vious, cooperation alone is not enough to ensure that the national security of the United States will be maintained.

If we are seriously to pursue commercial and military activities which are not proscribed in outer space by current treaty obligations, we must expect that the Soviet Union will also invest more of its resources in space activities. If space competition continues at an accelerated pace, the major advantages to the United States will be in the commercial arena. In this event, a "constabulary" capability will eventually be needed to protect our growing investment in outer space. This, in turn, suggests that it is not too soon to begin thinking about new military doctrines in preparation for possible protracted operations in outer space and, also, about patterns of logistical and basing infrastructure which will be necessary to project power and to maintain a presence in the fourth dimension.

In conclusion, the United States must think and plan for its long-term security beyond the current crisis over access to foreign energy sources. A new administration needs to establish innovative goals and articulate imaginative strategies to achieve them. Above all else, it is essential that the American public be presented with a coherent and consistent national security policy that relates, in both the short- and long-run time frames, to the never-ending relationship between technology, the economy, and national defense. If the opportunities of the next decade are missed due to lack of imaginative leadership in this important field, we will have no one to blame but ourselves.

The Panama Canal: Potential Problems in the Years Ahead

Stephen Erickson*

As the Reagan Administration, the Republican-dominated Senate, and a more conservative House of Representatives take office, they confront several foreign policy problems for which future solutions will most likely be different from those experienced in the past. The continued implementation of the 1977 Panama Canal treaties will provide an interesting test. While dissatisfaction with the treaties among American conservatives has never been tacit, it remains to be seen how that discontent will be manifested now that they are no longer in the opposi-

* Stephen Erickson holds a Ph.D. degree from Tufts University and works at the Office of Research Contracts at Harvard University.

tion. Will President Carter's policy toward Panama and the canal be implemented with minimal alteration, or will it be changed to the point where progress made over the past few years would be virtually negated?

Even during the Carter administration's tenure, U.S. - Panamanian relations have been strained at times. The 1977 treaties, despite certain proponents' unbridled optimism, do not signal a new era of inter-American understanding and good will. They are a step forward. Only time will tell if that step is to be followed by one, two, or a whole series of steps backward. It is our purpose here to investigate potential problems that may, or in some cases probably will, result from the implementation of the 1977 treaties. In addition, where appropriate and where possible, the means to mitigate potential problems will be offered.[1]

These proposed solutions are not framed in terms of mid-crisis resolution. Rather, they are designed to address the problems before they arise in an effort to avoid future conflict. It would be much more useful to admit that United States-Panamanian relations may well face serious difficulties in the future than to repeat past patterns of "muddling through" crises or conflicts. We might then take steps to avoid such conflicts by carefully formulating policies and by taking adequate care to anticipate the results of policy implementation.

We should not be too pessimistic in looking toward the future. The treaties address several issues that have strained relations in the past. For instance, Panamanian sovereignty over its territory has, at last, been legally recognized by the United States. The Canal Zone has been dissolved. The noxious treaties of 1903, 1936, and 1955 have been abrogated. Panama is now permitted to share in the economic benefits of the canal enterprise to a far greater degree than in the past. Finally, the Panamanian economy should be given a boost, not so much from the increased payments, but from the opportunity for anticipated economic stabilization that the treaty reform provides. There should be a greater level of confidence among foreign investors, permitting them to channel additional investments into Panama. Further, the dissolution of the Canal Zone will permit Panama to exploit lands and waters that had previously been off-limits to national economic planners.

The United States has also gained from the implementation of the treaties. Admittedly, there will be economic costs involved for this country (estimated in the area of $870 million over the life of the Panama Canal Treaty). Many say we will suffer strategically as well. We will, however, still have the use of the canal — privileged use in time of crisis — as well as the right to defend the waterway.

1. The potential for acceptance by a conservative Administration and Congress is not taken for granted. The purpose of suggesting solutions to perceived problems is to propose alternatives to the attitudes and policies that have either led to or contributed to bilateral crises in the past. An underlying theme, therefore, of this article is that we can, and should, learn from past mistakes in order to mitigate or avoid future crises.

And we have eliminated the overt spectre of a colonial presence in Panama. In short, the United States has at least broken even in the deal, and overall, Panama has come out ahead. In order to sustain this "variable-sum" relationship, it is vital that we anticipate potential problems emanating from the 1977 treaties and the very nature of United States-Panamanian relations.

Potential Problems Prior to The Year 2000

I.

There exists a profound lack of consensus in both countries over the scope of the treaty reform issue. In the United States, the polarization of opinion of the 1970s will continue, the most highly charged pole being anti-reform and anti-concession. In Panama, opinion is also split. As it stands now, the government will probably be able to withstand the criticism that the 1977 treaties did not go far enough. As time passes, there may be objective reasons for the government to press for further treaty reform.

The Panama Canal issue has a dual character for Americans. First, there is the emotional attachment toward the canal as a symbol of this country's technological achievement. In fact, it is likely that, were the Panama Canal to be built today, it could probably not be constructed much faster or better than the present waterway.[2] However, there also exist myths that the grand achievement was designed and dedicated by a benevolent United States solely for the benefit of the world in general and that the United States has unselfishly benefited less and has paid more than its due in the canal's operation and defense.

Second, "giving away" the Panama Canal has been portrayed by opponents of treaty reform as simply another link in the chain of events that has caused this country to abdicate its global responsibility as leader of the free and developed world. The retreat into isolationism, in their view, was spawned in reaction to Vietnam and was intensified by this country's refusal to pressure the Soviet Union into giving up its African and Afghani adventures. Impetus for this retreat was further compounded by the American dependence upon foreign sources for petroleum energy, the humiliation of the United States by small countries at the United Nations, and an abject capitulation in the SALT process which some feel has emasculated American nuclear capability and permitted the Soviet Union to strengthen its arsenal.

Proponents of treaty reform, however, have argued that American interests

2. See David McCullough, *The Path Between The Seas: The Creation of The Panama Canal, 1870-1914,* New York: Simon and Schuster, 1977, Chapter 21, for a concise description of the immense effort he correctly labels "Triumph."

in the canal case have actually been enhanced by the Panama Canal Treaty. They argue that we have maintained all necessary defense and operational rights until the year 2000 and have guaranteed use of the canal by American ships and ships of all nations servicing our economy. We will maintain responsibility to assist in keeping the waterway open and neutral after 2000. Therefore, it is argued, we have acted as a responsible major power by both protecting our strategic interests in Panama and by attempting to earn the goodwill of the Panamanian people.

There is also lack of unanimity of opinion in Panama on the question of whether the Panama Canal Treaty is in the best interests of that country. Certain objections center on the perception that Panama will have to wait too long before assuming control of the canal, and will give up far too much in the area of defense. It is also felt that the Panama Canal Treaty does not sufficiently guarantee Panamanian sovereignty and territorial integrity. Panamanian dissatisfaction with the treaty also reflects a more general displeasure with political and economic events since 1968* which have brought ten years of military rule, cautious concessions to the demand for a return to democratic politics, and economic sluggishness. The intertwining of the canal-related and more general domestic political and economic issues may bode ill for Panamanian policymakers as they attempt to adjust this nation's direction to meet the changing international environment.

Should the lack of consensus within the United States and Panama continue simultaneously, the ability of both countries to execute their duties toward the canal could be placed in jeopardy. This would likely result in the paralysis of cooperative decisionmaking and possibly create other political or economic problems that would, in a self-fulfilling prophecy, intensify the lack of consensus within each county and thus increase the potential for conflict between them.

II.

Nowhere is the problem of confrontation more acutely apparent than between the American residents and the Panamanian Government. Americans in Panama have lived in an isolated community for about seventy years. The lack of understanding that has existed between these American citizens and their Panamanian hosts is great. The antagonism has often centered on discriminatory personnel policies. Pay scales, employment opportunities, housing, and education all reflected American administrative policies intended to promote the interests of its citizens, often at the expense of the Panamanians.

Now that the Canal Zone has been abolished, and Panamanians have and will gain increasing access to the upper echelons of the Canal's administration,

* The year Omar Torrijos took power by ousting Arnulfo Arias ten days after the latter assumed his elected presidency.

the insecurity felt by American residents throughout the negotiation stage will likely result in increased tension between the two peoples. The residue of Panamanian resentment combined with American insecurity may well produce a volatile mixture.

The Americans are entering this new period with extreme trepidation. Many feel that the Panamanians will do whatever they can to harass the Americans into leaving early. As one canal pilot stated:

> I think anybody who doesn't have concern about how they're going to be treated by the *Guardia Nacional* is living in a false world. When the Canal Zone goes, I think they're going to bend over backwards to make us realize that they are in charge.[3]

American employees of the Panama Canal Commission and other American residents in Panama are placing legal assurances second to their negative perception of the Panamanian government.[4] The danger in this, of course, is not simply that the two peoples distrust one another, but rather that trouble will be self-generated:

> ... because history has proved that the exaggeration of an adversary's negative attributes, including the evilness of his intentions and the strength he possesses for realizing those supposed evil intentions, takes on the quality of a self-fulfilling prophecy and tends to promote the arrival of the very dangers it attempts to portray.[5]

The cyclical and, indeed, escalating nature of this type of situation must be avoided if at all possible. It is easier to speak of changing peoples' perceptions than it is to achieve this goal. But will anything less do? It is tempting to say that we ought to adopt a wait-and-see attitude, that we should not prejudge the situation. However, if we are to avoid crises, we would do well to consider possible options for defusing this potential time bomb.

It is clear that responsible officials in both governments must be prepared to tackle this issue. Just as Americans must be encouraged not to antagonize Panamanians, neither can abuses of Americans by the *Guardia Nacional* be tolerated. Americans in Panama must familiarize themselves with Panamanian laws and become more understanding of Panamanian customs, habits, and culture. An assertive rather than reactive role must be taken by the American embassy, the Panama Canal Commission, and the Panamanian government in opening and maintaining lines of communication between the two peoples.

3. United States Senate, Committee on the Judiciary, *United States Senate Debate,* Volume III, p. 5003.
4. U.S. House of Representatives, Subcommittee on the Panama Canal, *Hearings on Canal Operation Under 1977 Treaty — Part 1,* Serial 96-1, p. 620.
5. George F. Kennan, *The Cloud of Danger: Current Realities of American Foreign Policy,* Boston: Little, Brown and Company, 1977, p. 172.

Time usually has a mellowing effect on disputes by permitting people to dispel momentary emotionalism and to reflect upon more rational directions. However, in this case, should there be an absence of official measures to disperse tension, time will allow Americans and Panamanians to reinforce their prejudices and distrust. If that should occur, the situation will almost certainly deteriorate.

III.

While there has already been evidence of military cooperation between the United States and Panama, it remains to be seen whether the two military establishments can function on a truly equitable basis. The primary reason for potential conflict is the past reluctance of the American military to engage actively in cooperative endeavors on a foundation of equality. This has long been a problem because of the general (not totally unjustified) American mistrust of divided command structures.

One other reason for potential conflict is the well-recognized fact that the *Guardia Nacional* is not, at the present time, adequately manned or equipped to cooperate fully in canal defense. The *Guardia* totals about 8,000 men, 75 percent of whom are designated strictly for police functions. The combat contingent is a light infantry unit. Naval forces are comprised primarily of coastal patrol craft. The Air Force is virtually non-existent.

The defense of the Panama Canal after 2000 will be primarily the responsibility of Panama; and it must be the Panamanians' decision as to what forces are adequate and necessary for that task. Panama should be encouraged, however, to upgrade its canal defense capability. In order to prevent arbitrarily increasing the political role of the *Guardia Nacional,* one option might be to create a separate contingent dedicated solely to defense of the waterway. In the meantime, the United States must actively encourage full Panamanian participation in joint cooperative military training sessions and maneuvers. Military assistance should be prudently increased so that funds ordinarily used for national development will not have to be redirected.

The obvious danger lies in the fact that this might make the United States vulnerable to charges of creating a proxy force dedicated to protecting this country's interests. It might be wise, therefore, to promote multilateral military assistance to Panama. Again, however, it must be stressed that the ultimate choice is Panama's.

The purpose of creating a strong Panamanian force capable of adequately defending the canal is to prevent future military intervention in Panama by the United States, not to encourage continued American domination over that country. With appropriate safeguards against excessive influence over the Panamanians, with sufficient and equitable participation in military operations, and with active involvement in military planning, Panama will increas-

ingly assume its responsibility as guardian of the canal at the turn of the century.

IV.

One of the difficulties that has already been experienced is the growing reluctance of the United States Congress to appropriate foreign aid for Panama. In 1979, the House slashed assistance requested for Panama out of the foreign aid bill for fiscal year 1980. This myopic move was predicated on the notion that Panama had received sufficient monetary compensation in the Panama Canal Treaty and that, consequently, additional foreign assistance was unnecessary. Of all Latin American countries, Panama has for some time received the highest per capita level of assistance from the United States. This has enabled those liberal and moderate American legislators who supported the treaties to favor cuts in Panamanian aid with a clear conscience. Of course, it also permitted these people to go back home and attempt to recoup losses suffered in their approval of the 1977 treaties.

Given the Congress' predilection toward reinforcing the American people's negative misperceptions concerning the nature and purpose of foreign aid (e.g. that it is just another American "give-away"), the Executive branch will have to lobby vigorously for assistance deemed necessary. A sensible assistance package worked out in consultation with the Panamanians will help stabilize the economy and reduce the temptation, after 2000, to use funds that should be designated for canal maintenance and operations for needed development projects. Development aid would assist Panama in improving facilities and training programs so that the nation will be completely prepared for total control over the waterway in the year 2000.

Just as we must avoid fostering Panamanian dependence on American military assistance, so we must encourage Panama to seek multilateral aid packages and investment programs. Cutting off assistance to Panama on a long term basis would create the very situation that Congressional opponents of the Panama Canal fear most. It would serve to radicalize Panamanian politics, against the United States, and jeopardize efficient operation of the canal.

Politically, there is nothing the extreme right in the United States would like more than an excuse to reassert total American control over the canal and the surrounding area. The problem is that this fringe, which has been vocal and successful in helping to polarize public opinion, is devoted to the myths that have spawned its ideology. If nothing else comes out of the Panama Canal debate, the American people may at least understand that, in the case of our relations with Panama, as with our relations with other countries, the problems we will face in the future demand more from us than a reliance on catch-phrase politics and simplistic policies. Unfortunately, the indications suggest that this is too much to hope for. The right wing's successful electoral campaigns against

Senators Church, Culver, McGovern, and several others made the so-called "give-away" of the canal a prominent test of patriotism.

V.

The United States and Panama will approach canal-related economic problems from varying perspectives. It will be desirable for Panama to adopt a toll structure that will provide adequate funds for the efficient operation of the canal and also contribute substantially to its national income. The interests of the United States will focus solely on the operation of the waterway. Given the method of calculating Panama's income from the canal operations (30 cents per Panama Canal net ton plus annuities), it will be in Panama's best interests to keep the tolls as low as possible in order not to drive traffic away. The United States, however, may well opt for a higher toll rate in an effort to maximize the amount of money designated for canal upkeep and paying off the U.S. investment made in the waterway. Many in Congress feel that this investment ought to be paid back in addition to the interest payments already figured into the toll rate.

The Panama Canal Commission raised the tolls 29.3 percent effective October 1, 1979 in order to cover increased payments to Panama, inflation, and rising costs.[6] Futhermore, it has been estimated that increases of 11 percent will be needed every three years until 1999.[7] Of course, periodic increases may have the effect of driving away a certain amount of tonnage while at the same time raising the amount of money taken in by the Panama Canal Commission. As noted above, however, Panama's interest does not rest with sacrificing traffic to increased Commission (i.e. American Treasury) revenues. It is possible that the canal's and Panama's income may begin to level off, and even fall, as it is eaten away by inflation and as the potential for increased income from toll revenues disappears. Simply stated, the law of diminishing returns is particularly applicable in canal economics.

No one can deny that the Panama Canal Commission must take into full account the importance of the canal to the Panamanian economy when considering toll increases. The participation of Panamanians on the commission, albeit in a minority position, will help in this regard. Panama should continue to diversify its sources of national income. This will be an extremely difficult task.

6. Tolls had been raised in 1974 and 1976, and in 1975 there had been a tonnage measurement rule change that, cumulatively, had the effect of increasing the toll rate, on average, about 45 percent. It must be noted that these were the first increases in rates since the opening of the Panama Canal in 1914. In fact, toll rates were decreased 19 percent in 1937 and had thereafter remained stable.
7. S. Senate, Committee on Armed Services, *Defense, Maintenance, and Operation of the Panama Canal, Including Administration and Government of the Canal Zone, Hearings of January 24 and 31 and February 1, 1978, 95:2, p: 312.*

However, a start has been made in the banking, insurance, and petroleum industries. Much remains to be seen as to how Panama intends to use the lands and waters that formerly comprised the Canal Zone. It will be interesting to see if Panama chooses or is forced to expand upon its current predominantly primary-product economic base, or if that country will be able to exploit new sources of income by continuing to diversify its economy. Foreign investment will be necessary if the latter course is chosen. Difficult choices will have to be made by Panamanian planners in determining what type of investment monitoring will be required in order to avoid the pitfalls that seem to have come with investment in the past.

VI.

As Panamanians will continue to demand as much control over their territory and economy as possible, there may be increased pressure within Panama to renegotiate the expiration date of the Panama Canal Treaty. Many Panamanians feel that the choice of December 31, 1999 was too great a concession to the United States; that it will simply permit American authorities to perpetuate the patterns of injustice that had been the norm prior to the 1977 treaties and that will continue to prevail until the Americans leave.

Objectively, it may be unreasonable to maintain that it will take twenty years to train Panamanians to assume full operational control of the canal. They already hold more than 70 percent of the jobs on the canal. What is missing is broad-based managerial expertise. Still, it does not require a twenty year training program to fill this gap. The United States is entering into a partnership with a country that has a reservoir of untapped talent — a fact that should be recognized.

As these individuals are trained to assume control, there will be greater incentive for many Panamanians to press for an earlier termination date to the 1977 treaty. In fact, suspicion in Congress that the Carter Administration itself was considering turning over control within a few months of implementation of the 1977 accords was rife in 1979. In the second Conference Committee (late September 1979), the Senate acceded to a statement prohibiting the transfer of the canal prior to 1999. The final transfer of the canal, per Article II of the Panama Canal Treaty, is designated to occur at noon, December 31, 1999. Clearly, this situation cannot prevent an American president from renegotiating the treaty. The realities of legislation, however, will certainly make the President think twice about renegotiation.

It must be understood, and we in the United States should be prepared to accept the fact, that Panama may legitimately be ready to assume control of canal operations prior to 2000. While plans are ongoing for Panamanian managerial expertise to be fully developed at the turn of the century, it is also possible that

this could occur by 1990 or 1995. This would, of course, present a difficult situation. Panamanians would be ready to assume control but, in all likelihood, Americans would not be prepared to let this happen. The American President would probably find it politically impossible to submit a renegotiated treaty to the Senate and to request the implementation of legislation from Congress at this time.

The administrator of the canal, and at least a sizable majority of the upper- and middle-level managers, will be Panamanian in 1990. The frustration that would be engendered in Panama by what would be perceived as an imperialist America stubbornly clinging to a vestige of its colonialist past would present the two countries with a potentially dangerous situation.

This is not to say that every demand that is made upon the United States ought to be satisfied automatically. Rather, that the United States and Panama have a unique opportunity for future cooperation and consultation (e.g. through the various binational boards and commissions promulgated by the 1977 treaties). It would be arbitrary, counter-productive, and contrary to the best interests of the United States to insist relentlessly, despite a changing international environment, that the 1977 treaties be upheld as ratified and originally implemented.

VII.

Perhaps the most difficult problem is the creation of a bloc-voting pattern on the Panama Canal Commission. Congress has required American commission members to vote as directed by the Secretary of Defense (i.e. *en bloc*). By the same token, the Panamanian representatives appointed by the Panamanian government will vote in accordance with government policy. The composition of the initial Panamanian contingent shows that, in order to achieve a modicum of national consensus, the breadth of the political spectrum in Panama must also be represented. Appointments across ideological bounds, however, will probably not be sufficient to squelch bloc-voting mandates.

Should a pattern be firmly established in which canal policy is decided along national lines, a vicious circle could be created which either side could reinforce by anticipating the other's position and voting in the opposite direction. Given the fact that national interests are completely different in several areas, and since mutual mistrust is historically deep-seated, this is not a far-fetched scenario.

The purpose of the Panama Canal Commision should be to run the canal as a neutral, accessible, and non-discriminatory highway for world shipping. It will be difficult to infuse this ideal into the minds of commission members or their governmental watch-dogs. There will be extraordinary political pressure on the

members to protect parochial interests; political considerations will be woven inextricably into operation of the canal.

The manipulation of canal interests for the singular benefit of either the United States or Panama at the expense of common or global interests must be minimized. To achieve this, the Panama Canal Commission must be given as much independence in its policy formulation and implementation as possible. This is a prerequisite for cohesive and coherent commission policy-making and operational control.

Potential Problems Transcending The Year 2000

I.

One of the primary problems here is related to the destruction of the canal's watershed. Since 1952, a substantial amount of the watershed has been deforested by the slash-and-burn farming techniques employed by Panamanian farmers squatting on the lands that comprised the Canal Zone. As much as 80 percent of the Gatun Lake watershed and 40 percent of the Madden Lake watershed has already been deforested. The result has been to decrease the amount of water available for canal use because of the increased siltation of the lakes. As canal traffic will probably increase in the future (barring the possibility of prohibitive toll rates), there may not be water available to support such a development. If the Americans had a difficult time dealing with this problem, it will be doubly difficult for the Panamanian Government. For one thing, deforestation has been going on for several years and lifelong patterns have been established. With an unemployment rate hovering between 16 to 20 percent nationwide, the options available to the Panamanian government are few.

With assistance, Panamanian farmers might be trained in alternative farming methods. This would permit exploitation of the land in a manner that would not endanger the canal. In addition, the Panamanian government could encourage some men to leave farming and enter into reforestation and ecological protection activities. It would also be wise to zone the watershed areas appropriately to prevent rampant industrialization. While these options may be politically unattractive, they must be considered. Not only does the canal depend upon the watershed, but other areas of Panama adjoining the canal could also benefit from the immense supply of water provided by the forests.

Within Panama, there will probably arise a conflict between the kind of development desired and the need to increase protection of the watershed. The assistance of the Agency for International Development could be of crucial importance in ameliorating this conflict. It will, therefore, be up to both the Executive branch and the Congress to ensure that this avenue of assistance is not

arbitrarily shut off. This issue does not have the emotional impact that defense assistance holds, but the long-range concern over the viability of the watershed will be a test of how well the two countries can work together to promote both national and bilateral interests.

II.

There has been renewed interest in building a new sea-level canal. Petroleum products have for some time topped the tonnage list of goods and commodities transiting the canal. With the opening of the North Slope fields in Alaska, the canal enjoyed a boom in oil tonnage. While this trend has not been sustained as anticipated, increased oil-related revenue has been significant. The primary reason for this has been the lack of a pipeline cutting across the North American continent. Supertankers load up at Valdez, Alaska and sail to the Pacific end of the Panama Canal. There they off-load their cargo onto medium size tankers that can fit through the waterway. Many feel that this is an inefficient means by which to cross the isthmus.

While there exists a large body of expert opinion that doubts the feasibility of any sea-level enterprise, it would do no harm for the United States and Panama, perhaps in conjunction with Japan and other countries, to study this issue as provided in the 1977 treaty. It should be a comprehensive, cooperative study, and not simply an update of previous analyses. Should a canal be found feasible, and an initial agreement struck to proceed with construction, it should be expected that bargaining with the Panamanians over the terms and conditions of ownership, operational control, and other responsibilities will be tough. Panama will never again be persuaded to accept terms that could possibly be viewed as impinging on her national sovereignty. Unless the evidence is clear that the present canal will be obsolete in a fairly short time, it is likely that Panama will be cautious in going along with a new venture that would at once renew foreign economic imposition in Panama and hasten the demise of the present canal. Should Panama oppose a new canal, it will be a test of political maturity to avoid hostile reactions against it since that country offers the only feasible route across the isthmus at present.

III.

The Panamanians are extremely wary of intervention of any type, be it economic, political, or military. On a general level, there presently exists the potential for just such intervention. The DeConcini provisions attached to the Neutrality Treaty, despite attempts by the Senate leadership and President Carter to soften the language, have institutionalized the right of the United

States to use whatever means it deems necessary, including military force, to keep the canal open and to protect its neutrality.

During the Senate debate in 1978, one of the prime arguments of the opposition was that it might be impossible to protect the canal's neutrality without impinging on Panama's internal or external affairs. Serious questions arise concerning future American policies and actions. Will a labor strike or slowdown, or even simple inefficient operation, be regarded as a pretext for intervention? What, indeed, are the cutting points between internal, external and canal-related affairs? Can we forecast a threshold for the use of American military forces in Panama? Finally, even though the right to use military force is guaranteed by the Neutrality Treaty, would it ever be in our interests to storm the beaches with marines and take control of the waterway, even if only temporarily? The general consensus in the United States military and security establishment is that the prime threat comes not from the Soviets or Cuba, but from within Panama itself. Treaty or no treaty, does the United States have the right or, indeed, the power to dictate that Panamanian governments must always be friendly to this country? And even if future governments are friendly, do we have the right to demand that the Panamanian people perpetually regard the United States as their protector and benefactor? And if we have neither of these rights, can the United States restrain itself from reverting to imperial tendencies, to prevent embroilment in a no-win situation, in a hostile environment?

These are all questions which at the present time require serious consideration. It may be that there are no possible answers to them right now. But they must be discussed by policymakers so that future potential conflict does not result in reactions that would be more detrimental than beneficial to American interests.

It must be recognized, for instance, that the quickest way for Panama to alienate other Latin American countries, whose support she has requested in the past, is to do anything that would interfere with the neutrality, accessibility, or non-discriminatory nature of the Panama Canal. Furthermore, given the vital importance of the canal to the United States, any action that jeopardizes the rights of ships servicing the United States economy would promulgate economic suicide for the canal enterprise.

On the other hand, should violence emanate against the canal from within Panama (though not sponsored by the government), the United States must be extremely careful to use all non-military, non-interventionary means to resolve the problem. Should the Panamanian government manipulate the operation of the canal for its own interests, including those that may be contrary to treaty provisions, the same rule must apply regarding the use of military force. Finally, any use of the U.S. military for political interests unrelated to the canal must

be avoided with the most scrupulous care. There should be no future thought of insuring "friendly" governments in Panama for the purpose of promoting American interests on the isthmus. While this is guaranteed in the Panama Canal Treaty as well as in the Neutrality Treaty, respect for non-intervention must be firmly impressed upon our policymakers and politicians. If Americans as a whole could possibly be convinced that this republic would not crumble in the event of temporary canal interference or closure, we would be well on our way to accepting at last the concept of non-intervention which is the rhetorical backbone or our inter-American relations.

IV.

Many Panamanians claim that the 1977 treaties were not legally ratified by the Panamanian government and are therefore invalid. This issue is rooted in the language of Article 274 of the Panamanian Constitution where it is stated that all treaties dealing with the Panama Canal must be approved by a plebiscite. The government maintained, upon final ratification, that the October 23, 1977 plebiscite was sufficient because the two formal amendments that were made to the text of the Neutrality Treaty were simply an institutionalization of the unsigned Carter-Torrijos understanding of October 14, 1977. Those amendments require expeditious transit for American war vessels in time of crisis and secure the right of the United States to protect the canal's neutrality. It was argued that the Panamanian people knew about the understanding and thus did not need to vote again. The reservations, conditions, and understandings attached by the United States Senate, it was argued, did not require another plebiscite as they did not change the text of the treaties.

The opposition in Panama immediately seized this issue, pointing out that, while the treaty texts may not have been altered, the intent of the United States, as expressed in the resolution to ratification, altered the meaning of the accords substantially. There is no indication that the Panamanian oposition will allow this issue to die since it has great popular appeal and the support of the Panamanian legal community.

It might be remembered that a poweful argument against the 1903 treaty was that it was improperly negotiated and was approved under conditions that did not permit the true expresssion of Panamanian sentiment. That this argument should be used against the current pair of treaties is a most discomforting revelation. Whether one agrees with the Panamanian opposition or not, it is a problem that must be addressed. To treat it as if it does not exist will simply intensify opposition to the accords and bode ill for the resolution of other disputes that may result from the manner in which the accords were implemented.