

Tulafono a Tokelau

(2 December, 1980)

**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 rights 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 takes 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 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.

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 as part of American 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 co-ordinates:

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 co-ordinate 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.²

² Signed June 26, 1945. TS 993; 59 Stat. 1031; 3 Bevans 1153.

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 co-operate 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.³

³Sept.3, 1983.

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 GOVERNMENT OF THE UNITED STATES OF AMERICA

Anne C. Martindell

[SEAL]

FOR THE GOVERNMENT OF NEW ZEALAND

Itilei Pereira
Amusia Patea
Aloisio Ineleo

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