

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

CONSIDERING THAT:

The Treaty between the United States of America and New Zealand on the Delimitation of the Maritime Boundary between Tokelau and the United States of America was signed at Atafu on December 2, 1980, the text of which, in the English and Tokelauan languages, is hereto annexed;

The Senate of the United States of America by its resolution of June 21, 1983, two-thirds of the Senators present concurring therein, gave its advice and consent to ratification of the Treaty;

The Treaty was ratified by the President of the United States of America on August 16, 1983, in pursuance of the advice and consent of the Senate, and duly ratified on the part of New Zealand;

It is provided in Article VII of the Treaty that the Treaty shall enter into force on the date of exchange of instruments of ratification;

The instruments of ratification of the Treaty were exchanged at Pago Pago, American Samoa on September 3, 1983; and accordingly the Treaty entered into force on September 3, 1983;

Now, THEREFORE, I, Ronald Reagan, President of the United States of America, proclaim and make public the Treaty, to the end that it be observed and fulfilled with good faith on and after September 3, 1983, by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have signed this proclamation and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this thirty-first day of October in the year of our Lord one thousand nine hundred eighty-three and of the Independence of the United States of America the two hundred eighth.

[SEAL]

RONALD REAGAN

By the President:

GEORGE P. SHULTZ

Secretary of State

TREATY BETWEEN THE UNITED STATES OF AMERICA AND NEW
ZEALAND ON THE DELIMITATION OF THE MARITIME BOUNDARY
BETWEEN TOKELAU AND THE UNITED STATES OF AMERICA

The two Governments,

Recalling the responsibilities exercised by New Zealand in respect of Tokelau pending the exercise by the people of Tokelau of their right to self-determination in accordance with the United Nations declaration on the granting of independence to colonial countries and peoples;

Noting that the people of Tokelau, acting through the General Fono of Tokelau, have requested that New Zealand take steps to delimit the maritime boundaries of Tokelau;

Desiring to strengthen the existing bonds of friendship between Tokelau and the United States and in particular between the peoples of Tokelau and American Samoa;

Noting the Tokelau Territorial Sea and Exclusive Economic Zone Act 1977;

Noting the Fishery Conservation and Management Act 1976 of the United States of America;[¹]

¹ 90 Stat. 331; 16 U.S.C. § 1801

Done in triplicate at *Atafu* this
second day of *December* 1980, in the English
and Tokelauan languages of which the English will
be the authentic text.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA

Anne C. Martindell ^[1]

[SEAL]

FOR THE GOVERNMENT OF
NEW ZEALAND

Itieli Pereira ^[2]

Amusia Patea ^[3]

Aloisio Ineleo ^[4]

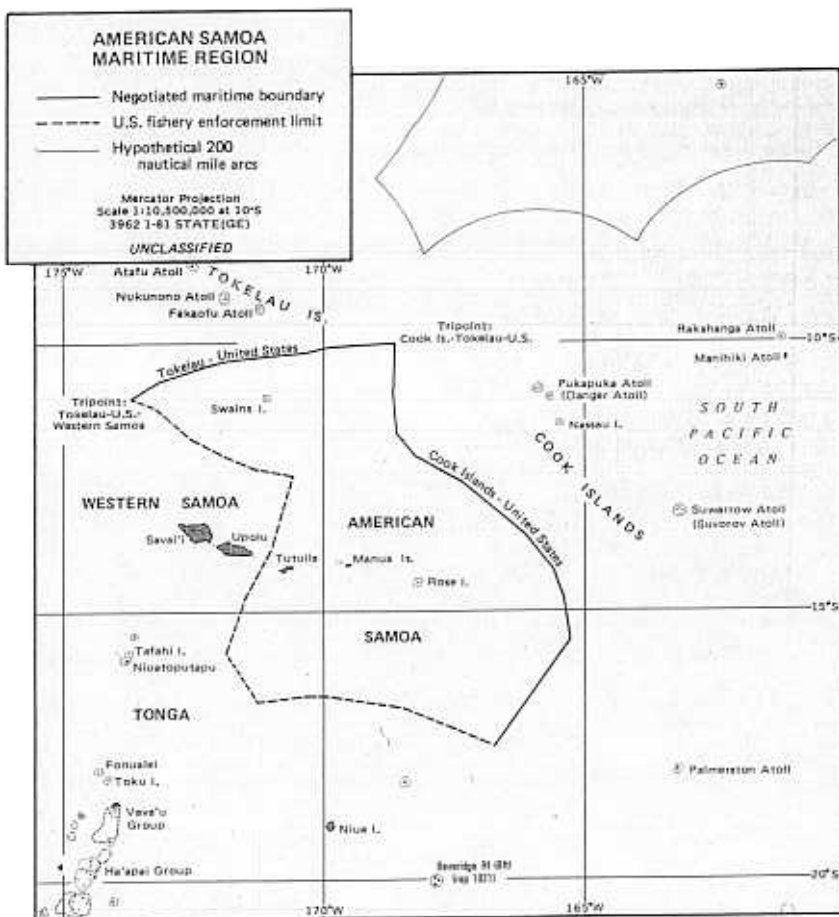
[SEAL]

¹ Anne C. Martindell

² Itieli Pereira.

³ Amusia Patea.

⁴ Aloisio Ineleo.



R - 11/7/85

Archives

S - 2/5/85

MARITIME BOUNDARIES

Tokelau

Treaty Between the
UNITED STATES OF AMERICA
and NEW ZEALAND

Signed at Atafu December 2, 1980



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89-497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

NEW ZEALAND

Maritime Boundaries: Tokelau

Treaty signed at Atafu December 2, 1980;

Transmitted by the President of the United States of America to the Senate March 25, 1981 (Treaty Doc. No. 97-5, 97th Cong., 1st Sess.);

Reported favorably by the Senate Committee on Foreign Relations February 11, 1982 (S. Ex. Rept. No. 97-50, 97th Cong., 2d Sess.);

Advice and consent to ratification by the Senate June 21, 1983;

Ratified by the President August 16, 1983;

Ratified by New Zealand August 26, 1983;

Ratifications exchanged at Pago Pago September 3, 1983;

Proclaimed by the President October 31, 1983;

Entered into force September 3, 1983.

Noting that the United States of America has maintained a claim to sovereignty over the islands of Atafu, Nukunonu, and Fakaofu and that this claim has not been recognised by New Zealand or the people of Tokelau;

Noting further that the United States exercises sovereignty over and administers the islands known as American Samoa and that New Zealand has not claimed or administered as part of Tokelau any of the islands presently administered by the United States as part of American Samoa;

Desiring to establish a maritime boundary between Tokelau and the United States of America have agreed, with the concurrence of the people of Tokelau, as follows:

ARTICLE I

The maritime boundary between Tokelau and the United States shall be determined by the geodetic lines connecting the following coordinates:

Latitude (South)	Longitude (West)
10°01'26"	168°31'25"
10°07'52"	169°46'50"
10°10'18"	170°16'10"
10°15'17"	171°15'32"
10°17'50"	171°50'58"
10°25'26"	172°11'01"
10°46'15"	173°03'53"
11°02'17"	173°44'48"

ARTICLE II

The geodetic and computational bases used for determining the coordinate values in Article I are the World Geodetic System, 1972 (WGS 72) and the following charts and aerial plans:

Charts published by the National Ocean Survey of the United States of America; NOS No. 83484, 6th edition, March 26, 1977;

Charts published by the Defence Mapping Agency of the United States of America; DMAHTC No. 83473, 7th edition, May 8, 1976;

Aerial Plans published by the Department
of Lands and Survey of New Zealand;

No. 1036/7C, 1974

No. 1036/7B2, 1974

No. 1036/8d, 1975

ARTICLE III

On the side of the maritime boundary adjacent to Tokelau, the United States of America shall not claim or exercise for any purpose sovereign rights or jurisdiction over the waters or seabed and subsoil. On the side of the maritime boundary adjacent to American Samoa there shall not be claimed or exercised for any purpose in respect of Tokelau sovereign rights or jurisdiction over the waters or seabed and subsoil.

ARTICLE IV

The maritime boundary established by this Treaty shall not affect or prejudice in any manner either Government's position with respect to the rules of international law concerned with the exercise of jurisdiction over the waters or seabed and subsoil or any other matter relating to the Law of the Sea.

ARTICLE V

The United States recognises that sovereignty over the islands of Atafu, Nukunonu and Fakaofu, together comprising Tokelau is vested in the people of Tokelau and is exercised on their behalf by the Government of New Zealand pending an act of self-determination in accordance with the Charter of the United Nations.[¹]

ARTICLE VI

The Government of the United States of America and the Government of New Zealand, in the spirit of peace and friendship existing between the two Governments and peoples agree to cooperate with a view to promoting social and economic development in accordance with the wishes of the peoples of Tokelau and American Samoa, and to work towards the advancement of the South Pacific region as a whole. To these ends they shall promote discussions between their peoples and appropriate Government entities, in particular between the peoples of Tokelau and American Samoa.

ARTICLE VII

This Treaty shall be subject to ratification and shall enter into force on the date of exchange of instruments of ratification.[²]

¹ Signed June 26, 1945. TS 993; 59 Stat. 1031; 3 Bevans 1153.

² Sept. 3, 1983.