

NEW ZEALAND

Treaty Series 1962, No. 5

TREATY OF FRIENDSHIP

BETWEEN THE GOVERNMENT OF NEW ZEALAND
AND THE GOVERNMENT OF WESTERN SAMOA

Apia, 1 August 1962

[in force 1 August 1962]



DEPARTMENT OF EXTERNAL AFFAIRS
WELLINGTON
1962

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Publication No. 256

The Treaty of Friendship, signed at Apia on 1 August 1962 between the Government of New Zealand and the Government of Western Samoa, is reproduced in this publication in its two language versions, English and Samoan.

TREATY OF FRIENDSHIP BETWEEN THE GOVERNMENT
OF NEW ZEALAND AND THE GOVERNMENT OF
WESTERN SAMOA

The Government of New Zealand and the Government of Western Samoa,

Affirming that their relations, as Governments of sovereign and equal states, are founded upon respect for fundamental human rights and for the purposes and principles of the Charter of the United Nations,

Recognizing that friendship, confidence, and a mutual endeavour to obtain for their peoples fuller opportunities for social progress have established a specially intimate relationship between them,

And desiring to maintain and strengthen the bonds of amity and goodwill which have hitherto existed between them and to provide for continued cooperation,

Have agreed as follows:

ARTICLE I

Relations between New Zealand and Western Samoa shall continue to be governed by a spirit of close friendship.

ARTICLE II

Where appropriate the two Governments shall consult each other on matters of mutual interest and concern.

ARTICLE III

Each Government shall ensure that citizens of the other living within its territory are, in accordance with the normal practice between friendly states, given equitable treatment and full legal protection and access to the Courts.

ARTICLE IV

The two Governments shall continue to work together to promote the welfare of the people of Western Samoa. In particular the Government of New Zealand will consider sympathetically requests from the Government of Western Samoa for technical, administrative and other assistance.

ARTICLE V

The Government of New Zealand shall, for as long as the Government of Western Samoa wishes, and in such manner as will in no way impair the right of the Government of Western Samoa to formulate its own foreign policies, afford assistance to the Government of Western Samoa in the conduct of its international relations. In particular the Government of New Zealand will:

- (a) when requested, act as the channel for communications between the Government of Western Samoa and other Governments and international organizations;
- (b) when requested, and where permissible and appropriate, undertake the representation of the Government of Western Samoa at any international conference at which Western Samoa is entitled to be represented;
- (c) when requested, supply Western Samoa with information concerning international affairs;
- (d) undertake the diplomatic protection of nationals of Western Samoa in other countries and perform consular functions on their behalf.

ARTICLE VI

Either Government may at any time give to the other Government written notice of its desire to terminate this Agreement. In such case, this Agreement shall terminate upon the expiration of three months from the date on which the notice is received.

ARTICLE VII

This Agreement shall enter into force on the date of signature.

IN WITNESS WHEREOF, the representative of the Government of New Zealand, and the representative of the Government of Western Samoa, duly authorized for the purpose, have signed this Agreement.

DONE at Apia this 1st day of August 1962 in four originals, two being in the English language, and two in the Samoan language, the texts of both languages being equally authentic.

For the Government of
New Zealand:

J. B. WRIGHT

For the Government of
Western Samoa:

FIAME MATA'AFU F.M. II

FEAGAIGA FAA-UO I LE VA O LE MALO O NIU SILA MA LE MALO O SAMOA I SISIFO

O le Malo o Niu Sila ma le Malo o Samoa i Sisifo,

I le faamaonia e faapea o a la 'ua fāiā, e avea ai o malo ua tu ma'oti a la'ua pule ma ua tulaga tutusa, o loo faavaeina i luga o le faaaloalo mo aiā tatau faavae tau le tagata, ma, mo mea ua avea ma sini ma uiga faavae o le Feagaiga a Malo Aafaatasi,

I le aloa'ia e faapea o le agaga faa-uō, talitonuga maumaututū, ma se taumafaiga fealoa'i i lo la'ua va ina ia maua mo o la'ua tagata ni avanoa e sili atu ona atoatoa mo laasaga auiluma tau le va fealoa'i, ua faavaeina ai se fāiā māfana faapitoa i lo la'ua va,

Ma ona ua moomia ina ia faatumauina pea ma faamalasia noataga o le fealofani ma le alofa, lea o loo i ai i lo la'ua va e o'o mai i le taimi nei, ma ia aiaia ai tuutuutga mo le faaauauina pea o le uiga felagolagoma'i,

Ua finagalo malilie ai e faapea:

MATAUPU I

O fāiā i le va o Niu Sila ma Samoa i Sisifo o le a faaauau pea ona pulea i se agaga o fefaauiā'iga vavalalata.

MATAUPU II

I mea e tatau ai, o le a tatau ona feutaga'i ai Malo e lua i le fesiligia e le tasi o se finagalo o le isi i mataupu e faatau tāua ma aafia ai i la'ua.

MATAUPU III

E tatau i Malo taitasi ona faamautuina e faapea o tagatanuu o le isi atunuu o loo mau i totonu o lona atunuu, o loo tuuina atu i ai, e tusa ma le faiga ua masani ai i le va o malo fealofani, ni faiga tonu ma le sa'o ma se puipuiga atoatoa faale-tulafono ma le avanoa e o'o atu ai i Faamasinoga.

MATAUPU IV

E tatau i Malo e lua ona faaauau pea le galulue faatasi ina ia siitia ai le tulaga o le soifuaga solo-lelei o tagata o Samoa i Sisifo. Aemaise lava, o le a iloiloina ma le alofa e le Malo o Niu Sila talosaga mai le Malo o Samoa i Sisifo mo se fesoasoani tau le potu faapitoa, pulega faale-malo ma nisi lava fesoasoani.

MATAUPU V

O le a tuuina atu e le Malo o Niu Sila, mo taimi uma lava e pei ona finagalo i ai le Malo o Samoa i Sisifo, ma, i se faiga e pei ona o le a lē faaleagaina ai i so o se auala le aiā tatau a le Malo o Samoa i Sisifo na te faatulagaina ai ana lava faiga i le va i fafo, le fesoasoani i le Malo o Samoa i Sisifo i le ta'ita'iga o ana fāiā tau le va o malo o le lalolagi. I se tulaga faapitoa, o le Malo o Niu Sila:

- (a) pe a o'o ina ua talosagaina, o le a galue faa-sui e aveva ma auala mo fesoota'iga i le va o le Malo o Samoa i Sisifo ma isi Malo ma faalapotopotoga tau le va o malo o le lalolagi;
- (b) pe a o'o ina ua talosagaina, ma, i mea e ono mafai ona faatagaina ma tatau ai, o le a galue e aveva ma sui o le Malo o Samoa i Sisifo i so o se fonotaga tau le va o malo e tatau ma mafai ona auai se sui o Samoa i Sisifo;
- (c) pe a o'o ina ua talosagaina, o le a tuuina mai ia Samoa i Sisifo faamatalaga e uiga i mataupu tau le va o malo;
- (d) o le a tau'aveina le puipuiga tau le va fealoa'i mo tagata o le atunuu o Samoa i Sisifo i totonu o isi atunuu ma na faia galuega faa-konesula e aveva ai ma o latou sui.

MATAUPU VI

E mafai e so o se tasi o Malo e lua i so o se taimi ona tuuina atu i le isi Malo se faasilasilaga tusia e uiga i lona mana'o ina ia faamutaina lenei Feagaiga. I se itu faapenei, o le a faamutaina ai lenei Feagaiga ina ua tuana'i masina e tolu talu mai le aso na maua ai le faasilasilaga.

MATAUPU VII

O le a amata ona faamamaluina le Feagaiga lenei i le aso e saina ai suafa.

E AVEA MA MOLIMAU FAAMAONI, ua sainia ai e le sui o le Malo o Niu Sila ma le sui o le Malo o Samoa i Sisifo, ua faatagaina i ala e tatau ai mo lea itu, le Feagaiga lenei.

FAIA i Apia i lenei aso 1st o Aukuso 1962 i pepa e fa ua saunia, e lua i le gagana Peretania, lua i le gagana Samoa, e taufai tutusa lo la aloa'ia faale-tulafono.

Mo le Malo o
Niu Sila:

Mo le Malo o
Samoa i Sisifo:

J. B. WRIGHT

FIAMĒ MATA'AFĀ F.M. II

NEW ZEALAND

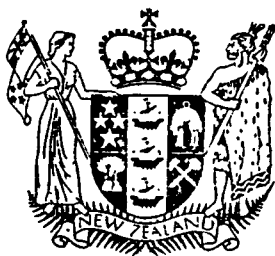
Treaty Series 1963, No. 11

EXCHANGE OF LETTERS

CONSTITUTING AN AGREEMENT BETWEEN
THE GOVERNMENT OF NEW ZEALAND AND
THE GOVERNMENT OF WESTERN SAMOA
IMPLEMENTING ARTICLE V OF THE TREATY
OF FRIENDSHIP OF 1 AUGUST 1962

Apia, 8 March 1963

[In force 8 March 1963]



DEPARTMENT OF EXTERNAL AFFAIRS
WELLINGTON
1963

Price 6d.

Publication No. 272

EXCHANGE OF LETTERS CONSTITUTING AN
AGREEMENT BETWEEN THE GOVERNMENT OF
NEW ZEALAND AND THE GOVERNMENT OF
WESTERN SAMOA IMPLEMENTING ARTICLE V
OF THE TREATY OF FRIENDSHIP OF 1 AUGUST
1962

No. 1

The Honourable FIAMĒ MATA'AFU F.M. II C.B.E.,
Prime Minister and Minister of External Affairs
of Western Samoa,

to

His Excellency Mr J. B. WRIGHT, C.B.E.
High Commissioner for New Zealand in Western Samoa.

Office of the Prime Minister,
Apia, Western Samoa, 8 March 1963.

Your Excellency,

I have the honour to refer to the Treaty of Friendship between the Government of New Zealand and the Government of Western Samoa which was signed at Apia on 1 August 1962. Article V of the Treaty provides that the Government of New Zealand shall, for as long as the Government of Western Samoa wishes, and in such manner as will in no way impair the right of the Government of Western Samoa to formulate its own foreign policies, afford assistance to the Government of Western Samoa in the conduct of its international relations. Paragraph (a) of Article V then provides in particular that the Government of New Zealand will, when requested, act as the channel for communications between the Government of Western Samoa and other Governments and international organizations.

Pursuant to these provisions and to recent discussions between the two Governments, I have the honour to make the following proposals on behalf of the Government of Western Samoa:

1. The Government of New Zealand shall act as the official channel of communication:

- (a) between the Government of Western Samoa and the Governments of all countries situated outside the immediate area of the South Pacific islands; and
- (b) between the Government of Western Samoa and all international organizations having their headquarters outside that area.

2. On some occasions – and more especially in relation to negotiations for aid or technical assistance – the Government of Western Samoa may wish to communicate direct with Governmental authorities and with international organizations outside the area referred to in paragraph 1 above. Moreover, it may be agreed that certain routine matters should be handled by direct correspondence between the Government of Western Samoa and an international organization. In order, however, to put the Government of New Zealand in a position to carry out effectively its general function of acting as the channel of communications pursuant to paragraph 1 above, the Government of Western Samoa will ensure that the Government of New Zealand is kept informed of cases where the Government of Western Samoa maintains direct communication.

3. The detailed procedures for putting the terms of the foregoing paragraphs into effect shall be the subject of suitable administrative arrangements between the relevant authorities of the Government of New Zealand and the Government of Western Samoa.

4. As and when the Government of Western Samoa wishes to deal directly on an official basis with one or more of the Governments and organizations mentioned in paragraph 1 above it will notify the New Zealand Government and the present agreement shall cease to apply in the cases and to the extent so notified.

If the proposals contained in the present letter are acceptable to the Government of New Zealand, I have the honour to suggest that this letter and your reply in similar terms shall constitute an agreement between our two Governments, with effect from today's date.

Please accept, Sir, the assurances of my highest consideration.

FIAMĒ MATA'AFĀ F.M. II .

No. 2

His Excellency Mr J. B. WRIGHT, C.B.E.
High Commissioner for New Zealand in Western Samoa,

to

The Honourable FIAMĒ MATA'AFU F.M. II C.B.E.,
Prime Minister and Minister of External Affairs
of Western Samoa.

Office of the High Commissioner for New Zealand,
Apia, Western Samoa, 8 March 1963.

Your Excellency,

I have the honour to acknowledge the receipt of Your Excellency's letter of today's date which reads as follows:

[as in No. 1]

I have the honour to inform Your Excellency that the Government of New Zealand accepts the foregoing proposals and regards your letter and my present reply as constituting an agreement between our two Governments, with effect from today's date.

I have the honour to be,

Sir,

Your obedient servant,

J. B. WRIGHT



New Zealand Treaty Series 1982, No. 11
Ministry of Foreign Affairs

PROTOCOL

TO THE TREATY OF FRIENDSHIP BETWEEN THE
GOVERNMENT OF NEW ZEALAND AND THE
GOVERNMENT OF WESTERN SAMOA

Apia, 21 August 1982
[In force 13 September 1982]

PROTOCOL TO THE TREATY OF FRIENDSHIP BETWEEN
THE GOVERNMENT OF NEW ZEALAND AND THE
GOVERNMENT OF WESTERN SAMOA

The Government of New Zealand and the Government of Western Samoa,

REAFFIRMING that their relations are founded upon sovereign equality and continue to be governed by a spirit of close friendship,

RECOGNISING that the special relationship between New Zealand and Western Samoa requires that issues affecting the two countries and their citizens should be resolved on a co-operative basis,

HAVING considered the circumstances under which citizens of Western Samoa could appropriately acquire citizenship of New Zealand,

NOTING that, in accordance with international law and practice, it is for each country to determine under its own law who are its citizens,

RECOGNISING that a country normally grants citizenship only to those individuals having a close and effective link with it,

RECOGNISING further that the ties of history, friendship and law between New Zealand and Western Samoa are such as to give the citizens of Western Samoa a claim to special treatment under the New Zealand law governing citizenship,

HAVE AGREED as follows:

ARTICLE I

At the request of either, the two governments shall consult on any issue relating to the operation of their respective laws governing citizenship and immigration.

ARTICLE II

The Government of New Zealand shall:

- (a) grant to all citizens of Western Samoa in New Zealand on the date of entry into force of this Protocol the right to become New Zealand citizens immediately upon application;
- (b) grant to those citizens of Western Samoa who travel to New Zealand after the entry into force of this Protocol and who, pursuant to the policy and practice implemented by New Zealand prior to 19 July 1982, would have been granted permanent residence status either on arrival in New Zealand or subsequently, the additional right to become New Zealand citizens immediately upon application after acquisition of permanent residence status.

ARTICLE III

For the purposes of this Protocol the term 'New Zealand' shall not include the Cook Islands, Niue or Tokelau.

ARTICLE IV

This Protocol shall be read with, and form an integral part of, the Treaty of Friendship between the Government of New Zealand and the Government of Western Samoa done at Apia on 1 August 1962.

ARTICLE V

This Protocol shall be subject to ratification. It shall enter into force on the date of the exchange of instruments of ratification.*

IN WITNESS WHEREOF the representative of the Government of New Zealand and the representative of the Government of Western Samoa, duly authorised for the purpose, have signed this Agreement.

DONE at Apia this 21st day of August 1982 in four originals, two being in the English language, and two in the Samoan language, the texts of both languages being equally authentic.

For the Government of
New Zealand
J. K. MCLAY

For the Government of
Western Samoa
TOFILAU ETI

[Samoan text not reproduced]

*Instruments of ratification exchanged 13 September 1982 at Apia.