

DOLE AMENDMENTS TO THE PANAMA CANAL TREATIES

BASIC TREATY

Amendment #1 - U.S. Right To Negotiate For New Canal--

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.

Amendment #2 - Reduce Payments To Panama--

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.

Amendment #3 - Extend Jurisdictional Transition Period--

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."

Amendment #4 - Human Rights

Viz: At the end of the Treaty, 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 person acting under the authority of the United Nations or the Organization of American States.

In article V, strike out the second sentence.

NEUTRALITY TREATY

Amendment #5 - U.S. Right To Defend 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."

Amendment #6 - U.S. Right To Privileged Passage

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".

Amendment #7 - Defense Rights, Carter-Torrijos Statement

Viz: At the end of article IV, add the following:  
"Each of the Parties shall, in accordance with their respective constitutional processes, defend the Canal against any threat to such regime of neutrality, and 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. Any United States action shall be directed at insuring that the Canal shall remain open, secure, and accessible, and such action shall not be directed against the territorial integrity or political independence of the Republic of Panama."

Amendment #8 - Passage Rights, Carter-Torrijos Statement

Viz: At the end of the first paragraph of article VI, add the following: "The provisions of this paragraph are for the purpose of, and shall be construed as, assuring 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, assuring that such vessels go to the head of the line of vessels awaiting transit of the Canal, in order to transit the Canal rapidly."

DOLE RESERVATIONS TO RESOLUTION OF RATIFICATION

Reservation #1 - Human Rights

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."

Reservation #2 - Both Houses Act On Transfer Of U.S. Property

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".

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ADDITIONAL DOLE AMENDMENTS INTRODUCED JANUARY 19, 1978

BASIC TREATY

Amendment # 10 - Eliminate Restriction Against U.S. Negotiation For The Canal--

Viz: In article XII, strike out paragraph 2.  
Renumber subsequent paragraphs accordingly.

Amendment # 11 - No Foreign Military Presence in Panama--

Viz: At the end of article IV, add the following:

6. For the duration of this Treaty and consistent with the other provisions of this article, both Parties agree that, subject to the other provisions of this Treaty, only the Republic of Panama or the United States of America may maintain military forces, defense sites, or military installations in the national territory of the Republic of Panama.

NEUTRALITY TREATY

Amendment # 12 - Authorize U.S. Bases In Panama After Year 2000--

Viz: Before the period at the end of article V, insert a comma and the following: "except that, in order to maintain the regime of neutrality established under this Treaty, the United States of America and the Republic of Panama shall conclude an agreement on the continued availability to the United States of America of any defense site or military installation after the date of the termination of the Panama Canal Treaty, and if no such agreement may have been concluded before such date, the United States of America may continue on and after such date to occupy the defense sites and military installations made available for its use under the Panama Canal Treaty, notwithstanding the termination of the provisions of the Panama Canal Treaty".