Thirty-second session
Item 50 of the preliminary list*

IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY

Letter dated 17 June 1977 from the Permanent Representative of Panama
to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of the statement on the
Panama Canal question made by the Minister for Foreign Affairs of the Republic of
Panama, His Excellency Mr. Nicolás González Revilla, on 15 June 1977 at a plenary
meeting of the General Assembly of the Organization of American States.

As this statement relates to paragraph 59 of the final communique of the
ministerial meeting of the Bureau of Non-Aligned Countries held at New Delhi from
7 to 11 April 1977 (A/32/74, annex I), I would request you to have this statement
likewise circulated as a document of the General Assembly under item 50 of the
preliminary list.

(Signed) Jorge E. ILLUECA
Ambassador, Permanent Representative

* A/32/50/Rev.1.

77-12182
ANNEX

Statement on the Panama Canal question made by the Minister for Foreign Affairs of the Republic of Panama, Lic. Nicolás González Bevila, on 15 June 1977 to the General Assembly of American States

On behalf of the Government of the Republic of Panama I am reporting on the status of the negotiations between Panama and the Government of the United States of America on what is known as the Panama Canal question.

I wish to begin by expressing the very deep gratitude of the people and Government of Panama for the solidarity of the Latin American nations; this has been one of the main reasons for the progress achieved thus far in dealing with the problem.

Likewise, I must explain to the heads of delegations and, through them, to public opinion in the Americas and in the world, why the Panamanian representation decided to present its own report at this meeting, departing from the procedure followed in previous years, whereby the United States and Panamanian delegations issued a joint report on the status of the negotiations.

After 13 years of negotiations which have not resulted in final agreements, the people of Panama can no longer accept any joint communiqué, declaration or document other than the final treaty implementing the declaration signed by the United States and Panama before the Council of the Organization of American States, in April 1964, pledging to resolve "promptly" the causes of the conflict between the two countries.

Since that time, there has been a series of joint communiqués and declarations, draft treaties such as those of 1967 - which subsequently proved unacceptable to both Governments - and the Tack-Kissinger Agreement, which established the frame of reference for the current negotiations. Another series of inter-American documents, such as those relating to the political process known as the New Dialogue, would seem to indicate that final solutions are drawing closer.

So far as the people of Panama are concerned, the fact is that we have won significant diplomatic victories - in the strictly semantic sense - but that we continue to endure the treaty of 1903 without any change.

It would seem appropriate that, in recalling the historical background and bringing our problem before Latin America, we should give a brief account of the situation in which we now find ourselves and which we have suffered in the past.

The treaty of 1903 was not negotiated by the Republic of Panama but was imposed on it in very ominous circumstances. In very summary form, here are the conditions to which Panama had to submit upon becoming an independent State:
Concession in perpetuity to the United States of America of the use, occupation and control of a strip of land 10 miles wide stretching from one coast to the other in the very centre of the national territory.

Concession in perpetuity to the United States of America of the exercise of jurisdiction over that strip of territory for the purposes of construction, operation, protection and maintenance of the interocean Canal.

Loss of the two ports which gave access to the territory of Panama from the Pacific and Atlantic Oceans the role of these ports having been reduced to that of terminal ports for the Canal.

Denial to the Republic of Panama of the possibility of using its main natural resource - its privileged geographical situation - for its own domestic development. (Unauthorized installation in the middle of the national territory of a formidable military structure which makes the entire Republic a strategic target in any international conflagration.

In the interest of brevity, I shall refrain from detailing the extremely serious physico-geographical, political, social, cultural, moral and economic consequences resulting from the colonial enclave set up on the banks of the Canal, which have impeded and distorted my country's development.

I must simply recall that as soon as the aforementioned treaty was imposed on them, the Panamanian people began a continuous struggle, first to get it revised and then, following the events of January 1964, to abolish it and establish a new relationship with the United States, as regards the operation of the Canal, founded on national dignity.

The negotiations, which have been going on for almost 13 years, have entered a decisive phase.

In fairness to truth, we believe that the greatest progress has been made at the negotiating table under President Carter's administration. If we maintain an attitude of real and serious understanding of the problem and a sincere desire to put an end to this anachronistic colonialist situation, the possibility remains open of concluding a treaty which will reconcile the essential aspirations of both Governments, restore its entire territory to Panama, dismantle the colonialist enclave and keep the interoceanic waterway open, efficient and free of discrimination of any kind.

But so long as we have not achieved these final goals, we also have a duty to control our emotions, so that the great effort now being made by both Governments may lead to a successful call to international justice. We must not get a wrong number. We could perhaps dial many of the digits necessary to put the call through, but it would be enough to make a mistake with the last one to make communication impossible.

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Appreciable progress has been made to date in reaching preliminary understandings on various aspects. However, there are important points still under consideration by the negotiating teams.

In principle, it is agreed that the new treaty will expire on 31 December 1999.

Panama will begin exercising civil and criminal jurisdiction over the areas bordering the Canal three years after the new treaty enters into force.

The Republic of Panama will confer on the United States of America specified and temporary rights to the use of those areas strictly necessary for the administration and defence of the Canal.

Considerable areas of land and water will be restored to the Republic of Panama at the time when the treaty enters into force. Procedures will be agreed upon for the gradual reversion of the areas of land which are no longer necessary for the purposes indicated above.

The Republic of Panama will participate increasingly in all fields and at all levels in the administration of the Canal. Appropriate procedures will be devised to that end, due provision being made to avoid any adverse effect on the employment and social situation of the workers, and subsequently to improve that situation.

Outlines of understandings have been drawn up with respect to the defence of the Canal in accordance with the principle of co-operation and participation by both countries and an end to the presence of foreign troops on Panamanian national territory at the time when the treaty is concluded.

Efforts are proceeding to solve the technical and political difficulties involved in the delicate issue of guaranteeing the neutrality of the interoceanic waterway and free transit through it.

As concerns the direct and indirect economic benefits to which Panama is entitled as territorial sovereign, discussions have recently begun, centred on Panamanian proposals, but this is still just an initial exchange, not so much of positions, as of impressions and ideas.

It is wise always to bear in mind that the problem is one of abolishing a colonial enclave which in the three quarters of a century of its existence has imposed discriminatory practices, unequivocally prejudicial to human rights, and this means that the greatest precautions are necessary to prevent such practices from continuing in other more or less subtle or covert guises.

The aim of the negotiations, and I stress this, is the elimination of a colonial situation, and it would be absurd to replace it by a new status quo for the duration of the treaty. Consequently, the treaty, even though it is the result of a reconciliation of originally opposing positions, must pave the way for
the full, true and effective restoration of an extremely valuable part of our territory which has been annexed by a foreign Power for more than a century.

This is not a simple task nor is it the result of a miracle. The negotiations have not been easy and will remain difficult until the very last moment.

What I am sure of, is that the Canal will be free and Panamanian, efficient and open to all the flags of the world.