

10-1-1986

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Recommended Citation

Tyroler, Deborah. "Panamanian Judge Says U.S. Law 96-70 Unconstitutional; Criticizes Senate Attempts To Intervene In Domestic Affairs." (1986). <https://digitalrepository.unm.edu/noticen/13>

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Panamanian Judge Says U.S. Law 96-70 Unconstitutional; Criticizes Senate Attempts To Intervene In Domestic Affairs

by Deborah Tyroler

Category/Department: General

Published: Wednesday, October 1, 1986

On Sept. 30 former Panamanian foreign minister Oyden Ortega told reporters that US law 96-70 is unconstitutional, and contradicts provisions contained in the Torrijos-Carter Canal treaties. Law 96-70 reportedly provides Washington with the privilege to unilaterally interpret the spirit and letter of the Canal treaties signed by Panama and the United States in September 1977. Ortega, one of four Panamanians on the Canal Commission's management group, and a prominent judge, affirmed that no legislation by either nation involved (including US law 96-70) can nullify the 1977 Canal treaties. Since the US legislation was passed only days before Canal treaty provisions became effective, Law 96-70 has been a major source of friction between the two nations, particularly in issues concerned with joint administration of the waterway. According to Ortega, the law is unconstitutional under US legislation. If, he said, US congressional leaders insist nevertheless on implementing 96-70, the Panamanian government may request that it be declared unconstitutional on the basis of Panamanian law. Regarding a recent resolution by the US Senate ordering a CIA investigation of possible drug trafficking activities by the Panamanian armed forces, Ortega claimed that no foreign congressional body can interfere in the internal affairs of another state. He added that US politicians apparently have a "distorted" understanding of international law as they go about establishing commissions and demanding investigations in areas that are strictly under the jurisdiction of international organizations.

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