

No. 16652

**UNITED STATES OF AMERICA
and
TONGA**

Exchange of notes constituting an agreement relating to extradition: continued application to Tonga of the United States-United Kingdom Treaty of December 22, 1931. Signed at Nuku'alofa on 14 March 1977 and at Wellington on 13 April 1977

Authentic text: English.

Registered by the United States of America on 27 April 1978.

**ÉTATS-UNIS D'AMÉRIQUE
et
TONGA**

Échange de notes constituant un accord relatif à l'extradition : maintien en vigueur à l'égard des Tonga du Traité du 22 décembre 1931 entre les États-Unis et le Royaume-Uni. Signé à Nukualofa le 14 mars 1977 et à Wellington le 13 avril 1977

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 27 avril 1978.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN
THE UNITED STATES OF AMERICA AND TONGA RELATING TO
EXTRADITION: CONTINUED APPLICATION TO TONGA OF THE
UNITED STATES-UNITED KINGDOM TREATY OF DECEMBER 22,
1931²

I

PRIME MINISTER'S OFFICE
NUKU'ALOFA, TONGA

14th March 1977

ORG. 9/9/1.

Sir,

I have the honour to refer to the declaration made on 18th June 1970 to the Secretary-General of the United Nations, in which it was stated that the Government of Tonga, 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 Kingdom of Tonga, for which the United Kingdom was responsible as the Protecting Power, would be inherited upon withdrawal of that Power's protection, 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 the withdrawal of the aforesaid protection, 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 Tonga might wish to treat as having lapsed.

The Government of Tonga has examined the extradition treaty entered into between the Government of the United Kingdom and the Government of the United States of America signed at London on December 22, 1931 and extended to Tonga on August 1, 1966.³

I have the honour to inform you that it is the desire of the Government of Tonga 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.

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.

¹ Came into force on 13 April 1977 by the exchange of the said notes.

² League of Nations, *Treaty Series*, vol. CLXIII, p. 59; for subsequent actions published in the League of Nations *Treaty Series*, see references in General Index No. 9; see also United Nations, *Treaty Series*, vol. 588, p. 137.

³ United Nations, *Treaty Series*, vol. 588, p. 137.

Please accept, Your Excellency, the assurances of my highest consideration.

[Signed]

H. R. H. PRINCE TU'IPELEHAKE
Prime Minister
and Minister of Foreign Affairs

His Excellency the Ambassador of the United States
of America
Wellington
New Zealand

II

*The American Ambassador to the Tongan Prime Minister and Minister
of Foreign Affairs*

Wellington, April 13, 1977

No. 01

Your Royal Highness:

I have the honor to refer to Your Royal Highness' letter of March 14, 1977, regarding the continuation in force between the United States of America and the Kingdom of Tonga of the Extradition Treaty signed by the United States and the United Kingdom on December 22, 1931. The Government of the United States of America agrees that the above-mentioned treaty shall be considered as continuing in force between our two Governments. Accordingly, your letter and the present note in reply shall constitute the formal agreement between the two Governments in this matter.

Accept, Your Royal Highness, the renewed assurances of my highest consideration.

ARMISTEAD I. SELDON, Jr.

His Royal Highness Prince Tu'ipelehake
Prime Minister and Minister of Foreign Affairs
Nuku'alofa, Tonga
