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]

RECONSIDERING 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 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.

RONALD REAGAN

By the President:

GEORGE P. SHULTZ
Secretary of State

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.

RONALD REAGAN

By the President:

GEORGE P. SHULTZ
Secretary of State

1 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. Martinelli

[SEAL]

FOR THE GOVERNMENT OF
NEW ZEALAND

Itieli Pereira

[SEAL]

Amusia Patea

Alaisio Ineleo

[SEAL]

1 Anne C. Martinelli
2 Itieli Pereira.
3 Amusia Patea.
4 Aloisio Ineleo.

TIAS 10775

KO TE FEAGAIGA O TOKHEEGA KO HE
FEAGAIGA I TE VA O NIU HILA MA TE IUNAITE HITEHE O AMERIKA
I TE FAIGA O NA TUAKOI I TE TAI I TE VA O TOKELAU
MA TE IUNAITE HITEHE O AMERIKA

Ko na Malo e lua.

I te manataua o te tiute e taukave e Niu Hila e fakataatau ki Tokelau ke fakatari ai te gaioiaga a tagata o Tokelau ki to latou aia ki te faia a o latou tenu e ki latou lava, e tuha ai ma te fakahalaleaga a Malo Kauafakatahi i te tuku atu o te tutokatahi ki atunuku ma tagata e i lalo i na pulëga faka kolone;

I te loa ko tagata o Tokelau na tuku atu ta latou talohaga e kui atu i te Fono Aofia a Tokelau kia Niu Hila ke faia e ia na tahaga ke fakahoga ai na tuakol i te tai o Tokelau;

I te manakopa ke fakamalohia te hokotele faka uo i te va o Tokelau ma te Iunaita Hitehe kae malie lava i te va o tagata o Tokelau ma Amerika Hanoa;

I te loa o te Tulafono o te tahuaga 1977 mo te Hone o te Tamaokaga Fakapitoa i te Tai o Tokelau;

I te loa o te Tulafono o te tahuaga 1976 a te Iunaita Hitehe o Amerika mo te Pulpuliga o Mea Tau Faigaiva;

I te loa ko te Iunaita Hitehe o Amerika e fakamatu tana mau ki te pulea o na motu ko Atafu, Nukunonu, ma Fakaofo ma ko tenei mau e he amanakia e Niu Hila pe ko tagata o Tokelau;

I te loa atiti ko te Iunaita Hitehe e pulea ma tauhua e ia na motu e takua ko Amerika Hanoa ma ko Niu Hila e heai hana mau pe ko hana tauhuia na sau fakatahi ki he motu ma Tokelau i ho he motu o Amerika Hanoa i e tauhi nei e te Iunaita Hitehe;
MARITIME BOUNDARIES
Tokelau

Treaty Between the United States of America and New Zealand

Signed at Atafu December 2, 1980
TREATIES AND OTHER INTERNATIONAL ACTS SERIES 10775

R - 11/7/85
S - 2/15/85

ARCHIVES

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. 97-58, 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.
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. 97-58, 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 Fakaofo 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:

<table>
<thead>
<tr>
<th>Latitude (South)</th>
<th>Longitude (West)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10°01'26&quot;</td>
<td>168°31'26&quot;</td>
</tr>
<tr>
<td>10°07'52&quot;</td>
<td>168°46'50&quot;</td>
</tr>
<tr>
<td>10°10'18&quot;</td>
<td>170°16'10&quot;</td>
</tr>
<tr>
<td>10°15'17&quot;</td>
<td>171°15'32&quot;</td>
</tr>
<tr>
<td>10°17'50&quot;</td>
<td>171°50'58&quot;</td>
</tr>
<tr>
<td>10°25'26&quot;</td>
<td>172°11'01&quot;</td>
</tr>
<tr>
<td>10°46'15&quot;</td>
<td>173°03'53&quot;</td>
</tr>
<tr>
<td>11°02'17&quot;</td>
<td>173°44'48&quot;</td>
</tr>
</tbody>
</table>

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;
Noting that the United States of America has maintained a claim to sovereignty over the islands of Atafu, Nukunonu, and Fakaofo 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:

<table>
<thead>
<tr>
<th>Latitude (South)</th>
<th>Longitude (West)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10°01'26&quot;</td>
<td>168°31'25&quot;</td>
</tr>
<tr>
<td>10°07'52&quot;</td>
<td>168°46'50&quot;</td>
</tr>
<tr>
<td>10°10'18&quot;</td>
<td>170°16'10&quot;</td>
</tr>
<tr>
<td>10°15'17&quot;</td>
<td>171°15'32&quot;</td>
</tr>
<tr>
<td>10°17'50&quot;</td>
<td>171°50'58&quot;</td>
</tr>
<tr>
<td>10°25'26&quot;</td>
<td>172°11'01&quot;</td>
</tr>
<tr>
<td>10°46'15&quot;</td>
<td>173°03'53&quot;</td>
</tr>
<tr>
<td>11°02'17&quot;</td>
<td>173°44'48&quot;</td>
</tr>
</tbody>
</table>

**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;
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 recognizes that sovereignty over the islands of Atafu, Nukunonu and Fakaofo, 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, 1946. TS 993; 59 Stat. 1081; 3 Bevans 1163
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 Fakaofo, 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, 1946. TS 993; 59 Stat. 1081; 3 Bevans 1163

\(^2\) Sept. 3, 1958