

No. 28231

**UNITED STATES OF AMERICA
and
NEW ZEALAND**

**Treaty on the delimitation of the maritime boundary between
Tokelau and the United States of America (with map).
Signed at Atafu on 2 December 1980**

Authentic texts: English and Tokelauan.

Registered by the United States of America on 25 July 1991.

**ÉTATS-UNIS D'AMÉRIQUE
et
NOUVELLE-ZÉLANDE**

**Traité relatif à la délimitation de la frontière maritime entre
les îles Tokelaou et les États-Unis d'Amérique (avec
carte). Signé à Atafu le 2 décembre 1980**

Textes authentiques : anglais et tokélaou.

Enregistré par les États-Unis d'Amérique le 25 juillet 1991.

TREATY¹ 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 Came into force on 3 September 1983 by the exchange of the instruments of ratification, which took place at Pago Pago, in accordance with article VII.

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.

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.

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:

[Signed — Signé]¹

For the Government
of New Zealand:

[Signed — Signé]²

[Signed — Signé]³

[Signed — Signé]⁴

¹ Signed by Anne C. Martindell — Signé par Anne C. Martindell.

² Signed by Itieli Pereira — Signé par Itieli Pereira.

³ Signed by Amusia Patea — Signé par Amusia Patea.

⁴ Signed by Aloisio Ineleo — Signé par Aloisio Ineleo.

[TOKELAUAN TEXT — TEXTE TOKÉLAOU]

**KO TE FEAGAIGA O TOKEHEGA KO HE FEAGAIGA I TE VA O NIU
HILA MA TE IUNAITE HITETE O AMERIKA I TE FAIGA O NA
TUAKOI I TE TAI I TE VA O TOKELAU MA TE IUNAITE
HITETE O AMERIKA**

Ko na Malo e lua:

I te manatua o te tiute e taukave e Niu Hila e fakatatau ki Tokelau ke fakatali ai te gaoioiga a tagata o Tokelau ki to latou aia ki te faia o a latou tonu e ki latou lava, e tuha ai ma te fakahalalaua a Malo Kaufakatali i te tuku atu o te tutokatahi ki atunuku ma tagata e i lalo i na pulega faka kolone;

I te iloa ko tagata o Tokelau na tuku atu ta latou talohaga e kui atu i te Fono Aofia a Tokelau kia Niu Hila ke fai e ia na lahaga ke fakailoga ai na tuakoi i te tai o Tokelau;

I te manakoga ke fakamalohia te hokotaga faka uo i te va o Tokelau ma te Iunaite Hitete kae maihe lava i te va o tagata o Tokelau ma Amerika Hamoa;

I te iloa o te Tulafono o te tauhaga 1977 mo te Hone o te Tamaokaiga Fakapitoa i te Tai o Tokelau;

I te iloa o te Tulafono o te tauhaga 1976 a te Iunaite Hitete o Amerika mo te Puipuiga o Mea Tau Faigafaiva;

I te iloa ko te Iunaite Hitete o Amerika e fakamautu tana mau ki te pulea o na motu ko Atafu, Nukunonu, ma Fakaofu ma ko tenei mau e he amanakia e Niu Hila pe ko tagata o Tokelau;

I te iloa atili ko te Iunaite Hitete e pulea ma tauhia e ia na motu e takua ko Amerika Hamoa ma ko Niu Hila e heai hana mau pe ko hana tauhiga na fai fakatahi ki he motu ma Tokelau i ho he motu o Amerika Hamoa ie e tauhi nei e te Iunaite Hitete;

I te manakoga ke fakamau te tuakoi i te tai i te va o Tokelau ma Iunaite Hitete o Amerika kua malilie ai, fakatahi ma te maliliega o tagata o Tokelau, e ve ona fakaali atu i lalo:

VAEGA I

Ko te tuakoi i te tai i te va o Tokelau ma te Iunaite Hitete ka fakaloga i na laina fuafua o te tino o te lalolagi e fehokotaki ai na tulaga ienei i lalo:

1. 10° 01'26" Haute
168° 31'25" Hihifo
2. 10° 07'52" Haute
169° 46'50" Hihifo
3. 10° 10'18" Haute
170° 16'10" Hihifo
4. 10° 15'17" Haute
171° 15'32" Hihifo
5. 10° 17'50" Haute
171° 50'58" Hihifo
6. 10° 25'26" Haute
172° 11'01" Hihifo

7. 10° 26'15" Haute
173° 03'53" Hihifo

8. 11° 02'17" Haute
173° 44'48" Hihifo

VAEGA II

Ko na faiga kua fakaaoga i te fuafuaga o na laina i te tino o te lalolaqi ke fakailoga ai na tulaga i te Vaega 1 ko te Faiga a te Lalolaqi mo te Fuafuaga o na Laina, 1972 (WGS 72) ma na fafanua o te tai ma na fuafuaga i te ea, iena i lalo:

- ko na fafanua o te tai na Iomia e te Vaega mo te Fuafuaga o te Tai a te Iunaita Hitete o Amerika; numeru 83484, lomiga e 6 Mati 26 1977;
- ko na fafanua o te tai na Iomia e te Ofiha o Fafanua tau te Puipuiga a te Iunaita Hitete o Amerika; DMAHTC numeru 83473, lomiga e 7 Me 8, 1976;
- ko te Fuafuaga i te Ea na Iomia e te Ofiha o Kelekele ma Fuafuaga a Niu Hila;
numera 1036/7C, 1974
numera 1036/7B2, 1974
numera 1036/8d, 1975

VAEGA III

I te itu o te tuakoi i te tai e pito ki Tokelau, ka he faia ai e te Iunaitē Hitete o Amerika hana mau pe ni gaoioiga mo ni aia e pulea ai pe ni aia faka te tulafono ki te tai pe ko te takela o te tai ma te kelekele i lalo ifo o te fogakelekele pito ki luga. I te itu o te tuakoi i te tai e pito ki Amerika Hamoa ka heai he mau pe ni gaoioiga mo ho he mafuaga ki ni aia faka pulega pe ni aia faka te tulafono a Tokelau ki te tai pe ko te takele o te tai ma te kelekele i lalo ifo o te fogakelekele pito ki luga.

VEAGA IV

Ko te tuakoi i te tai teia kua fakamautu i tenei Feagaiga, ka he afia ai pe faka he aoga ai i ho he auala te tulaga o he Malo i na malo e lua i te itu e uiga hi na vaega o te tulafono faka-va-o-malo e fakatatau ki te fakagaoioiga o te aia faka te tulafono ki te tai pe ko te takele o te tai ma te kelekele i lalo ifo o te fogakelekele pito ki luga pe ko he tahi matakupu e uiga ki te Tulafono o te Tai.

VEAGA V

E amanakia e te Iunaitē Hitete ko te pule ki na motu ko Atafu, Nukunonu ma Fakaofu i e e aofia i Ioto o Tokelau kua tuku atu ki tagata o Tokelau ma e fakagaoioi mo latou e te Malo o Niu Hila ke fakatali ai te faiga mo te faia o a latou tonu e ki latou lava e tuha ai ma te Fuafuaga a Malo Kaufakatahi.

VEAGA VI

Ko te Malo o Iunaitē Hitete o Amerika ma te Malo o Niu Hīla, i he agaga o te filemu ma te fakauo i te va o na Malo e lua ma tegata kua malilie ke galulue fakatahi ma he manatu ke fakaleleia te agai ki mua o te va fealoaki ma te tamaokaiga e tuha ai ma na manakoga o tagata o Tokelau ma Amerika Hamoa, ma galulue mo te fakafanoga ki mua o te Pahefika i Haute katoa. Ona ko ienei fakamoemoega ka fakaauau ai e ki laua na talanoaga i te va o o la tagata ma te va o na Malo, kae maihe lava i te va o tagata o Tokelau ma Amerika Hamoa.

VEAGA VII

Ko tenei Feagaiga ka fakalagolago ki he fakamaoniga ma ka fakamalohia i te aho e fehuiaki ai na pepa o te fakamaoniga.

Na fai i ni lomiga e tolu i *Atafu* i te aho *lua* o *Sehema* 1980, i te gagana Fakaigiliihi mate Fakatokelau mae ko te Fakaigiliihi ko te hakoga tena.

Te Iunaitē Hitete o Amerika:
[Signed — Signé]¹

Niu Hīla:
[Signed — Signé]²
[Signed — Signé]³
[Signed — Signé]⁴

¹ Signed by Anne C. Martindell — Signé par Anne C. Martindell.

² Signed by Itieli Pereira — Signé par Itieli Pereira.

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