

No. 11785

**UNITED STATES OF AMERICA
and
FIJI**

Exchange of notes constituting an agreement for the continued application to Fiji of the Convention of 2 March 1899 between the United Kingdom and the United States of America relative to the tenure and disposition of real and personal property and the Supplementary Convention of 27 May 1936 thereto. Suva, 2 November 1971, and Washington, 9 December 1971

Authentic text: English.

Registered by the United States of America on 24 April 1972.

**ÉTATS-UNIS D'AMÉRIQUE
et
FIDJI**

Échange de notes constituant un accord pour le maintien en vigueur à l'égard de Fidji de la Convention du 2 mars 1899 entre le Royaume-Uni et les États-Unis d'Amérique au sujet du traitement réciproque des successions, et de la Convention additionnelle du 27 mai 1936. Suva, 2 novembre 1971, et Washington, 9 décembre 1971

Texte authentique: anglais.

Enregistré par les États-Unis d'Amérique le 24 avril 1972.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND FIJI
FOR THE CONTINUED APPLICATION TO FIJI OF THE
CONVENTION OF 2 MARCH 1899² BETWEEN THE
UNITED KINGDOM AND THE UNITED STATES OF
AMERICA RELATIVE TO THE TENURE AND DISPOSI-
TION OF REAL AND PERSONAL PROPERTY AND THE
SUPPLEMENTARY CONVENTION OF 27 MAY 1936³
THERE TO

I

PRIME MINISTER
SUVA, FIJI

1173/30/4

2nd November, 1971

Sir,

I have the honour to refer to the declaration made on 10 October 1970 to the Secretary-General of the United Nations, in which it was stated that the Government of Fiji, conscious of the desirability of maintaining existing legal relationships, and conscious of its obligations under international law to honour its treaty commitments, acknowledged that many treaty rights and obligations of the Government of the United Kingdom in respect of Fiji were succeeded to by Fiji upon independence by virtue of customary international law; but that since it is likely that in virtue of customary international law certain treaties might have lapsed at the date of independence of Fiji it seemed essential that each treaty should be subjected to legal examination; and that it was proposed that after this examination would have been completed, to indicate which, if any, of the treaties which might have lapsed by customary international law the Government of Fiji might wish to treat as having lapsed.

The Government of Fiji has examined the Convention between Great Britain and the United States relative to the Disposal of Real and Personal Property, signed at Washington on 2 March, 1899² and the Supplementary Convention entered into on 27 May 1936.³

¹ Came into force on 9 December 1971 by the exchange of the said notes.

² De Martens, *Nouveau Recueil général des Traités*, deuxième série, tome XXX, p. 235.

³ League of Nations, *Treaty Series*, vol. CCIII, p. 367.

I have the honour to inform you that it is the desire of the Government of Fiji that the above arrangements should be regarded as in force between our respective countries.

I have the honour to suggest that your Government's reply in the above sense and this Note should be considered by our respective Governments as constituting an Agreement to that effect.

[Signed]

K. K. T. MARA

Prime Minister
and Minister for Foreign Affairs

The Secretary of State
Government of the United States of America
Washington

II

The Secretary of State has the honor to acknowledge the receipt of the note dated November 30, 1971* from the Ambassador of Fiji forwarding a note dated November 2, 1971 addressed to the Secretary of State by the Prime Minister and Minister for Foreign Affairs of Fiji expressing the desire of the Government of Fiji that the provisions of the Convention between Great Britain and the United States relative to the disposal of real and personal property, signed at Washington on March 2, 1899, and the supplementary convention entered into on May 27, 1936, be regarded as in force between the United States and Fiji.

The Government of the United States of America considers that the above-mentioned conventions are in force between the United States and Fiji and that the above-mentioned notes and this reply confirm the concurrence of the Governments of the two countries with respect to this matter.

Washington, December 9, 1971.

Department of State

* Not printed.