

ÉTATS-UNIS D'AMÉRIQUE ET PANAMA

Convention pour la répression de la contrebande des boissons alcooliques, signée à Washington, le 6 juin 1924; et

Convention amendant la convention pour la répression de la contrebande des boissons alcooliques, signée à Washington, le 6 juin 1924, et réglementant le transport de ces boissons à travers le territoire de la zone du canal entre deux points de la République de Panama, signée à Panama, le 14 mars 1932.

UNITED STATES OF AMERICA AND PANAMA

Convention for the Prevention of Smuggling of Intoxicating Liquors, signed at Washington, June 6, 1924; and

Convention modifying the Convention for the Prevention of Smuggling of Intoxicating Liquors, signed at Washington, June 6, 1924, and regulating the Transportation of Alcoholic Liquors through the Territory of the Canal Zone from one Point in the Republic of Panama to another Point in that Republic, signed at Panama, March 14, 1932.

TEXTE ESPAGNOL. — SPANISH TEXT.

Nº 3200. — CONVENIO¹ ENTRE LOS ESTADOS UNIDOS DE AMÉRICA Y PANAMÁ PARA EVITAR EL CONTRABANDO DE LICORES. FIRMADA EN WASHINGTON, EL 6 DE JUNIO DE 1924.

*Textes officiels anglais et espagnol communiqués par le secrétaire d'Etat aux Affaires étrangères de la République de Panama. L'enregistrement de cette convention a eu lieu le 11 août 1933.*²

EL PRESIDENTE DE LOS ESTADOS UNIDOS DE AMÉRICA Y EL PRESIDENTE DE LA REPÚBLICA DE PANAMÁ, deseosos de evitar cualesquiera dificultades que puedan surgir entre ellos en relación con las leyes vigentes de los Estados Unidos en materia de bebidas alcohólicas, han decidido celebrar una convención con tal objeto y han nombrado como Plenipotenciarios :

EL PRESIDENTE DE LOS ESTADOS UNIDOS DE AMÉRICA :

A Charles EVANS HUGHES, Secretario de Estado de los Estados Unidos de América, y

EL PRESIDENTE DE PANAMÁ :

A Ricardo J. ALFARO, Enviado Extraordinario y Ministro Plenipotenciario de la República de Panamá en Washington ;

Quienes, habiéndose comunicado sus Plenos Poderes, los que han sido hallados en buena y debida forma, han convenido en lo siguiente :

Artículo I.

Las Altas Partes Contratantes declaran que es su firme intención mantener el principio de que tres millas marítimas que se extiendan de la línea de la costa hacia afuera y medidas desde la línea de la baja mar, constituyen el límite propio de las aguas territoriales.

Artículo II.

1) El Presidente de Panamá conviene en que Panamá no hará objeción a que las naves de propiedad particular que naveguen bajo la bandera de Panamá sean visitadas fuera de los límites de las aguas territoriales por las autoridades de los Estados Unidos, sus territorios o posesiones, a fin de que puedan ser indagadas las personas que hallen a bordo y se examinen los papeles del buque con el objeto de verificar si la nave o los que se encuentran a bordo tratan de importar o han

¹ L'échange des ratifications a eu lieu à Washington, le 19 janvier 1925.

² Le Secrétariat publie dans ce recueil la Convention du 6 juin 1924, présentée à l'enregistrement le 11 août 1933, en même temps que la Convention du 14 mars 1932, présentée le 12 juin 1933, ayant enregistré les deux conventions sous le même numéro.

No. 3200. — CONVENTION¹ BETWEEN THE UNITED STATES OF AMERICA AND PANAMA FOR THE PREVENTION OF SMUGGLING OF INTOXICATING LIQUORS. SIGNED AT WASHINGTON, JUNE 6, 1924.

*English and Spanish official texts communicated by the Secretary of State for Foreign Affairs of the Republic of Panama. The registration of this Convention took place August 11, 1933.*²

THE PRESIDENT OF THE UNITED STATES OF AMERICA and THE PRESIDENT OF THE REPUBLIC OF PANAMA, being desirous of avoiding any difficulties which might arise between them in connection with the laws in force in the United States on the subject of alcoholic beverages, have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

Mr. Charles EVANS HUGHES, Secretary of State of the United States of America, and

THE PRESIDENT OF PANAMA :

M. Ricardo J. ALFARO, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama in Washington,

Who, having communicated their full powers in good and due form, have agreed as follows :

Article I.

The High Contracting Parties declare that it is their firm intention to uphold the principle that three marine miles extending from the coast line outwards and measured from low water mark constitute the proper limits of territorial waters.

Article II.

1. The President of Panama agrees that Panama will raise no objection to the boarding of private vessels under the Panama flag outside the limits of territorial waters by the authorities of the United States, its territories or possessions, in order that enquiries may be addressed to those on board and an examination be made of the ship's papers for the purpose of ascertaining whether the vessel or those on board are endeavoring to import or have imported alcoholic beverages into

¹ The exchange of ratifications took place at Washington, January 19, 1925.

² The Secretariat publishes, in this Series, the Convention of June 6, 1924 presented for registration on August 11, 1933, at the same time as the Convention of March 14, 1932, presented for registration on June 12, 1933, the two Conventions being registered under the same number.

the United States, its territories or possessions in violation of the laws there in force. When such enquiries and examination show a reasonable ground for suspicion, a search of the vessel may be initiated.

2. If there is reasonable cause for belief that the vessel has committed or is committing or attempting to commit an offense against the laws of the United States, its territories or possessions prohibiting the importation of alcoholic beverages, the vessel may be seized and taken into a port of the United States, its territories or possessions for adjudication in accordance with such laws.

3. The rights conferred by this article shall not be exercised at a greater distance from the coast of the United States its territories or possessions than can be traversed in one hour by the vessel suspected of endeavoring to commit the offense, and shall not be exercised in waters adjacent to territorial waters of the Canal Zone. In cases, however, in which the liquor is intended to be conveyed to the United States, its territories or possessions by a vessel other than the one boarded and searched, it shall be speed of such other vessel and not the speed of the vessel boarded, which shall determine the distance from the coast at which the right under this article can be exercised.

Article III.

No penalty or forfeiture under the laws or of the United States shall be applicable or attach to alcoholic liquors or to vessels or persons by reason of the carriage of such liquors, when such liquors are listed as sea stores or cargo destined for a port foreign to the United States, its territories or possessions on board Panaman vessels voyaging to or from ports of the United States, or its territories or possessions or passing through the territorial waters thereof, and such carriage shall be as now provided by law with respect to the transit of such liquors through the Panama Canal, provided that such liquors shall be kept under seal continuously while the vessel on which they are carried remains within said territorial waters and that no part of such liquors shall at any time or place be unladen within the United States, its territories or possessions.

Article IV.

Any claim by a Panaman vessel for compensation on the grounds that it has suffered loss or injury through the improper or unreasonable exercise of the rights conferred by Article II of this Treaty or on the ground that it has not been given the benefit of Article III shall be referred for the joint consideration of two persons, one of whom shall be nominated by each of the High Contracting Parties.

Effect shall be given to the recommendations contained in any such joint report. If no joint report can be agreed upon, the claim shall be referred to the Permanent Court of Arbitration at The Hague described in the Convention¹ for the Pacific Settlement of International Disputes, concluded at The Hague, October 18, 1907. The Arbitral Tribunal shall be constituted in accordance with Article 87 (Chapter IV) and with Article 59 (Chapter III) of the said Convention. The proceeding shall be regulated by so much of Chapter IV of the said Convention and of Chapter III thereof (special regard being had for Articles 70 and 74, but excepting Articles 53 and 54) as the Tribunal may consider to be applicable and to be consistent with the provisions of this agreement. All sums of money which may be awarded by the Tribunal on account of any claims shall be paid within eighteen months after the date of the final award without interest and without deduction, save as hereafter specified. Each Government shall bear its own expenses. The expenses of the Tribunal shall be defrayed by a ratable deduction of the amount of the sums awarded by it, at a rate of five per cent, on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

¹ *British and Foreign State Papers*, Vol. 100, page 298.

Article V.

This Treaty shall be subject to ratification and shall remain in force for a period of one year from the date of the exchange of ratifications.

Three months before the expiration of the said period of one year, either of the High Contracting Parties may give notice of its desire to propose modifications in the terms of the Treaty.

If such modifications have not been agreed upon before the expiration of the term of one year mentioned above, the Treaty shall lapse.

If no notice is given on either side of the desire to propose modifications, the Treaty shall remain in force for another year, and so on automatically, but subject always in respect of each such period of a year to the right on either side to propose as provided above three months before its expiration modifications in the Treaty, and to the provision that if such modifications are not agreed upon before the close of the period of one year, the Treaty shall lapse.

Article VI.

In the event that either of the High Contracting Parties shall be prevented either by judicial decision or legislative action from giving full effect to the provisions of the present Treaty the said Treaty shall automatically lapse, and, on such lapse or whenever this Treaty shall cease to be in force, each High Contracting Party shall enjoy all the rights which it would have possessed had this Treaty not been concluded.

The present Convention shall be duly ratified by the President of the United States of America, by and with the advise and consent of the Senate thereof and by the President of Panama in accordance with the requirements of the Panaman Constitution ; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention in duplicate and have thereunto affixed their seals.

Done at the city of Washington, this sixth day of June in the year of our Lord one thousand nine hundred and twenty-four.

Charles EVANS HUGHES.

R. J. ALFARO.

Secretaria de Relaciones Exteriores,
Panama, Julio 12, de 1933.

Es copia auténtica :

El Subsecretario de Relaciones Exteriores,
R. de Roux.

¹ TRADUCTION. — TRANSLATION.

N^o 3200. — CONVENTION ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET PANAMA, POUR LA RÉPRESSION DE LA CONTREBANDE DES BOISSONS ALCOOLIQUES. SIGNÉE A WASHINGTON, LE 6 JUIN 1924.

LE PRÉSIDENT DES ÉTATS-UNIS D'AMÉRIQUE et LE PRÉSIDENT DE LA RÉPUBLIQUE DE PANAMA, désireux d'éviter toutes les difficultés qui pourraient surgir entre eux en raison des lois en vigueur aux Etats-Unis concernant les boissons alcooliques, ont décidé de conclure une convention à cet effet et ont désigné pour leurs plénipotentiaires :

LE PRÉSIDENT DES ÉTATS-UNIS D'AMÉRIQUE :

M. Charles EVANS HUGHES, secrétaire d'Etat des Etats-Unis d'Amérique; et

LE PRÉSIDENT DE PANAMA :

M. Ricardo J. ALFARO, envoyé extraordinaire et ministre plénipotentiaire de la République de Panama à Washington ;

Lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des dispositions suivantes :

Article premier.

Les Hautes Parties contractantes déclarent leur ferme intention de maintenir le principe suivant lequel trois milles marins s'étendant de la ligne côtière vers le large et mesurés à partir de la laisse de basse mer constituent la limite propre des eaux territoriales.

Article II.

1. Le Président de Panama convient que Panama ne s'opposera pas à ce que les autorités des Etats-Unis, de leurs territoires ou possessions, arraisonnent, hors des eaux territoriales de ces pays, les navires privés battant pavillon panamien, pour interroger les personnes qui se trouvent à bord et examiner les papiers du navire en vue de s'assurer que le navire ou les personnes qui se trouvent à bord n'essaient pas d'importer ou n'ont pas importé des boissons alcooliques aux Etats-Unis, dans leurs territoires ou possessions, par infraction aux lois qui y sont en vigueur. Si cet interrogatoire et cet examen fournissent des motifs raisonnables de suspicion, il pourra être procédé à une visite du navire.

2. S'il y a raisonnablement lieu de croire que le navire a commis, commet ou tente de commettre une infraction aux lois des Etats-Unis, de leurs territoires ou possessions, interdisant l'importation de boissons alcooliques, le navire pourra être saisi et conduit dans un port des Etats-Unis, de leurs territoires ou possessions, pour que le cas soit jugé conformément auxdites lois.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

CONVENTION

TEXTE ESPAGNOL. — SPANISH TEXT.

Nº 3200. — CONVENIO¹ ENTRE LOS ESTADOS UNIDOS DE AMERICA Y LA REPUBLICA DE PANAMÁ QUE MODIFICA EL CONVENIO PARA LA PREVENCIÓN DEL CONTRABANDO DE LICORES EMBRIAGANTES, FIRMADO EN WASHINGTON EL 6 DE JUNIO DE 1924, Y REGLAMENTA EL TRANSPORTE DE TALES LICORES POR LA ZONA DEL CANAL DESDE UN PUNTO A OTRO DEL TERRITORIO DE LA REPUBLICA DE PANAMÁ. FIRMADO EN PANAMÁ, EL 14 DE MARZO DE 1932.

Textes officiels anglais et espagnol communiqués par le secrétaire d'Etat aux Affaires étrangères de la République de Panama. L'enregistrement de cette convention a eu lieu le 12 juin 1933. Cette convention a été transmise au Secrétariat par le « Department of State » du Gouvernement des Etats-Unis d'Amérique le 27 mai 1933.

EL PRESIDENTE DE LA REPÚBLICA DE PANAMÁ y EL PRESIDENTE DE LOS ESTADOS UNIDOS DE AMÉRICA, de conformidad con las estipulaciones del Artículo 5º del Convenio entre la República de Panamá y los Estados Unidos de América para la prevención del contrabando de licores embriagantes, firmado en Washington, el 6 de junio de 1924, y deseando modificar el dicho Convenio añadiéndole un artículo que reglamente el tránsito por el territorio de la Zona del Canal, estipulado en el Artículo VI del Tratado² firmado en Washington el 18 de Noviembre de 1903, en lo que respecta al embarque de licores alcohólicos desde un punto de la República de Panamá a otro punto de la República de Panamá, han acordado celebrar un Convenio con tal propósito y han nombrado como sus Plenipotenciarios :

EL PRESIDENTE DE LA REPÚBLICA DE PANAMÁ :

A Su Excelencia Enrique GEENZIER, Secretario de Relaciones Exteriores de la República de Panamá, y

EL PRESIDENTE DE LOS ESTADOS UNIDOS DE AMÉRICA :

Al señor Roy T. DAVIS, Enviado Extraordinario y Ministro Plenipotenciario de los Estados Unidos de América ante la República de Panamá;

Quienes, habiéndose comunicado los plenos poderes y hallándolos en buena y debida forma han convenido en lo siguiente :

Artículo I.

No se aplicará pena o decomiso conforme a las leyes de los Estados Unidos de América ni a los licores alcohólicos ni a los vehículos ni a las personas, por razón del transporte de tales licores cuando

¹ L'échange des ratifications a eu lieu à Panama, le 25 mars 1933.

² DE MARTENS, *Nouveau Recueil général de Traités*, deuxième série, tome XXXI, page 599.

No. 3200. — CONVENTION¹ BETWEEN THE REPUBLIC OF PANAMA AND THE UNITED STATES OF AMERICA MODIFYING THE CONVENTION FOR THE PREVENTION OF THE SMUGGLING OF INTOXICATING LIQUORS SIGNED AT WASHINGTON, JUNE 6, 1924, AND REGULATING THE TRANSPORTATION OF ALCOHOLIC LIQUORS THROUGH THE TERRITORY OF THE CANAL ZONE FROM ONE POINT IN THE REPUBLIC OF PANAMA TO ANOTHER POINT IN THAT REPUBLIC. SIGNED AT PANAMA, MARCH 14, 1932.

English and Spanish official texts communicated by the Secretary of State for Foreign Affairs of the Republic of Panama. The registration of this Convention took place June 12, 1933. This Convention was transmitted to the Secretariat by the Department of State of the Government of the United States of America, May 27, 1933.

THE PRESIDENT OF THE UNITED STATES OF AMERICA and THE PRESIDENT OF THE REPUBLIC OF PANAMA desiring, in accordance with the provisions of Article V of the Convention between the United States of America and the Republic of Panama for the Prevention of Smuggling of Intoxicating Liquors, signed at Washington, June 6, 1924, to modify the said Convention by adding to it an article which shall regulate transit through the territory of the Canal Zone, referred to in Article VI of the Treaty² signed at Washington, on November 18, 1903, with respect to the shipment of alcoholic liquors from one point in the Republic of Panama to another point in the Republic of Panama, have decided to conclude a convention for that purpose and have appointed as their plenipotentiaries :

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

Mr. Roy T. DAVIS, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Panama ; and

THE PRESIDENT OF THE REPUBLIC OF PANAMA :

His Excellency Enrique GEENZIER, Secretary for Foreign Affairs ;

Who, having communicated their full powers found in good and due form, have agreed as follows :

Article I.

No penalty of forfeiture under the laws of the United States of America shall be applicable or attach to alcoholic liquors or to vehicles or persons by reason of the carriage of such liquors

¹ The exchange of ratifications took place at Panama, March 25, 1933.

² *British and Foreign State Papers*, Vol. 96, page 553.

when they are in transit under seal and under certificate by Panamanian authority from the terminal ports of the Canal to the cities of Panama or Colon or from the cities of Panama or Colon to the terminal ports of the Canal when said liquors are intended for exportation, or between the cities of Panama or Colon and any other points of the Republic or between any two points of the territory of the Republic when in any of these cases the direct or natural means of communication is through Canal Zone territory and provided that such liquors remain under the said seals and certificates while they are passing through Canal Zone territory.

Article II.

Article I of the present convention shall be deemed to constitute an integral part of the convention of June 6, 1924, and as such shall be subject to the provisions of that convention regarding modification and termination.

If the substance of Article I of the present convention be incorporated in any treaty which may hereafter be concluded between the United States of America and the Republic of Panama, the present convention shall automatically lapse when such treaty shall come into force.

Article III.

The present convention shall be ratified by the High Contracting Parties in accordance with the requirements of the constitutions of the United States of America and the Republic of Panama, respectively, and the ratifications shall be exchanged at Panama as soon as possible. The convention shall enter into force on the date of the exchange of ratifications.

In witness thereof, the respective Plenipotentiaries have signed the present Convention in duplicate, in the English and Spanish languages, both of which shall be authentic, and have hereunto affixed their seals.

Done in the City of Panama this fourteenth day of March, in the year of our Lord one thousand nine hundred and thirty-two.

Roy T. DAVIS.

Es fiel copia :

Panamá, Mayo 17 de 1933.

El Secretario de Relaciones Exteriores,

J. D. Arosemena.

¹ TRADUCTION. — TRANSLATION.

N^o 3200. — CONVENTION ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LA RÉPUBLIQUE DE PANAMA AMENDANT LA CONVENTION POUR LA RÉPRESSION DE LA CONTREBANDE DES BOISSONS ALCOOLIQUES, SIGNÉE A WASHINGTON, LE 6 JUIN 1924, ET RÉGLEMENTANT LE TRANSPORT DE CES BOISSONS A TRAVERS LE TERRITOIRE DE LA ZONE DU CANAL ENTRE DEUX POINTS DE LA RÉPUBLIQUE DE PANAMA. SIGNÉE A PANAMA, LE 14 MARS 1932.

LE PRÉSIDENT DE LA RÉPUBLIQUE DE PANAMA et LE PRÉSIDENT DES ÉTATS-UNIS D'AMÉRIQUE, conformément aux dispositions de l'article 5 de la Convention entre la République de Panama et les États-Unis d'Amérique pour la répression de la contrebande des boissons alcooliques, signée à Washington, le 6 juin 1924, et désireux de modifier ladite convention en y ajoutant un article réglementant le transit à travers le territoire de la zone du canal, visé à l'article VI du Traité signé à Washington, le 18 novembre 1903, en ce qui concerne le transport par bateau de boissons alcooliques d'un point de la République de Panama à un autre point de ladite république, ont convenu de conclure une convention à cet effet et ont nommé pour leurs plénipotentiaires :

LE PRÉSIDENT DE LA RÉPUBLIQUE DE PANAMA :

S. E. M. Enrique GEENZIER, secrétaire d'État aux Affaires étrangères de la République de Panama,; et

LE PRÉSIDENT DES ÉTATS-UNIS D'AMÉRIQUE :

M. Roy T. DAVIS, envoyé extraordinaire et ministre plénipotentiaire des États-Unis d'Amérique auprès de la République de Panama ;

Lesquels, après s'être communiqué leurs pleins pouvoirs et les avoir trouvés en bonne et due forme, sont convenus des dispositions suivantes :

Article premier.

Aucune sanction ne sera prise, en vertu des lois des États-Unis d'Amérique, à l'égard des véhicules et des personnes, et aucune confiscation de boissons alcooliques ne pourra avoir lieu en raison du transport de ces boissons, lorsqu'elles se trouvent en transit, sous scellés et certificat d'une autorité panamienne, entre les ports terminus du canal et les villes de Panama et de Colon et entre les villes de Panama et de Colon et les ports terminus du canal, si ces boissons sont destinées à l'exportation, et entre les villes de Panama et de Colon et tout autre point de la République, ou entre deux points quelconques du territoire de la République, si, dans l'un quelconque de ces cas, la voie directe et naturelle de communication passe par le territoire de la zone du canal, et toujours à condition que ces boissons restent sous lesdits scellés et certificats pendant tout leur passage par le territoire de la zone du canal.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.