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2 August 1990

Mr David Colson
Deputy Assistant Secretary
OES/O
Room 7829
DEPARTMENT OF STATE

Dear Mr Colson

I greatly appreciated the opportunity to meet you last week when I called on Assistant Secretary Bohlen and very much look forward to working with you on the range of oceans and fisheries issues on which our two countries are active. We took a keen interest in what was said at last week's meeting, and in subsequent contacts, on the United States position on signature of the Wellington Convention and its protocols.

While we warmly welcome the news that the United States plans to sign the Driftnet Convention, we are disappointed to hear of the position on the two protocols. On Protocol 1, we believe it is important to make a clear distinction between the obligations that the United States would accept through signature of the Convention and those it would accept by signing the protocol. The obligations that the United States would accept under Protocol 1, in particular the obligation to prevent US nationals and vessels from driftnetting in the Convention area, would be of general application. That is to say, those obligations would not be restricted to United States nationals and vessels in the United States territory (American Samoa) in respect of which the United States signed the Convention.

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As to Protocol 2, if the United States has problems in the application of the Protocol to all United States waters, and conflicting legal obligations in respect of some areas such as the Aleutians, then it is perfectly free to propose changes to the draft text of Protocol 2 to take account of any problems. We hope you will be able to have another look at your position on this Protocol in that light.

Although there had been some question as to the value of a visit to Washington at this point by Chris Beeby and the others in the South Pacific Mission, it has been decided that consultations should proceed in accordance with the mandate given to the Mission by South Pacific countries. The team considers consultation with the United States is of critical importance and will want to pursue the points outlined above with your team on 13 August. Given your close interest in this area, it is a great pity that you will be out of town at that time. Nevertheless, I am sure there will still be a fruitful discussion of matters pertaining to the Convention and its protocols.

You may be interested also to learn that the timetable for finalising the protocols is quite tight. The present intention is to finalise them after the current round of consultations in capitals and have them formalised and adopted by the countries that adopted the convention in the course of the internal meeting preceding the Albacore Management Consultations to be held in mid-October in Noumea.

Yours sincerely

(H H Francis)
Ambassador