

Policy Paper
S/4-3 BPP
(draft)

Rights Desired by the US in a new Panama Treaty

1. Rights of a jurisdictional nature or regarded by Panama as jurisdictional. (See memo, Mark Feldman to Ambassador Ward, November 27, 1972, for more details)

- a. control of navigation in canal waters
- b. control of personnel and working conditions
- c. control of tolls
- d. control of health and sanitation in the Canal Area
- e. control of claims procedures where US Government is involved
- f. control of land use in the Canal Area
- g. police authority in Canal Area for a transition period (15 years proposed), and rights to use security guards with power of arrest thereafter.
- h. criminal jurisdiction for a transition period over all crimes, for the duration for certain crimes (security of the canal, narcotics, etc.)
- i. court jurisdiction for 15 years in Canal Area, circuit judges and marshals thereafter for matters in which US retains jurisdiction
- j. immunity for official acts of US personnel and inviolability for US installations

- k. rights to operate US citizen schools, hospitals, and municipal-type services (firefighting, water and power, garbage collection, street repair, etc.)
 - l. Military Postal Service for US citizen employees and official US mail
 - m. motor vehicle licenses and registration for official US vehicles
 - n. special exemptions from Panamanian customs and taxation for US agencies and US citizen employees.
2. Rights desired by the US not of a jurisdictional nature:
- a. effective control of canal operations
 - b. unilateral rights to defend the canal
 - c. expansion rights (third locks for sea level canal)
 - d. rights to augment water supply for lockages
 - e. rights to improve the existing canal short of adding third locks
 - f. rights to terminate canal operation and all treaty obligations to Panama
 - g. rights to hold and dispose of property
 - h. rights to provide essential services to shipping (bunkering, repair, naval stores, towing, salvage, etc.)

- i. limitations on US responsibility for ecological damages due to canal operations
- j. rights to provide all essential services and facilities for US Government agency operations (as distinguished from services and facilities for employees that should be provided by private enterprise)
- k. the right to continue to provide existing US Government housing for employees
- l. the right to provide commercial-type services and facilities for employees when private enterprise cannot or will not provide such services and facilities
- m. rights to bring US Government employees and US military personnel into the Canal Area
- n. rights to residence in the Canal Area for individuals employed in or associated with US Government activities
- o. rights of movement of US Government personnel and vehicles in the Republic of Panama
- p. immunities for US Government contractors and their supplies and equipment
- q. rights to operate transisthmian railroad
- r. rights to continue to use radio frequencies now held

- s. right to fly US flag
- t. right to use English and Spanish as official languages.
- u. rights to continue military activities not directly related to canal defense (SOUTHCOM, School of the Americas, etc.) and other current US Government activities (Smithsonian, FAA support etc.)

June 6, 1973