

**No. 18342**

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**UNITED STATES OF AMERICA  
and  
PANAMA**

**Treaty concerning the permanent neutrality and operation  
of the Panama Canal (with annexes). Signed at Wash-  
ington on 7 September 1977**

*Authentic texts: Spanish and English.*

*Registered by the Secretary-General of the Organization of American States,  
acting on behalf of the Parties, on 13 March 1980.*

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

**Traité concernant la neutralité permanente et le fonctionne-  
ment du canal de Panama (avec annexes). Signé à  
Washington le 7 septembre 1977**

*Textes authentiques : espagnol et anglais.*

*Enregistré par le Secrétaire général de l'Organisation des États américains,  
agissant au nom des Parties, le 13 mars 1980.*

## TREATY<sup>1</sup> CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL

The United States of America and the Republic of Panama have agreed upon the following:

*Article I.* The Republic of Panama declares that the Canal, as an international transit waterway, shall be permanently neutral in accordance with the regime established in this Treaty. The same regime of neutrality shall apply to any other international waterway that may be built either partially or wholly in the territory of the Republic of Panama.

*Article II.* The Republic of Panama declares the neutrality of the Canal in order that both in time of peace and in time of war it shall remain secure and open to peaceful transit by the vessels of all nations on terms of entire equality, so that there will be no discrimination against any nation, or its citizens or subjects, concerning the conditions or charges of transit, or for any other reason, and so that the Canal, and therefore the Isthmus of Panama, shall not be the target of reprisals in any armed conflict between other nations of the world. The foregoing shall be subject to the following requirements:

- (a) Payment of tolls and other charges for transit and ancillary services, provided they have been fixed in conformity with the provisions of Article III (c);
- (b) Compliance with applicable rules and regulations, provided such rules and regulations are applied in conformity with the provisions of Article III;
- (c) The requirement that transiting vessels commit no acts of hostility while in the Canal; and
- (d) Such other conditions and restrictions as are established by this Treaty.

*Article III.* 1. For purposes of the security, efficiency and proper maintenance of the Canal the following rules shall apply:

- (a) The Canal shall be operated efficiently in accordance with conditions of transit through the Canal, and rules and regulations that shall be just, equitable and reasonable, and limited to those necessary for safe navigation and efficient, sanitary operation of the Canal;
- (b) Ancillary services necessary for transit through the Canal shall be provided;
- (c) Tolls and other charges for transit and ancillary services shall be just, reasonable, equitable and consistent with the principles of international law;
- (d) As a pre-condition of transit, vessels may be required to establish clearly the financial responsibility and guarantees for payment of reasonable and adequate

<sup>1</sup> Came into force on 1 October 1979, i.e., six months after the date of the exchange of the instruments of ratification, which took place at Panama on 1 April 1979, in accordance with article VIII. The instruments of ratification by the Government of the United States was accompanied by amendments, conditions, reservations and understandings\* which were accepted in the instrument of ratification by the Government of Panama which likewise included certain understandings and declarations.\*\*

\* See p. 193 of this volume for the texts of the amendments, conditions, reservations and understandings made upon ratification by the Government of the United States of America.

\*\* See p. 201 of this volume for the texts of the understandings and declarations made upon ratification by the Government of Panama.

indemnification, consistent with international practice and standards, for damages resulting from acts or omissions of such vessels when passing through the Canal. In the case of vessels owned or operated by a State or for which it has acknowledged responsibility, a certification by that State that it shall observe its obligations under international law to pay for damages resulting from the act or omission of such vessels when passing through the Canal shall be deemed sufficient to establish such financial responsibility;

- (e) Vessels of war and auxiliary vessels of all nations shall at all times be entitled to transit the Canal, irrespective of their internal operation, means of propulsion, origin, destination or armament, without being subjected, as a condition of transit, to inspection, search or surveillance. However, such vessels may be required to certify that they have complied with all applicable health, sanitation and quarantine regulations. In addition, such vessels shall be entitled to refuse to disclose their internal operation, origin, armament, cargo or destination. However, auxiliary vessels may be required to present written assurances, certified by an official at a high level of the government of the State requesting the exemption, that they are owned or operated by that government and in this case are being used only on government non-commercial service.

2. For the purposes of this Treaty, the terms “Canal,” “vessel of war,” “auxiliary vessel,” “internal operation,” “armament” and “inspection” shall have the meanings assigned them in Annex A to this Treaty.

*Article IV.* The United States of America and the Republic of Panama agree to maintain the regime of neutrality established in this Treaty, which shall be maintained in order that the Canal shall remain permanently neutral, notwithstanding the termination of any other treaties entered into by the two Contracting Parties.

*Article V.* After the termination of the Panama Canal Treaty,<sup>1</sup> only the Republic of Panama shall operate the Canal and maintain military forces, defense sites and military installations within its national territory.

*Article VI.* 1. In recognition of the important contributions of the United States of America and of the Republic of Panama to the construction, operation, maintenance, and protection and defense of the Canal, vessels of war and auxiliary vessels of those nations shall, notwithstanding any other provisions of this Treaty, be entitled to transit the Canal irrespective of their internal operation, means of propulsion, origin, destination, armament or cargo carried. Such vessels of war and auxiliary vessels will be entitled to transit the Canal expeditiously.

2. The United States of America, so long as it has responsibility for the operation of the Canal, may continue to provide the Republic of Colombia toll-free transit through the Canal for its troops, vessels and materials of war. Thereafter, the Republic of Panama may provide the Republic of Colombia and the Republic of Costa Rica with the right of toll-free transit.

*Article VII.* 1. The United States of America and the Republic of Panama shall jointly sponsor a resolution in the Organization of American States opening to accession by all States of the world the Protocol to this Treaty whereby all the signatories will adhere to the objectives of this Treaty, agreeing to respect the regime of neutrality set forth herein.

<sup>1</sup> United Nations, *Treaty Series*, vol. 1280, p. 3.

2. The Organization of American States shall act as the depositary for this Treaty and related instruments.

*Article VIII.* This Treaty shall be subject to ratification in accordance with the constitutional procedures of the two Parties. The instruments of ratification of this Treaty shall be exchanged at Panama at the same time as the instruments of ratification of the Panama Canal Treaty, signed this date, are exchanged. This Treaty shall enter into force, simultaneously with the Panama Canal Treaty, six calendar months from the date of the exchange of the instruments of ratification.

DONE at Washington this 7th day of September, 1977, in duplicate, in the English and Spanish languages, both texts being equally authentic.

FIRMADO en Washington, a los 7 días de septiembre de 1977, en los idiomas inglés y español, siendo ambos textos igualmente auténticos.

For the United States of America:  
Por los Estados Unidos de América:

[Signed — Signé]<sup>1</sup>

President  
of the United States of America  
Presidente  
de los Estados Unidos de América

For the Republic of Panama:  
Por la República de Panamá:

[Signed — Signé]<sup>2</sup>

Head of Government  
of the Republic of Panama  
Jefe de Gobierno  
de la República de Panamá

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<sup>1</sup> Signed by Jimmy Carter — Signé par Jimmy Carter.

<sup>2</sup> Signed by Omar Torrijos Herrera — Signé par Omar Torrijos Herrera.

## ANNEX A

1. "Canal" includes the existing Panama Canal, the entrances thereto and the territorial seas of the Republic of Panama adjacent thereto, as defined on the map annexed hereto (Annex B), and any other inter-oceanic waterway in which the United States of America is a participant or in which the United States of America has participated in connection with the construction or financing, that may be operated wholly or partially within the territory of the Republic of Panama, the entrances thereto and the territorial seas adjacent thereto.

2. "Vessel of war" means a ship belonging to the naval forces of a State, and bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the government and whose name appears in the Navy List, and manned by a crew which is under regular naval discipline.

3. "Auxiliary vessel" means any ship, not a vessel of war, that is owned or operated by a State and used, for the time being, exclusively on government non-commercial service.

4. "Internal operation" encompasses all machinery and propulsion systems, as well as the management and control of the vessel, including its crew. It does not include the measures necessary to transit vessels under the control of pilots while such vessels are in the Canal.

5. "Armament" means arms, ammunitions, implements of war and other equipment of a vessel which possesses characteristics appropriate for use for warlike purposes.

6. "Inspection" includes on-board examination of vessel structure, cargo, armament and internal operation. It does not include those measures strictly necessary for admeasurement, nor those measures strictly necessary to assure safe, sanitary transit and navigation, including examination of deck and visual navigation equipment, nor in the case of live cargoes, such as cattle or other livestock, that may carry communicable diseases, those measures necessary to assure that health and sanitation requirements are satisfied.

## [ANNEX B]

[See map, p. 192 of this volume]

AMENDMENTS, CONDITIONS, RESERVATIONS AND UNDERSTANDINGS MADE UPON RATIFICATION BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AMENDEMENTS, CONDITIONS, RÉSERVES ET CLAUSES INTERPRÉTATIVES FAITS LORS DE LA RATIFICATION PAR LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE

[SPANISH TEXT — TEXTE ESPAGNOL]

(a) ENMIENDAS:

(1) Al final del artículo IV, insértese lo siguiente:

“Una declaración correcta y autorizada de ciertos derechos y deberes de las Partes, conforme a lo anterior, está contenida en la Declaración de Entendimiento expedida por el Gobierno de los Estados Unidos de América el 14 de octubre de 1977 y por el Gobierno de la República de Panamá el 18 de octubre de 1977, la cual se incorpora por este medio como parte integral de este Tratado, a saber:

“Conforme al Tratado Concerniente a la Neutralidad Permanente y al Funcionamiento del Canal de Panamá (el Tratado de Neutralidad), Panamá y los Estados Unidos tienen la responsabilidad de asegurar que el Canal de Panamá permanecerá abierto y seguro a naves de todas las naciones. La interpretación correcta de este principio es que cada uno de los dos países, de conformidad con sus respectivos procedimientos constitucionales, defenderá el Canal contra cualquier amenaza al régimen de neutralidad y por consiguiente tendrá el derecho de actuar contra cualquier agresión o amenaza dirigida contra el Canal o contra el tránsito pacífico de naves por el Canal. Esto no significa ni se interpretará como un derecho de intervención de los Estados Unidos en los asuntos internos de Panamá. Cualquier acción por parte de los Estados Unidos estará dirigida a asegurar que el Canal permanecerá abierto, seguro y accesible y nunca estará dirigida contra la integridad territorial o la independencia política de Panamá.”

(2) Al final del primer párrafo del artículo VI insértese lo siguiente:

“De conformidad con la Declaración de Entendimiento mencionada en el artículo IV precedente: ‘El Tratado de Neutralidad dispone que las naves de guerra y las naves auxiliares de los Estados Unidos y de Panamá tendrán el derecho de transitar por el Canal de modo expedito. Esto tiene la intención, y así se interpretará, de asegurar el tránsito de esas naves por el Canal lo más rápidamente posible, sin trabas, con tramitación simplificada y, en caso de necesidad o emergencia, ponerse a la cabeza de la fila de las naves a fin de transitar rápidamente por el Canal.’”

(b) CONDICIONES:

(1) No obstante las estipulaciones del artículo V o cualquier otra estipulación del Tratado, si el Canal fuere cerrado o se interfiriera con su funcionamiento, la República de Panamá y los Estados Unidos de América, cada uno tendrá, independientemente, el derecho de tomar las medidas que cada uno considere necesarias, de conformidad con sus procedimientos constitucionales, incluyendo el uso de la fuerza militar en la República de Panamá, para reabrir el Canal o reanudar las operaciones del Canal, según fuere el caso.

## [TRADUCTION — TRANSLATION]

## (a) AMENDMENTS:

(1) At the end of Article IV, insert the following:

“A correct and authoritative statement of certain rights and duties of the parties under the foregoing is contained in the Statement of Understanding issued by the Government of the United States of America on October 14, 1977, and by the Government of the Republic of Panama on October 18, 1977, which is hereby incorporated as an integral part of this Treaty, as follows:

“Under the Treaty concerning the Permanent Neutrality and Operation of the Panama Canal (the Neutrality Treaty), Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure to ships of all nations. The correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the Canal or against the peaceful transit of vessels through the Canal.

“This does not mean, nor shall it be interpreted as, a right of intervention of the United States in the internal affairs of Panama. Any United States action will be directed at insuring that the Canal will remain open, secure, and accessible, and it shall never be directed against the territorial integrity or political independence of Panama.”

(2) At the end of the first paragraph of Article VI, insert the following:

“In accordance with the Statement of Understanding mentioned in Article IV

## a) AMENDEMENTS :

1) A la fin de l'article IV, insérer ce qui suit :

«Une déclaration correcte et faisant foi de certains droits et devoirs des parties, en vertu de ce qui précède, et contenue dans la Déclaration d'accord publiée par le Gouvernement des Etats-Unis d'Amérique le 14 octobre 1977 et par le Gouvernement de la République du Panama le 18 octobre 1977, laquelle devient par la présente partie intégrante de ce Traité, à savoir :

«Conformément au Traité concernant la neutralité permanente et le fonctionnement du canal de Panama (ci-après dénommé le Traité de neutralité), le Panama et les Etats-Unis d'Amérique sont chargés de veiller à ce que le canal de Panama reste ouvert aux navires de toutes nationalités. L'interprétation correcte de ce principe est que chacun des deux pays, conformément à leurs procédures constitutionnelles respectives, défendra le canal contre toutes menaces au régime de neutralité et, par conséquent, aura le droit d'agir contre toute agression ou menace contre le canal ou contre le transit pacifique des navires par celui-ci.

Cela ne signifie pas un droit d'intervention des Etats-Unis d'Amérique dans les affaires intérieures du Panama ni ne sera interprété comme tel. Toutes les actions prises par les Etats-Unis auront pour but de veiller à ce que le canal demeure ouvert, sûr et accessible, et elles ne seront jamais dirigées contre l'intégrité territoriale ou l'indépendance politique du Panama.»

2) A la fin du premier paragraphe de l'article IV, insérer ce qui suit :

«Conformément à la Déclaration d'accord mentionnée à l'article IV ci-



above: "The Neutrality Treaty provides that the vessels of war and auxiliary vessels of the United States and Panama will be entitled to transit the Canal expeditiously. This is intended, and it shall so be interpreted, to assure the transit of such vessels through the Canal as quickly as possible, without any impediment, with expedited treatment, and in case of need or emergency, to go to the head of the line of vessels in order to transit the Canal rapidly."

(b) CONDITIONS:

(1) Notwithstanding the provisions of Article V or any other provision of the Treaty, if the Canal is closed, or its operations are interfered with, the United States of America and the Republic of Panama shall each independently have the right to take such steps as each deems necessary, in accordance with its constitutional processes, including the use of military force in the Republic of Panama, to reopen the Canal or restore the operations of the Canal, as the case may be.

(2) The instruments of ratification of the Treaty shall be exchanged only upon the conclusion of a Protocol of Exchange, to be signed by authorized representatives of both Governments, which shall constitute an integral part of the Treaty documents and which shall include the following:

"Nothing in the Treaty shall preclude the Republic of Panama and the United States of America from making, in accordance with their respective constitutional processes, any agreement or arrangement between the two countries to facilitate performance at any time after December 31, 1999, of their responsibilities to maintain the regime of neutrality established in the Treaty, including agreements or arrangements for the stationing of any United States military forces or the maintenance of defense sites after that date in the Republic of Panama that the Republic of

dessus: «Le Traité de neutralité stipule que les navires de guerre et navires auxiliaires des Etats-Unis d'Amérique et du Panama auront le droit de transiter promptement par le canal. Cela a pour objet, et telle en sera son interprétation, d'assurer aussi promptement que possible le transit de ces navires par le canal, sans aucun obstacle, aussi rapidement que possible, et, en cas de besoin ou d'urgence, de les placer en tête de file pour leur permettre de transiter rapidement par le canal.»

b) CONDITIONS :

1) Nonobstant les dispositions de l'article V ou toute autre disposition du Traité, si le canal est fermé ou si ses opérations font l'objet d'une entrave, les Etats-Unis d'Amérique et la République du Panama auront chacun, indépendamment, le droit de prendre les mesures qu'ils jugent nécessaires, conformément à leurs procédures constitutionnelles, y compris le recours à la force militaire en République du Panama, pour rouvrir le canal ou en rétablir les opérations, selon le cas.

2) Les instruments de ratification du Traité ne seront échangés qu'à la conclusion d'un protocole d'échange, lequel sera signé par les représentants à ce dûment autorisés des deux gouvernements et deviendra partie intégrante des documents du Traité, y compris ce qui suit :

«Aucune des dispositions du Traité n'empêchera ni la République du Panama ni les Etats-Unis d'Amérique, conformément à leurs procédures constitutionnelles respectives, de conclure un accord ou un arrangement entre les deux pays pour faciliter l'exécution à tout moment après le 31 décembre 1999, de leurs responsabilités concernant le maintien du régime de neutralité établi par le Traité, y compris les accords ou les arrangements relatifs à l'envoi de forces militaires américaines ou au maintien de camps de défense après cette date en République

Panama and the United States of America may deem necessary or appropriate.”

(c) RESERVATIONS:

(1) Before the date of entry into force of the Treaty, the two Parties shall begin to negotiate for an agreement under which the American Battle Monuments Commission would, upon the date of entry into force of such agreement and thereafter, administer, free of all taxes and other charges and without compensation to the Republic of Panama and in accordance with the practices, privileges, and immunities associated with the administration of cemeteries outside the United States of America by the American Battle Monuments Commission, including the display of the flag of the United States of America, such part of Corozal Cemetery in the former Canal Zone as encompasses the remains of citizens of the United States of America.

(2) The flag of the United States of America may be displayed, pursuant to the provisions of paragraph 3 of Article VII of the Panama Canal Treaty, at such part of Corozal Cemetery in the former Canal Zone as encompasses the remains of citizens of the United States of America.

(3) The President —

(A) Shall have announced, before the date of entry into force of the Treaty, his intention to transfer, consistent with an agreement with the Republic of Panama, and before the date of termination of the Panama Canal Treaty, to the American Battle Monuments Commission the administration of such part of Corozal Cemetery as encompasses the remains of citizens of the United States of America; and

(B) Shall have announced, immediately after the date of exchange of instruments of ratification, plans, to be carried out at the expense of the Government of the United States of America, for —

du Panama, que la République du Panama et les États-Unis d'Amérique peuvent considérer comme nécessaires ou appropriés.»

c) RÉSERVES :

1) Avant la date d'entrée en vigueur du Traité, les deux Parties commenceront à négocier un accord en vertu duquel la Commission américaine des monuments de guerre administrerait, dès la date d'entrée en vigueur dudit accord et par la suite, la partie du cimetière de Corozal située dans l'ancienne zone du canal où reposent les restes de citoyens des États-Unis d'Amérique. Cette administration serait exempte d'impôts et autres droits, et sans rétribution à la République du Panama conformément aux pratiques, privilèges et immunités associés à l'administration de cimetières en dehors des États-Unis d'Amérique par ladite Commission, y compris le déploiement du drapeau des États-Unis d'Amérique.

2) Le drapeau des États-Unis d'Amérique pourra être hissé, conformément aux dispositions du paragraphe 3 de l'article VII du Traité du canal de Panama, dans la partie du cimetière de Corozal située dans l'ancienne zone du canal où reposent les restes de citoyens des États-Unis d'Amérique.

3) Le Président :

A) Devra avoir annoncé, avant la date d'entrée en vigueur du Traité, son intention de transférer, conformément à un accord conclu avec la République du Panama, et avant la date d'expiration du Traité du canal de Panama, à la Commission américaine des monuments de guerre, l'administration de la partie du cimetière de Corozal où reposent les restes de citoyens des États-Unis d'Amérique; et

B) Devra avoir annoncé immédiatement après la date de l'échange des instruments de ratification, les plans qui seront exécutés aux frais du Gouvernement des États-Unis d'Amérique pour :

- (i) Removing, before the date of entry into force of the Treaty, the remains of citizens of the United States of America from Mount Hope Cemetery to such part of Corozal Cemetery as encompasses such remains, except that the remains of any citizen whose next of kin objects in writing to the Secretary of the Army not later than three months after the date of exchange of the instruments of ratification of the Treaty shall not be removed; and
- (ii) Transporting to the United States of America for reinterment, if the next of kin so requests, not later than thirty months after the date of entry into force of the Treaty, any such remains encompassed by Corozal Cemetery and, before the date of entry into force of the Treaty, any remains removed from Mount Hope Cemetery pursuant to subclause (i); and
- i) Transférer, avant la date d'entrée en vigueur du Traité, les restes de citoyens des Etats-Unis d'Amérique du cimetière de Mount Hope à la partie du cimetière de Corozal où reposent les restes de citoyens des Etats-Unis d'Amérique, à l'exclusion des restes de tous citoyens dont les parents les plus proches s'opposent à un tel transfert, par écrit au Secrétaire de l'armée, au plus tard trois mois après la date de l'échange des instruments de ratification du Traité; et
- ii) Transporter aux Etats-Unis d'Amérique, pour y être de nouveau inhumés, si le parent le plus proche le demande, au plus tard 30 mois après la date d'entrée en vigueur du Traité, les restes qui se trouvaient dans le cimetière de Corozal et, avant la date d'entrée en vigueur du Traité tous les restes qui ont été enlevés du cimetière de Mount Hope conformément à l'alinéa i; et

(C) Shall have fully advised, before the date of entry into force of the Treaty, the next of kin objecting under clause (B)(i) of all available options and their implications.

(C) Devra avoir spécifiquement notifié, avant la date d'entrée en vigueur du Traité, le parent le plus proche qui s'oppose, conformément au paragraphe B, i, à toutes les options disponibles et à leurs conséquences.

(4) To carry out the purposes of Article III of the Treaty of assuring the security, efficiency, and proper maintenance of the Panama Canal, the United States of America and the Republic of Panama, during their respective periods of responsibility for Canal operation and maintenance, shall, unless the amount of the operating revenues of the Canal exceeds the amount needed to carry out the purposes of such Article, use such revenues of the Canal only for purposes consistent with the purposes of Article III.

4) Aux fins de l'article III du Traité qui sont d'assurer la sécurité, l'efficacité et l'entretien approprié du canal de Panama, les Etats-Unis d'Amérique et la République du Panama, pendant les périodes d'exploitation et d'entretien du canal qui leur correspondent, devront, sauf si le montant des recettes d'exploitation du canal excède le montant nécessaire à ces fins, utiliser lesdites recettes uniquement à des fins compatibles avec les buts de l'article III.

(d) UNDERSTANDINGS:

d) CLAUSES INTERPRÉTATIVES :

(1) Paragraph 1(c) of Article III of the Treaty shall be construed as requiring, before any adjustment in tolls for use of the Canal, that the effects of any such toll adjustment on the trade patterns of the

1) Le paragraphe 1, c, de l'article III du Traité sera interprété comme exigeant que, avant tout ajustement du péage à verser pour l'utilisation du canal, les effets des ajustements sur les normes du trafic

two Parties shall be given full consideration, including consideration of the following factors in a manner consistent with the regime of neutrality:

- (A) The costs of operating and maintaining the Panama Canal;
- (B) The competitive position of the use of the Canal in relation to other means of transportation;
- (C) The interests of both parties in maintaining their domestic fleets;
- (D) The impact of such an adjustment on the various geographical areas of each of the two Parties; and
- (E) The interests of both Parties in maximizing their international commerce.

The United States of America and the Republic of Panama shall co-operate in exchanging information necessary for the consideration of such factors.

(2) The agreement "to maintain the regime of neutrality established in this Treaty" in Article IV of the Treaty means that either of the two Parties to the Treaty may, in accordance with its constitutional processes, take unilateral action to defend the Panama Canal against any threat, as determined by the Party taking such action.

(3) The determination of "need or emergency" for the purpose of any vessel of war or auxiliary vessel of the United States of America or the Republic of Panama going to the head of the line of vessels in order to transit the Panama Canal rapidly shall be made by the nation operating such vessel.

(4) Nothing in the Treaty, in Annex A or B thereto, in the Protocol relating to the Treaty, or in any other agreement relating to the Treaty, obligates the United States of America to provide any economic assistance, military grant assistance, security supporting assistance, foreign military sales credits, or international military education and training to the Republic of Panama.

des deux parties, soient pris en considération, y compris les facteurs ci-après, d'une manière compatible avec le régime de neutralité :

- A) Les coûts d'exploitation et d'entretien du canal de Panama;
- B) La position compétitive du canal par rapport à d'autres moyens de transport;
- C) Les intérêts des deux Parties à maintenir leurs flottes nationales;
- D) L'effet d'un ajustement sur les différentes zones géographiques de chacune des deux Parties;
- E) Les intérêts des deux Parties à accroître au maximum le commerce international.

Les Etats-Unis d'Amérique et la République du Panama participeront à l'échange des informations nécessaires à la prise en considération de ces facteurs.

2) La décision «de maintenir le régime de neutralité établi par le présent Traité», qui figure à l'article IV, signifie que l'une ou l'autre des Parties au Traité peut, conformément à ses procédures constitutionnelles, prendre des actions unilatérales pour défendre le canal de Panama contre toute menace qui l'oblige à les prendre.

3) La décision relative à une «nécessité ou à une urgence» qui permet à un navire de guerre ou à un navire auxiliaire des Etats-Unis d'Amérique ou de la République du Panama de se porter en tête de file des navires en vue de traverser promptement le canal de Panama sera prise par le pays exploitant le navire.

4) Aucune disposition du Traité, de ses annexes A ou B, du protocole au Traité ou de tout autre accord relatif au Traité n'oblige les Etats-Unis d'Amérique à accorder une aide économique, une aide militaire, une aide en matière de sécurité, des crédits à la vente de matériels militaires à l'étranger, ou à l'éducation et à la formation militaires internationales à la République du Panama.

UNDERSTANDINGS AND DECLARATIONS MADE UPON RATIFICATION BY THE GOVERNMENT OF PANAMA

STIPULATIONS INTERPRÉTATIVES ET DÉCLARATIONS FAITES LORS DE LA RATIFICATION PAR LE GOUVERNEMENT DU PANAMA

[SPANISH TEXT — TEXTE ESPAGNOL]

La República de Panamá accede al canje de los instrumentos de ratificación del Tratado de Neutralidad expresado, en la inteligencia de que hay normas positivas de Derecho Internacional Público contenidas en tratados multilaterales de los cuales son Partes tanto la República de Panamá como los Estados Unidos de América y que, en consecuencia, obligan a ambos Estados a cumplirlas de buena fe, tales como los artículos 1, párrafo 2, y 2, párrafo 4, de la Carta de la Organización de las Naciones Unidas y los artículos 18 y 20 de la Carta de la Organización de los Estados Americanos.

Es también el entendimiento de la República de Panamá que las acciones que cada Parte pueda tomar en ejercicio de sus derechos y el cumplimiento de sus deberes según el referido Tratado de Neutralidad, incluidas las medidas para reabrir el Canal o restablecer su funcionamiento normal, si fuere interrumpido u obstaculizado, se efectuarán de modo consecuente con los principios de mutuo respeto y cooperación en que se basa la nueva relación establecida mediante dicho Tratado.

La República de Panamá declara que su independencia política, integridad territorial y libre determinación están garantizadas por la voluntad inquebrantable del Pueblo Panameño. Por ello la República de Panamá rechazará con unidad, decisión y firmeza todo intento de cualquier país de intervenir en sus asuntos internos o externos.

[TRANSDUCTION — TRANSLATION]

The Republic of Panama agrees to the exchange of the instruments of ratification of the aforementioned Neutrality Treaty on the understanding that there are positive rules of public international law contained in multilateral treaties to which both the Republic of Panama and the United States of America are Parties and which consequently both States are bound to implement in good faith, such as Article 1, paragraph 2 and Article 2, paragraph 4 of the Charter of the United Nations, and Articles 18 and 20 of the Charter of the Organization of American States.

It is also the understanding of the Republic of Panama that the actions which either Party may take in the exercise of its rights and the fulfillment of its duties in accordance with the aforesaid Neu-

La République du Panama accepte de procéder à l'échange des instruments de ratification du Traité de neutralité susmentionné étant entendu qu'il existe des règles positives du droit public international contenues dans les traités multilatéraux auxquels la République du Panama et les Etats-Unis d'Amérique sont tous deux parties et que les deux Etats sont par conséquent tenus d'appliquer en bonne foi telles que le paragraphe 2 de l'Article 1 et le paragraphe 4 de l'Article 2 de la Charte des Nations Unies ainsi que les articles 18 et 20 de la Charte de l'Organisation des Etats américains.

Il est également entendu par la République du Panama que les mesures que l'une ou l'autre des parties peut prendre dans l'exercice de ses droits et de ses devoirs conformément audit Traité de

trality Treaty, including measures to reopen the Canal or to restore its normal operation, if it should be interrupted or obstructed, will be effected in a manner consistent with the principles of mutual respect and co-operation on which the new relationship established by that Treaty is based.

The Republic of Panama declares that its political independence, territorial integrity, and self-determination are guaranteed by the unshakeable will of the Panamanian people. Therefore, the Republic of Panama will reject, in unity and with decisiveness and firmness, any attempt by any country to intervene in its internal or external affairs.

neutralité, y compris les mesures visant à rouvrir le canal ou à en rétablir le fonctionnement normal, si celui-ci devrait être interrompu ou entravé, seront prises d'une manière compatible avec les principes du respect mutuel et de la coopération sur lesquels est fondée la nouvelle relation établie par ce Traité.

La République du Panama déclare que son indépendance politique, son intégrité territoriale et son autodétermination sont garanties par la volonté inébranlable du peuple panaméen. Par conséquent, elle rejette d'un seul bloc, fermement et résolument, toutes les tentatives que pourrait faire un pays pour intervenir dans ses affaires intérieures ou extérieures.