



NEWS from U.S. Senator Bob Dole

(R.—Kans.) New Senate Office Building, Washington, D.C. 20510 (202) 224-6521
FOR RELEASE: FRIDAY A.M.'s CONTACT: JANET ANDERSON
SEPTEMBER 23, 1977 BOB DOWNEN

DOLE OPPOSES PANAMA CANAL TREATIES IN PRESENT FORM: WILL INTRODUCE AMENDMENTS RESERVATIONS

WASHINGTON, D.C. -- "I cannot support the two Panama Canal treaties in their present form. Both the basic treaty, and the treaty concerning permanent neutrality contain omissions and defects which make them unacceptable, in my opinion," Senator Bob Dole said in a statement prepared for delivery in the Senate Friday morning. "In order to focus attention upon these weaknesses, particularly for the benefit of forthcoming hearings, I am proposing two reservations and six amendments to the treaty language at this time." Dole plans to testify before the Senate Foreign Relations Committee on his proposals.

Dole will tell the Senate that his modifications would "better protect the nation's vital interests and substantially improve upon these documents. Specialists on the subject have identified these aspects as among the greatest weaknesses in the treaty proposals, although there are a number of other deficiencies that can and should be addressed."

"The people of the United States owe Panama no apologies for our involvement with the Canal. The generosity of our government in building the canal, in operating and maintaining it for 65 years, and in thereby enhancing the standard of living for Panamanians, requires no remorse on our part. Free of any implications of guilt, we should proceed to analyze the ties in an objective and responsible manner."

Dole's proposals are outlined briefly below:

Amendments:

- 1) Guarantees the U.S. right to construct a new canal anywhere in Latin America;
- 2) Reduces U.S. payments to Panama by more than ½ the amount provided under the basic treaty;
- 3) Extends the period for transition of U.S. administrative and judicial jurisdiction over the Canal Zone from 30 months until at least January 1, 1990;
- 4) Guarantees the continued protection of political and civil rights for all those living and working within the Canal Zone area;
- 5) Guarantees the U.S. right to intervene militarily whenever we alone see a threat to the neutrality of the canal;
- 6) Guarantees U.S. warships the right of "privileged," first priority passage through the canal whenever the U.S. is at war.

Reservations:

- 1) The Panamanian government must make significant progress in observing the human rights of its own citizens during the future;
- 2) Both Houses of Congress must agree to the transfer of U.S. Canal Zone property before the basic treaty enters into force.

Attached is the full text of the statement Senator Dole will deliver during morning business Friday morning. Also attached is the language contained in his amendments and reservations.

STATEMENT BY SENATOR BOB DOLE

THE PANAMA CANAL TREATIES:

DEFINING THE DEFECTS

Friday, September 23, 1977

Mr. President, On Monday, September 26, the Senate Foreign Relations Committee will open hearings on the proposed Panama Canal Treaties. Formal consideration of the proposals will then be underway, although Senate floor debate and a final vote on ratification are not scheduled until early in 1978.

The Panama Canal Treaty issue is certainly one that will demand much of our attention in the weeks ahead. The American people look for an open exchange of views, and responsible consideration of our nation's future security at every stage of debate on the matter. Now that the pomp and ceremony associated with the Treaties is over, and the foreign dignitaries have left, we in the Senate shall consider the proposed Treaties in a thoughtful and responsible manner.

An issue such as this which bears so heavily on our national security and economic well-being cannot be passed on casually. I know that each of my colleagues will carefully examine all of the Treaty provisions, and reflect carefully on them. The Senate Foreign Relations Committee hearings will contribute in a valuable way to this process. Administration spokesmen, defense establishment leaders, members of Congress, and a variety of public witnesses will all have an opportunity to testify on the merits of the Treaty proposals. I know that the Committee will make a genuine effort to listen to all interested parties and make every effort to obtain all points of view on this highly controversial issue. The Committee will, in turn, be expected to pass on its own recommendations to the full Senate for final consideration and judgment.

Seek Out Information

All of us have a responsibility to become as well educated as possible on all aspects of the Panama Canal issue. Now that the Treaty drafts are available for inspection, we should actively seek additional information and advice from a variety of sources. A well-informed public can provide guidance during our deliberations, as well as support for our decision once it is made. Because I believe the American people deserve the opportunity to hear the full range of arguments for themselves, I have already suggested to the Majority Leader that Senate debate on the Panama Canal Treaties be televised. Television coverage would place the Treaty issues before a far greater number of our citizens, and enable them to better understand and participate in the decision-making process.

At all times during the weeks ahead, we, in the Senate, must be attentive to any new developments which may bear upon the Treaty issue. I am thinking at this moment of reports last week that surveillance activity may have taken place during the Treaty negotiations. The Senate Intelligence Committee, after conducting hearings on the matter, concluded that our Treaty negotiators had not been compromised in any way by the disclosures. But I raise this matter to make a point: No matter what our predisposition towards the Treaties may be, all of us should remain receptive to updated information on the Treaty matter as it becomes available.

During the past several weeks, I have made an active effort to familiarize myself with all points of view on the matter. I have discussed the Treaties with President Carter, former President Ford, and Governor Reagan, and I received a detailed briefing on both Treaties and consulted with respected members of the academic and professional community. Having now had the opportunity to carefully consider the background, the context, and the details of the Treaty proposals, I have arrived at certain conclusions. In order to express my observations and concerns about the Treaties, I will today introduce several proposals for their modification.

Treaties Unacceptable

I cannot support the two Panama Canal Treaties in their present form. Both the basic Treaty, and the Treaty concerning permanent neutrality contain omissions and defects which make them unacceptable, in my opinion. In order to focus attention upon these weaknesses, particularly for the benefit of forthcoming Senate hearings, I am proposing a reservation and amendments to the Treaty language at this time.

The United States Constitution gives this body the power of "advice and consent" over International Treaties concluded by the President with foreign heads of government. As such, we have the constitutional obligation to scrutinize these Treaties for their impact on our national interest, and to identify the defects or omissions. On 16 occasions in our nation's history, the United States Senate has directly rejected Treaty proposals submitted by the President. In 38 other instances, the Senate has attached reservations or amendments which ultimately led to the demise of proposed Treaties.

The modifications I propose would, in my opinion, better protect the nation's vital interests and substantially improve upon these documents. Hopefully, the Senate Foreign Relations Committee will solicit testimony on each of these points, and the full Senate will later have an opportunity to consider them.

No Restrictions on Location of New Canal

My first amendment will insure that the United States is not committed in advance to refrain from constructing a new sea-level canal, at some point in the future, in a country other than Panama. Article XII of the basic Panama Canal Treaty would, in fact, bind the United States to construct such a canal in Panama if it should be determined that a modernized canal is desirable in Central America. Yet, there is no commitment on the part of Panama to agree to permit construction of the canal; we are only prevented from constructing one elsewhere.

Now, I don't suggest that we rush right down and build a new canal in Central America. That project may or may not be vital to U.S. defense and economic interests at some point in the distant future. The President has been talking a good deal lately about a new sea-level canal, but I suspect that the vast majority of American people will want to know first why we are giving up one canal in order to build another, which I understand may cost as much as \$7 billion. This very logical question acquires all the more significance when we talk about building a new canal in the same country that is now demanding possession of the old one.

Whether or not Panama is the best location for construction of a sea-level canal is really not the immediate issue. The central question is whether the United States should bind itself, by this Treaty, to foreclose all options with respect to a new canal. We have no idea at this point how cooperative the Panamanian government will be in observing the provisions of the present Treaty. We have no idea what the nature of a future Panamanian government may be.

Because this is a question that could bear directly on American defense and economic interests, it is vital that it be given careful attention. My amendment will strike that section of Article XII which would foreclose our options, and substitute in its place a clause specifically rejecting any restrictions on U.S. negotiations with other countries for the right to construct a new canal somewhere in the Western hemisphere. In my opinion, it is absolutely necessary that this freedom of choice is maintained.

Reduce Payments

Probably no other aspect of these Treaties causes as much concern among so many Americans as the payment provisions outlined in Article XIII of the basic Treaty. This "pay-away" plan is an enigma--are we providing rent, ransom, or "conscience" money?

The United States currently pays the Panamanian government an annuity of \$2.3 million. Article XIII would raise those payments to between \$70 and \$80 million per year--a wind-fall by any standard, particularly when we consider the value of real estate and equipment that will be transferred without charge to the Panamanian government under the Treaty terms. In addition, our government agrees to negotiate an economic loan package amounting to as much as \$345 million.

According to calculations by Panama's own economic policy minister, the total amount of anticipated U.S. financial aid may reach as high as \$2.26 billion over the next 23 years, amounting yearly to more than 20% of Panama's annual national budget.

Cut Payment in Half

The amendment I am proposing would reduce the payments provided in Article XIII by more than one-half. First, it would reduce Panama's share of the canal's annual operating revenues from 30¢ per net ton to 15¢ per net ton for each vessel transiting the canal. Second, it will eliminate altogether the biennial adjustment of this rate according to changes in the U.S. wholesale price index, as is mandated in the Treaty. Finally, my amendment will strike that provision supplying Panama with "up to" \$10 million per year depending revenues. Although this provision is billed as contingent upon the profitability of the canal in any given year, it in fact guarantees payment of the full annuity "from operating surpluses in future years" whenever annual revenues are insufficient.

With implementation of this amendment, the Panamanians are still provided a fixed annual annuity of \$10 million, plus an equitable share of canal reserves, plus eventual receipt of U.S. loans and zonal property. No one can seriously dispute the generosity of this arrangement. Yet, it is far more rational and equitable in terms of compensation for our continuing primary role in using and operating the canal until the year 2000.

No Payment if Canal is Closed

In addition, my amendment provides that the fixed annual annuity shall cease during any period in which the canal is inoperable. It would be unfair and irresponsible to continue that payment during a time in which the canal is closed, whether due to natural catastrophe, functional break-down, or intentional sabotage. We almost certainly would be expected to bear the major economic burden of re-opening the canal in any such instance, and it simply does not make sense for us to continue paying Panama for a passage route that is temporarily non-existent. The present Treaty makes no provision for such a contingency, and the United States must be protected on this point.

Extension of Transition Period for Jurisdictional Arrangements

In accordance with the intent of Article XI of the basic Panama Canal Treaty, to provide for an "orderly transition" of jurisdiction over the Canal Zone, my amendment would extend the period for transfer of certain jurisdictional arrangements.

This Treaty is being marketed by the Administration as a "23-year" transition document, with the superficial implication the United States will maintain principal control over the Canal Zone and canal until the year 2000. In fact, a careful reading of the Treaty provisions suggests that this concept is largely fictional. In effect, this is not a 23-year transition treaty; it is a 30-month title of transfer.

Article XI provides that the Republic of Panama shall regain full jurisdiction over the Canal Zone as soon as the Treaty enters into force, and a complete transfer of U.S. judicial, administrative, and regulatory authority will be accomplished within 30 months. After that, U.S. citizens will be subject to Panamanian law, and subject to Panamanian civil and criminal justice as well.

I believe that a transfer of this magnitude in such a short period of time will not constitute "orderly transition." In effect, the provision will tend to drive Americans out of Panama. We may see a mass exodus of U.S. engineers and other canal personnel within the next 2½ years.

In order to provide for a more gradual phase-out of U.S. authority over Americans employed in the area, my amendment would permit the Panama Canal Consultative Committee to study the issue after the Treaty takes effect and, with the benefit of actual experience, make a recommendation as to when the period of transition should formally end. However, in no case will this be prior to January 1, 1990. This date coincides with transfer of the administration of the Panama Canal Commission from U.S. to Panamanian leadership. It is only logical that primary U.S. authority over both the canal and the Canal Zone should expire at approximately the same time. By the same token, we will allow for a more orderly and gradual phase-out of American employees in the area, and of judicial and administrative control over them.

The amendment would not alter the theoretical return of "sovereignty" over the Canal Zone to Panama on the date the Treaty comes into force. However, it would provide for the more practical arrangement of gradually phasing-out U.S. jurisdiction over its own citizens in the former Canal Zone area.

Human Rights

For an Administration which has made the subject of human rights a basic element of its foreign policy, particularly towards Latin America, the White House has been silent on the issue with respect to the Panama Canal negotiations. Yet, I believe this is an issue that should not be ignored. In the interest of moral principle, as well as consistent policy, it is important that we address the subject of human rights observance within Panama for both Panamanian and U.S. citizens.

There are several very important reasons why we have the obligation as a nation to pursue this point. First, U.S. employees will remain for a time in what was formerly the Panama Canal Zone. Under the terms of the Treaty proposed by this Administration, American citizens will become subject to both civil and criminal jurisdiction of the Panamanian government at the end of a 30-month transition period. We have a responsibility to see that their basic rights are at all times strictly observed and fully protected. Second, we are effectively expanding the territory under the direct control of General Omar Torrijos and his regime. In ratifying this Treaty, we are strengthening the political and economic power of the Torrijos government. As such, I think we have both a responsibility and a right to insist upon a better observance of the basic human rights of Panamanian citizens, as a condition of this Treaty. The Carter Administration has not hesitated to exercise this condition with regard to aid proposals for Brazil, Argentina, Uruguay, and other Latin American nations to the point of straining diplomatic relations.

Interestingly enough, the State Department itself has refused to give the Panamanian regime a clean bill of health with regard to the observance of human rights. In a report prepared by the Department and submitted to the Senate Subcommittee on Foreign Assistance in March of this year, the State Department shed light on the repressive conditions in the country. The report notes that "political opposition is not tolerated. The media are monitored by the government." We are told Panamanians "generally" are assured of judicial redress where criminal charges are concerned, but "the guarantee of a fair trial might not be observed in a case with important political considerations."

A human rights survey conducted by Freedom House in New York is consistent with these observations. On a scale of 1 to 7, with "7" representing the lowest level of observance, the government of Panama ranks "7" in extent of political rights, and "6" in extent of civil rights. In its "Comparative Study of Freedom" issued in January of this year, Freedom House characterizes the nation of Panama as "not free" and indicates the outlook for a change in these repressive conditions is unlikely.

Why, then, have we ignored the human rights issue altogether while confronting the persistent demands of General Torrijos? The Latin American correspondent for the Chicago Daily News recently reported that the response she received to this question by a high ranking State Department official was, "Of course, we are not going to challenge human rights in Panama because we want the Treaty."

I am concerned about these authoritative reports of political repression within Panama, as I know many of my colleagues are. I am concerned as well about additional allegations of torture, murder, and severe punishment communicated by concerned groups of Panamanians. My amendment would insist upon Panamanian protection for the human rights of all those living and working in the former Canal Zone.

My reservation would condition Treaty ratification on the understanding that the Panamanian government will make "significant progress" towards observing the human rights of all its citizens during the basic treaty period. Both modifications will also encourage on-site investigations of alleged repression by respected international organizations.

Transfer of Canal Zone Property

My second reservation would reaffirm the constitutional responsibility of the House of Representatives to participate in transfer of ownership of the Canal Zone territory. Article IV, Section 3, Paragraph 2 of the United States Constitution reads:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or any particular state."

United States title to the Canal Zone property has been affirmed on several occasions by the highest courts in our land. In 1907, the Supreme Court, by unanimous decision, confirmed our clear title to the Canal Zone property: "It is hypercritical to contend that the title of the United States is imperfect, and that the territory described does not belong to this nation because of the omission of some of the technical terms used in ordinary conveyances of real estate." (*Wilson v. Shaw* 204 U.S. 24) That unanimous Supreme Court decision affirming U.S. sovereignty over the Panama Canal Zone still stands as a law of our land, and was reaffirmed by the U.S. Court of Appeals decision in 1971 (*U.S. v. Husband R. Roach* 453 F. 2nd 1054, 1057), where the Court said: "The Canal Zone is an unincorporated territory of the United States."

Both of these cases clearly reaffirm the fact that the Canal Zone is "territory" of the United States. Consequently, not only two-thirds of the U.S. Senate but a majority of the U.S. House of Representatives must approve the proposed treaties as well.

As a footnote to the issue of whether or not the United States can clearly claim title to the Canal Zone territory, it should be pointed out that our government actually made payment to individual property owners at the time the original Treaty was promulgated. Besides the initial payment of \$10 million to the Panamanian government, the United States paid approximately \$4 million for acquisition of property from ownerships that existed in the Canal Zone area. We paid over \$300,000 to the French for land rights they already possessed in that region.

So I think there is little question that we currently have clear title to this territory. As such, both Houses of Congress must participate in its transfer, and my second reservation will make this a precondition to enforcement of this Treaty.

Unilateral U.S. Military Intervention

I propose to amend Article IV of the Treaty concerning the permanent neutrality and operation of the Panama Canal, by adding a provision specifically guaranteeing our authority to intervene militarily on behalf of the canal whenever we determine its neutrality to be threatened. In my opinion, this amendment is absolutely necessary to the protection of our national security interests. We cannot count on Panamanian concurrence in every instance where we may perceive the operation of the canal to be in jeopardy. For all we know, the Panamanian government itself may be consciously or unconsciously a part of that threat at some point.

The Administration has sought to reassure the American people that this Treaty, by implication, assures that the United States can unilaterally intervene in the defense of the canal whenever necessary. I see nothing in Article IV or in any other section of the Treaty which specifically guarantees that prerogative.

In fact, in a Panamanian radio broadcast on August 24, Panamanian Negotiator Escobar Bethancourt maintained just the opposite:

"The pact does not establish that the United States has the right to intervene in Panama. This word was discussed and eliminated, and what is stated is that Panama and the United States will maintain the neutrality of the canal. What is the meaning of 'will maintain?' In practice, the meaning of 'will maintain' is that, if neutrality is ever violated, Panama on one hand and the United States on the other, or the two countries jointly, will determine how they will guard the canal against such a violation..the neutrality pact does not provide that the United States will say when neutrality is violated."

If this is, in fact, what the article says--and I would say that Panamanian interpretation is at least 50% of the definition--then this is an unacceptable accord and should be either modified or rejected by the United States Senate. Regardless of how the State Department may choose to interpret this or that clause in the Treaty, the point is that U.S. authority to intervene should be made crystal clear to the Panamanians within the Treaty itself. My amendment would provide the necessary modification.

Guarantee U.S. Warships Priority Passage

This amendment relates to Article VI of the Treaty concerning the permanent neutrality and operation of the Panama Canal. The article guarantees that United States and Panamanian vessels of war will be entitled to transit the Panama Canal "expeditiously" at all times. At face value, this is a reassuring provision, given the importance of the canal to our national security interests. We can assume that the term was included because our negotiators recognized the vital security implications of the canal and felt it important to imply a special right of passage.

Now, some proponents of the Panama Canal Treaty have tried to convince us that the canal is no longer vital to our national security interests. I don't agree with that point of view, and we have certainly seen some persuasive comments from those most knowledgeable about our naval operations that support the canal's continuing importance. It just seems to me that, by including the term "expeditious passage," the Treaty drafters admit to an immediate defense interest by our government. But, it is imperative to get a precise interpretation for that term.

To be more specific, I have to wonder why the treaty negotiators did not use the term "priority" or "privileged" passage for U.S. and Panamanian warships, if that is in fact what the concept is supposed to be. My skepticism on this point was heightened recently when I became aware of a Panamanian radio broadcast on August 24, in which the Panamanian Minister of Information and Chief Negotiator, Escobar Bethancourt, gave the Panamanian government's interpretation of the term. Señor Escobar explained that:

"Expeditious passage does not mean privileged passage. As a matter of fact, the concept of privileged passage was rejected. . .if after examining the provision the Gringos with their warships say, 'I want to go through first,' then that is their problem with the other ships waiting there. We cannot go that far."

It is readily apparent, then, that the Panamanians do not understand "expeditious passage" to mean that U.S. warships would receive priority, even during a period of crisis. In effect, the Panamanians intend to interpret the concept in this way: If there is a line of ships waiting to pass through the canal, the U.S. warships must get in line with the others and wait their turn. I do not believe that America's security can, or should, depend on traffic circumstances on any given day. Our naval defense could be thwarted by a bottleneck.

My amendment would specifically amend Article VI to stipulate that, during a period of crisis, American vessels of war and their auxiliary vessels will be entitled to privileged passage through the canal. I believe this is an equitable arrangement, and certainly the only one that our country can accept in consideration of national defense, Latin American defense, and defense of the Free World.

Points of Concern

The foregoing represents some of my principal concerns about these treaties. Specialists on the subject have identified these aspects as among the greatest weaknesses in the Treaty proposals, although there are a number of other deficiencies that can and should be addressed. The forthcoming Senate Committee hearings are intended to shed some light on all of these problems. There is no question in my mind but what a number of modifications will eventually be proposed by various members of the Senate, and I may offer additional amendments or reservations myself after further analysis of the Treaties has been conducted. Furthermore, the specific concerns expressed by our constituents should be fully represented at every stage of deliberation on the Treaties.

No Apologies

In closing, I want to say that the people of the United States owe Panama no apologies for our involvement with the canal. The generosity of our government in building the canal, in operating and maintaining it for 65 years, and in thereby enhancing the standard of living for Panamanians, requires no remorse on our part. Free of any implications of guilt, we should proceed to analyze these Treaties in an objective and responsible manner.

But the Panamanian government officials must know that we will never relinquish our presence in the Canal Zone because of veiled threats or direct pressures. They must know that we reserve all rights to intervene when the security of the canal is threatened, and that we expect priority passage for our ships during periods of crisis. And they must be told that we expect to see substantial progress in the area of human rights in which they rate so poorly. Above all, we do not intend to pay exorbitant amounts of money for the purpose of turning over control of the canal and Canal Zone. My amendments and reservations will effectively communicate these messages, at the same time that we consider the basic merits of the Treaties themselves. We should settle for nothing less.

TO BE INTRODUCED BY SENATOR BOB DOLE
SEPTEMBER 23, 1977

AMENDMENTS TO THE PANAMA CANAL TREATY

viz: Paragraph 2 (b) of article XII is amended to read as follows:

(b) During the duration of this Treaty, the United States of America may negotiate with any third State for the right to construct an interoceanic canal through such third State on any other route in the Western Hemisphere.

viz: In article XIII, paragraph 4, strike out subparagraphs (a), (b), and (c), and insert in lieu thereof the following:

(a) An annual amount to be paid out of Canal operating revenues computed at a rate of fifteen hundredths of a United States dollar (\$0.15) per Panama Canal net ton, or its equivalency, for each vessel transiting the Canal, after the entry into force of this Treaty, for which tolls are charged.

(b) An annuity of ten million United States dollars (\$10,000,000) to be paid out of Canal operating revenues and as an expense of the Panama Canal Commission, except that such sum shall be reduced by the proportion which the number of days during the calendar year the Canal is not navigable bears to the calendar year.

viz: In the second sentence of the first paragraph of article XI, strike out "for thirty calendar months" and insert in lieu thereof "until such date as is agreed upon by the members of the Panama Canal Consultative Committee, but not before January 1, 1990."

In paragraph 2 of article XI, amend subparagraph (a) to read as follows:

(a) The authorities of the United States of America shall have the primary right to exercise criminal and civil jurisdiction over employees of the Panama Canal Commission who are citizens of the United States and their dependents, and members of the United States Forces and civilian component and their dependents, in the following cases:

In paragraph 2 (a) (i) of article XI, strike out "offense committed" and insert in lieu thereof "act or omission."

In paragraph 2 (a) (ii) of article XI, strike out "offense committed" and insert in lieu thereof "act or omission."

In the text following clause (ii) of paragraph 2 (a) of article XI, strike out "offenses committed" and insert in lieu thereof "acts or omissions."

In the annex entitled "Procedures for the Cessation or Transfer of Activities Carried out by the Panama Canal Company and the Canal Zone Government and Illustrative List of the Functions that may be Performed by the Panama Canal Commission," strike out paragraph 4 (b) and insert in lieu thereof the following:

"(b) Upon termination of the transition period provided for under article XI of this Treaty, governmental services such as:

"(i) Police;

"(ii) Courts; and

"(iii) Prison system."

viz: At the end thereof, add the following:

ARTICLE XV
HUMAN RIGHTS

1. The United States of America and the Republic of Panama agree on the importance of maintaining and properly observing internationally recognized human rights, including civil and political rights, in the former Canal Zone and commit themselves to maintaining, observing, and protecting such rights during the duration of this Treaty.

2. The Panama Canal Consultative Committee shall report annually to the national legislatures of the two Parties on the maintaining, observing, and protecting of such rights.

3. The two Parties agree to permit unimpeded investigations of alleged violations of internationally recognized human rights, including civil and political rights, by appropriate international organizations including, but not limited to, the International Committee of the Red Cross, Amnesty International, the International Commission of Jurists, and groups or persons acting under the authority of the United Nations or the Organization of American States.

In article V, strike out the second sentence.

RESERVATIONS TO THE PANAMA CANAL TREATY

viz: Before the period at the end of the resolution of ratification, insert a comma and the following: "and subject to the following reservations:

"1. that the Republic of Panama demonstrate, during the duration of this Treaty, significant progress toward observing the internationally recognized human rights of its citizens, including the right of free speech and the right to a fair trial; and

"2. that the Republic of Panama permit unimpeded investigations of alleged violations of internationally recognized human rights by appropriate international organizations including, but not limited to, the International Committee of the Red Cross, Amnesty International, the International Commission of Jurists, and groups or persons acting under the authority of the United Nations or the Organization of American States."

viz: Before the period at the end of the resolution of ratification, insert a comma and the following: "and subject to the reservation that before the date of entry into force of this Treaty, the Congress has adopted appropriate legislation to transfer the Canal Zone to the Republic of Panama, in exercise of the power of Congress under article IV, section 3, clause 2 of the Constitution, relating to the disposal of territory or other property belonging to the United States".

AMENDMENTS TO THE TREATY CONCERNING THE PERMANENT NEUTRALITY
AND OPERATION OF THE PANAMA CANAL

viz: At the end of article IV, add the following: "Nothing in this Treaty may be construed to prevent the United States of America, in accordance with its constitutional processes, from intervening militarily to maintain such regime of neutrality when determined to be seriously threatened by the President of the United States of America or, through the adoption of a concurrent resolution, by the Congress of the United States of America."

viz: Before the period at the end of the first paragraph of article VI, insert a comma and the following: "except that the Republic of Panama shall, upon request, afford privileged passage through the Canal to such vessels of the United States of America during any period in which the United States of America is at war".