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SENATE

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TREATY WITH NIUE ON DELIMITATION
OF A MARITIME BOUNDARY

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES
OF AMERICA AND THE GOVERNMENT OF NIUE ON THE DELIMI-
TATION OF A MARITIME BOUNDARY, SIGNED IN WELLINGTON
ON MAY 13, 1997



JUNE 23, 1998.—Treaty was read the first time, and together with the
accompanying papers, referred to the Committee on Foreign Relations
and ordered to be printed for the use of the Senate

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WASHINGTON : 1998

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *June 23, 1998.*

To the Senate of the United States:

I transmit herewith, for advice and consent of the Senate to ratification, the Treaty Between the Government of the United States of America and the Government of Niue on the Delimitation of a Maritime Boundary. The Treaty was signed in Wellington May 13, 1997. The report of the Department of State is enclosed for the information of the Senate.

The sole purpose of the Treaty is to establish a maritime boundary in the South Pacific Ocean between the United States territory of American Samoa and Niue. The 279-mile boundary runs in a general east-west direction, with the United States islands of American Samoa to the north, and Niue to the south. The boundary defines the limit within which the United States and Niue may exercise maritime jurisdiction, which includes fishery and other exclusive economic zone jurisdiction.

Niue is in free association with New Zealand. Although it is self-governing on internal matters, Niue conducts its foreign affairs in conjunction with New Zealand. Niue has declared, and does manage, its exclusive economic zone. Therefore, the United States requested, and received, confirmation from New Zealand that the Government of Niue had the requisite competence to enter into this agreement with the United States and to undertake the obligations contained therein.

I believe this Treaty to be fully in the interest of the United States. It reflects the tradition of cooperation and close ties with Niue in this region. This boundary was never disputed.

I recommend that the Senate give early and favorable consideration to this Treaty and advice and consent to ratification.

WILLIAM J. CLINTON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, May 27, 1998.

The PRESIDENT
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to the transmittal to the Senate for its advice and consent to ratification, the Treaty between the Government of the United States and the Government of Niue on the Delimitation of a Maritime Boundary. This treaty was signed at Wellington, May 13, 1997. For the purpose of illustration only, the boundary has been drawn on a map attached to the treaty.

The maritime boundary treaty defines the limit within which each Party may exercise fishery and other exclusive economic zone (EEZ) jurisdiction in an area where their claimed 200 nautical mile zones would otherwise overlap,

On March 1, 1997, the United States enacted the Fishery Conservation and Management Act of 1976, which established a fisheries zone contiguous to the territorial sea of the United States, including the territorial sea around American Samoa. As published in the Federal Register the United States claimed fishery zone adjacent to American Samoa as a line equally distant from American Samoa and its neighbors. In 1983, this became the limit of the United States exclusive economic zone.

The Government of Niue first claimed an exclusive economic zone by Act No. 38, effective April 1, 1978. It reiterated its EEZ claim when it enacted the Territorial Sea and Exclusive Economic Zone act of 1996, which entered into force April 7, 1997.

In 1980, the United States concluded maritime boundary treaties with the Cook Islands and with New Zealand (on behalf of Tokelau) that established maritime boundaries to the east and to the north of American Samoa, respectively. Equidistant lines formed the bases for these boundaries. Following the exchange of instruments of ratification, the boundary treaty with New Zealand entered into force on September 3, 1983; the boundary treaty with the Cook Islands entered into force on September 8, 1983.

In the early 1980s, the Government of the United States and Niue agreed, in principle, that a maritime boundary should be established based on an equidistant line calculated from all relevant territories. No special circumstances exist in the boundary region. The water is deep in this area, and no particular resource issue was identified that required a deviation from an equidistant line.

Both Parties recognized, however, that new coastal geodetic positioning survey work was required for both the American Samoan

islands and Niue in order to update existing information, and to place all relevant coastlines on a common datum. Technical work was conducted by both sides during the 1980s and early 1990s. Positioning of coastal areas was placed on the more accurate World Geodetic System 1984 (“WGS 84”) and the North American Datum 1983 (“NAD 83”). For the purposes of calculating this boundary, both datums were considered identical.

Prior to signature of the treaty, the political status of Niue was also addressed. Niue is in free association with New Zealand. While Niue is self-governing on internal matters, it conducts its foreign affairs in conjunction with New Zealand. Niue has declared, and does manage, its exclusive economic zone. Therefore, the United States requested, and received, confirmation from New Zealand that the Government of Niue had the competence to enter into this agreement with the United States.

The treaty consists of seven articles. Article I states that the sole purpose of this treaty is to establish a maritime boundary in the South Pacific between the United States (with respect to American Samoa) and Niue. Article II sets out the technical parameters of the treaty stating that for the purpose of this treaty the North American Datum 1983 (“NAD 83”) and the World Geodetic System 1984 (“WGS 84”) are considered identical. Further, the article states that, for the purpose of illustration, a map depicting the boundary is attached to the treaty.

Article III lists the 19 turning and terminal points defining the maritime boundary. Article IV sets forth the agreements of the Parties that, north of the boundary, Niue will not, and, south of the boundary, the United States will not, “claim or exercise for any purpose sovereignty, sovereign rights, or jurisdiction with respect to the waters or seabed or subsoil.”

Article V provides that the establishment of the boundary will not affect or prejudice either side’s position with “respect to the rules of international law relating to the law of the sea, including those concerned with the exercise of sovereignty, sovereign rights, or jurisdiction with respect to the waters or seabed or subsoil.”

Article VI sets forth the agreement of the Parties that any dispute arising from the interpretation or application of the treaty will be resolved by negotiation or other peaceful means agreed upon by the Parties. Finally, Article VII provides that the treaty will enter into force on the date of the exchange of instruments of ratification.

The boundary contains 19 turning and terminal points and has a length of 279.1 nautical miles. Along its entire length, it is equally distant from the coasts of the United States (the islands of American Samoa) and the island of Niue. In the east, the boundary begins as the tri-junction point almost 200 miles distant from Rose Island (U.S.), Niue, and Palmerston Atoll (Cook Islands). In the west, the boundary terminates as the tri-junction point approximately 151 miles from an unnamed U.S. island just off the southwest point of Tutuila Island, in American Samoa, Niue, and a point on the Tongan island of Niuatoputapu. The distance from the boundary to the respective coastlines ranges from 199.3 nautical miles at the U.S.-Niue-Cook Islands tri-junction point to 139.6 nautical miles, at boundary turning point 15, between the unnamed U.S. island off Tutuila Island and two points on Niue.

VII

I recommend that the treaty between the United States of America and Niue establishing a maritime boundary between American Samoa and Niue be transmitted to the Senate as soon as possible for its advice and consent to ratification.

Respectfully submitted,

STROBE TALBOT.

TREATY BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF NIUE
ON THE DELIMITATION OF A MARITIME BOUNDARY

The Government of the United States of America and the
Government of Niue, hereinafter the Parties;

Desiring to strengthen the bonds of friendship between
the two Parties;

Recalling the tradition of co-operative relations and
close ties between the people of the United States of
America and the people of Niue;

Noting the Fishery Conservation and Management Act 1976
and the Presidential Proclamation No. 5030 of
March 10, 1983, establishing an exclusive economic zone for
the United States of America;

Noting Act No. 220 of April 7, 1999, establishing an
exclusive economic zone for Niue;

Desirous of establishing the maritime boundary between
the United States of America (American Samoa) and Niue, on
the basis of equidistance;

Have agreed as follows: .

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Article I

The sole purpose of this treaty is to establish, in accordance with international law, the maritime boundary between the United States of America (American Samoa) and Niue.

Article II

The geodetic and computational bases used to determine this boundary are the North American Datum 1983 ("NAD 83") and the World Geodetic System 1984 ("WGS 84") which, for the purpose of this boundary treaty, are considered identical. For the purpose of illustration only, the boundary line has been drawn on a map annexed to this treaty.

Article III

The maritime boundary between the United States of America (American Samoa) and Niue shall be determined by geodesics connecting the following coordinates:

Point	Latitude (South)	Longitude (West)
1.	17° 33' 18"	166° 38' 31"
2.	17° 32' 55"	166° 39' 38"
3.	17° 23' 55"	167° 06' 38"
4.	17° 10' 49"	167° 45' 27"
5.	17° 04' 39"	168° 03' 34"

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6.	17° 01' 07"	168° 13' 55"
7.	16° 47' 47"	168° 52' 31"
8.	16° 39' 00"	169° 17' 32"
9.	16° 38' 12"	169° 19' 47"
10.	16° 38' 01"	169° 22' 25"
11.	16° 37' 04"	169° 36' 12"
12.	16° 35' 39"	169° 55' 57"
13.	16° 36' 16"	169° 59' 13"
14.	16° 37' 23"	170° 05' 15"
15.	16° 41' 39"	170° 28' 26"
16.	16° 43' 16"	170° 37' 28"
17.	16° 43' 49"	170° 40' 35"
18.	16° 49' 33"	171° 13' 23"
19.	16° 50' 25"	171° 18' 19"

Article IV

On the side of the maritime boundary adjacent to the United States of America (American Samoa), the Government of Niue shall not, and on the side of the maritime boundary adjacent to Niue, the Government of the United States of America (American Samoa) shall not, claim or exercise for any purpose sovereignty, sovereign rights, or jurisdiction with respect to the waters or seabed or subsoil.

Article V

The maritime boundary established by this treaty shall not affect or prejudice in any manner either Party's position with respect to the rules of international law relating to the law of the sea, including those concerned

with the exercise of sovereignty, sovereign rights, or jurisdiction with respect to the waters or seabed or subsoil.

Article VI

Any dispute concerning the interpretation or application of this agreement shall be resolved by negotiation or other peaceful means as may be agreed upon by the Parties.

Article VII

This treaty shall be subject to ratification and shall enter into force on the date of the exchange of instruments of ratification.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this treaty.

DONE AT Wellington, in duplicate, this 13th day of May 1997.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF
NIUE:

United States - Niue Maritime Boundary

Map annexed to the Treaty
between the Government of
the United States of America
and the Government of Niue
on the Delimitation of a
Maritime Boundary

World Geodetic System 1984

