT TO PRIORITY PASSAGE -- The documents provided to me demonstrate that, until May of 1977, American negotiators insisted upon the following clause as a part of Article VI of the Neutrality Treaty, with respect to the U.S. and Panamanian vessels:
"And in time of war or situations of urgency, to transit on a preferential basis upon the request of either the Captain of the vessel or the authorities of the government concerned."

WOULD WELCOME DETAILS

Mr. President, the Senator from Kansas does not claim to know the full story behind the final weeks of treaty negotiation. For that matter, the general public is not aware of the details either. Only those directly involved in the negotiations know the complete story about concessions.

I think all of us would welcome elaboration by the State Department or the President on this matter, in order to clarify the picture.

But I cannot believe that any Panamanian concessions -- even on the final financial arrangements -- could justify some of the previously cited concessions made by American negotiators, particularly on American defense and passage rights. It is now the right and the responsibility of the United States Senate to ensure that vital interests are fully preserved in these Treaties.

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