

No. 13093

UNITED STATES OF AMERICA
and
FIJI

Exchange of notes constituting an agreement relating to the continued application to Fiji of the United States-United Kingdom Extradition Treaty of 22 December 1931. Suva, 14 July 1972, and Washington, 17 August 1973

Authentic text: English.

Registered by the United States of America on 12 February 1974.

ÉTATS-UNIS D'AMÉRIQUE
et
FIDJI

Échange de notes constituant un accord relatif au maintien en vigueur à l'égard de Fidji du Traité d'extradition du 22 décembre 1931 entre les États-Unis et le Royaume-Uni. Suva, 14 juillet 1972, et Washington, 17 août 1973

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 12 février 1974.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND FIJI RELATING TO THE CONTINUED APPLICATION TO FIJI OF THE UNITED STATES-UNITED KINGDOM EXTRADITION TREATY OF 22 DECEMBER 1931

I

PRIME MINISTER
SUVA, FIJI

1173/12/2

14th July 1972

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 Extradition Treaty entered into between the United Kingdom and United States of America on 22 December 1931.²

I have the honour to inform you that it is the desire of the Government of Fiji that the above Treaty should be regarded as in force between our respective countries, and as continuing to regulate extradition arrangements between them pending any new treaty which might be concluded. The Government of Fiji records its understanding that the functions performed by the Governor of Fiji are now performable by the Governor-General.

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.

Reference is made to Circular Note LE 313 of 27 February 1964 in which the Secretary-General of the United Nations requested members which were hosts to a major office or regional headquarters of the United Nations to raise the question

¹ Came into force on 17 August 1973 by the exchange of the said notes.

² League of Nations, *Treaty Series*, vol. CLXIII, p. 59.

with countries with which those States had extradition arrangements of extradition of United Nations personnel.

Fiji is host to the office of the Representative for the South Pacific of the World Health Organisation. Pursuant to the above-mentioned Circular Note, the Government of Fiji requests your Government when considering the continuation of extradition relations with Fiji to consider also giving assurance that it will not request or take steps to effect the extradition of persons who are in Fiji in response to a United Nations invitation, during a period of time reasonably related to the invitation.

I have the honour to be, Sir,
Your Obedient Servant

[Signed]
K. K. T. MARA
Prime Minister and Minister
for Foreign Affairs

The Secretary of State
United States of America

II

DEPARTMENT OF STATE
WASHINGTON

August 17, 1973

Sir:

I have the honor to refer to your note of July 14, 1972 in which it is stated that the Government of Fiji desires that the Extradition Treaty of December 22, 1931 between the United States of America and the United Kingdom be regarded as in force between the United States and Fiji, and as continuing to regulate extradition arrangements between them pending any new treaty which might be concluded. It is noted that the Government of Fiji records its understanding that the functions performed by the Governor of Fiji are now performable by the Governor-General.

I have the honor to inform you that the Government of the United States of America considers that the above-mentioned Treaty continues in force between the United States of America and Fiji and that your note and this reply constitute an agreement to that effect.

The Government of the United States continues to have under consideration the giving of assurance that it will not request or take steps to effect the extradition of persons who are in Fiji in response to a United Nations invitation, during a period of time reasonably related to the invitation.

Accept, Sir, the renewed assurances of my highest consideration.

WILLIAM P. ROGERS
Secretary of State
of the United States of America

The Right Honorable Ratu Sir Kamisese K. T. Mara, K.B.E., P.C.
Prime Minister and Minister for Foreign Affairs
of Fiji
Suva