## THE CRISIS IN BOSNIA

Mr. LIEBERMAN. Mr. President, I thank the Chair and the majority leader for yielding the floor and for his statement on the latest developments from London with regard to the crisis in Bosnia.

Mr. President, I share the sense of disappointment that the Senate majority leader has expressed about the developments in London today. The statement from the London conference is a threat, not a policy, and a limited threat at that, extending, as it does, to only one of the four remaining safe areas, so designated by the United Nations.

Why the conferees would feel that it was critical enough to issue this threat with regard to Gorazde but not with regard to Tuzla, Sarajevo and Bihac, I do not know. Why the conferees did not speak clearly and in a united fashion about opening up the supply road for humanitarian aid to Sarajevo along the Mount Igman Road, I do not know. And why is there not clarity, at least, yet on the question of the dual-key arrangement which has done nothing but frustrate the rare occasions when there seemed to be some will to respond to Serbian aggression by subjecting the desire of military commanders to the control of political authorities from the United Nations? There is some suggestion that there is still a dual-key approach for implementing this threat that was issued today about what would happen to the Serbs if they attacked Gorazde.

There is some indication, though not clarity, that perhaps the military commanders on the ground, the U.N. military commanders, will be the ones to have the final say and a decision will not be bounced up for a veto from the U.N. politicians at the top. But that is not clear to me, and therefore is also grounds for disappointment in the communique from the London conference. So I would call the communique from the London conference a threat, not a policy; and a limited threat at that.

If, in fact, the threat is carried out, as so many threats against the Serbs before in this war have not been carried out—if this threat is carried out, if the Serbs take aggressive action, attack Gorazde, then at least it will be the beginning of an implementation of half of the policy that many of us—I am honored to say including the distinguished Senate majority leader and myself and many others from both parties in this Chamber—have been advocating, appealing for, crying out for, for now 3 years, which is the lift and strike policy.

The communique does at last suggest that if the Serbs cross this line, which is a narrow line—it is not a broadly drawn line, it is a line of protection only around Gorazde—then they will finally be subjected to the substantial and decisive NATO air power which we have possessed throughout this conflict and refused to use. Even though going back 2 or 3 years, at hearings of the Armed Services Committee on which I am honored to serve, asking the Chief of Staff of the Air Force whether he felt that these raids could be carried out from the air with minimal risk to American personnel and maximal probability of success—he said yes.

So, from this communique from London, implementing, if the threat is carried through, at least the beginning of one-half of the lift and strike policy, I take some small hope and find some small reason for the Bosnian people, who are understandably cynical and unbelieving, to think that perhaps the international community will finally lift a finger, a hand, to protect them from aggression.

But, this threat, even if carried through by the allied powers, does nothing to lessen the moral and strategic imperative to lift the arms embargo imposed on the nations of the former Yugoslavia. It is illegal because it denies the people of Bosnia the right they are given under international law, under the charter of the United Nations, to defend themselves, a basic right that we have as individuals and that nations have under the United Nations Charter. This right has been taken away from them, not by any great act of international law, but by a political act, by a decision of the U.N. Security Council in 1991.

Looking back at it, a naive, in some sense a cynical decision, or motivated by cynical behavior; an embargo, requested by the Government of Yugoslavia in Belgrade, now the Serbian Government, understanding that when Yugoslavia broke apart, as it surely would, and Serbia began its aggression, as it clearly intended to, against its neighbors, then the effect of the embargo would leave everyone in that region but the Serbs without the arms with which to fight because the Serbs in Serbia, by an accident of history and of hate, ended up controlling the warmaking capacity of the former Yugoslavia.

Immoral—Mr. President, I ask unanimous consent for 2 more minutes.

I say the embargo was immoral because we have watched not only aggression and the frustration of the people to have the means with which to fight back, the victims, but we have watched genocidal acts. We have watched people singled out because of their religion, in this case Moslem; torn from their homes, herded into concentration camps, women raped systematically as an act of war—unheard of. Men—again, it is happening—between the ages of 18 and 55, herded off allegedly for investigations to determine whether they were criminals or terrorists, but tortured and then, and we saw this 3 years ago: Concentration camps, emaciated figures, Moslems tortured, unfed, slaughtered.

So I say, Mr. President, to my colleagues here in the Senate that the moral and strategic imperative to lift the arms embargo remains undiminished by this limited threat and not a policy that was issued from London today.

I hope and strongly believe that when we take up the proposal which Senator DOLE and I, and many others of both parties, introduced on Tuesday to lift the arms embargo, that the result will be a resounding nonpolitical, nonpartisan, overwhelming majority in favor of lifting the embargo, giving the people of Bosnia the weapons with which to defend themselves, and creating finally the basis of a genuine policy that can impose upon the Serbs some pain for their aggression that will give them finally, and for the first time in this conflict, a reason to come to the peace table to negotiate a just end to this conflict.

I thank the Chair. I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

## UNITED STATES/JAPAN AVIATION DISPUTE

Mr. PRESSLER. Mr. President, I am cautiously optimistic that last night in Los Angeles progress was made in the United States-Japan aviation dispute with regard to cargo. Finally, the Government of Japan has agreed to honor the clear terms of the 1952 United States-Japan bilateral aviation agreement. Federal Express had been unfairly denied the right to serve numerous Asian cities beyond Japan. Now that the Japanese have authorized these routes, Federal Express can finally open its new Pacific Rim cargo hub at Subic Bay in the Philippines.

I am also pleased with the job done by Secretary Peña in this dispute. The Japanese clearly expected us to trade off existing aviation rights in order to get them to acknowledge rights we already had guaranteed under the terms of the United States-Japan aviation agreement. We did not cave in to this blackmail. Had we done so, it would have set a dangerous precedent for all U.S. international agreements. Global aviation opportunities for our carriers are critical to the long-term profitability of the U.S. airline industry. Secretary Peña understands this very important point.

Mr. President, yesterday I, along with 20 colleagues from both sides of the aisle, introduced a resolution calling on the Government of Japan to immediately honor the terms of the United States-Japan bilateral aviation agreement. I have been developing the resolution over a period of several weeks and I understand the Government of Japan was monitoring it closely. I believe the resolution, Senate Resolution 155, sent a strong signal to the Japanese that the United States Senate expects international agreements to be honored. We should expect nothing less when a solemn international agreement is in dispute.

In my introductory remarks yesterday, I expressed disappointment that the show-cause order the United States

issued to the Japanese on June 19 had not seemed to serve as a wakeup call for the Government of Japan. It was my hope that by introducing Senate Resolution 155 simultaneously with the negotiations in Los Angeles it would drive home the point that international agreements are not to be unilaterally disregarded. I hope Senate Resolution 155 played a role in resolving this dispute.

Let me say to the cosponsors of this resolution that we still may bring it to the floor. We may seek to pass it because the resolution also addresses an important passenger carrier dispute with Japan that remains unresolved. What is happening is that Japan has denied our passenger and cargo carriers new opportunities to serve countries beyond Japan such as Korea, Malaysia, and so forth. The Japanese refuse to recognize ''beyond rights'' guaranteed by our air service agreement. That is what this dispute is all about.

Unfortunately, our aviation dispute with Japan over ''beyond rights'' is not completely behind us. United Airlines has patiently waited while U.S. negotiators focussed on the cargo dispute. Now, the United States must demand the Government of Japan honor the rights of our passenger carriers as well. United Airlines has been wrongly denied the right to start new service between Osaka and Seoul, Korea. This is another clear violation of the United States-Japan bilateral aviation agreement. It must be redressed promptly.

Mr. President, let me also say I am angered by some media reports from Japan declaring victory in the aviation dispute. Let me make this point loud and clear: This was not a victory for Japan. For months the United States has been offering to talk with the Government of Japan about our bilateral aviation agreement. Quite correctly, the United States said it would do so only after Federal Express' beyond rights were honored by the Japanese. These reports are preposterous.

The aviation dispute accomplished nothing for Japan beyond temporarily protecting its inefficient carriers from more head-to-head competition with our carriers. The dispute did galvanize Congress to take a tough stand in future aviation relations with Japan. It showed what our Government can accomplish when Congress supports our Secretary of Transportation and permits him to negotiate from a position of political strength.

Mr. President, I hope our resolve in the United States-Japan aviation dispute sends a strong signal to nations around the world. if you enter into an agreement with the United States, you will not be allowed to pick and choose those provisions with which you will comply. Agreements between nations are solemn.

So, Mr. President, let me summarize by saying that last night I think our Government showed great progress in reaching the cargo aviation agreement with Japan. However, we did agree to give them some things in exchange for the agreement such as new cargo routes between Japan and Chicago. That might appear to some that we gave in. Overall, however, I think we stood firm and the cargo agreement is a step forward.

As Chairman of the Senate Commerce, Science, and Transportation Committee, I called a hearing last week to consider problems our air carriers experience trying to fly beyond Tokyo and beyond Heathrow. There is a system in both directions that prevents our carriers from flying beyond these important international gateways.

At times, the system which blocks our carriers can be subtle. For example, sometimes the Japanese and British technically comply with our aviation agreements but they impose certain ''doing business'' problems that prevent our carriers from competing effectively with their national carriers. Among these restrictions on competition are problems loading and unloading aircraft and requiring our carriers to use the old terminal while the host country carrier uses the modern terminal. There are other barriers that prevent our carriers for serving global destinations from Heathrow and beyond Japan.

Mr. President, I want to commend Secretary Peña. He has done an excellent job resolving this particular dispute. I have been a critic of his at times in the past. I am very sympathetic to the tough challenge he faces in international aviation negotiations.

What happens to the Secretary of Transportation is he is frequently undercut because what our air carriers tend to do is the one that gets the right to serve a foreign country sometimes works with the foreign government to keep other U.S. carriers out. Then the Secretary is presented with a letter from 6 or 8 Senators and 8 or 10 House Members who have a particular airline in their State or district which urges the Secretary to put the interest of the incumbent carrier ahead of the national goal of creating new opportunities for all our carriers. This undermines the Secretary's negotiating position.

To help correct this significant problem, I have urged that the economic interests of the United States be the basis for the Secretary of Transportation's international negotiations.

Mr. President, I do not see this as the end of our aviation problems with Japan. As I mentioned, a significant passenger issue involving United Airlines remains unresolved. Also, I suspect, having observed Japan's trade habits and protectionist activities, that they are going to keep attempting to block our carriers from serving points beyond Japan. There are many lucrative new air service opportunities in the Pacific rim. The Japanese know this and they likely will try to keep them for their own carriers.

We on this floor need to support the Secretary of Transportation in his efforts to open new international opportunities for our carriers and to protect existing aviation rights. We need to let the Secretary put the economic interests of the United States first. I hope someday we will no longer have to get bogged down in a system of bilateral aviation agreements. Instead, I hope one day we will have a multilateral aviation framework, like a GATT worldwide open skies agreement.

I congratulate the Secretary of Transportation. But I still think we may need to pass a resolution in the Senate giving the Japanese notice that we consider this a major trade issue. Also, we need to let the Japanese know that we expect the unresolved passenger carrier issue to be resolved promptly.

Mr. President, I yield the floor. I thank you very much for the additional time.

## RECESS UNTIL 9 A.M., MONDAY, JULY 24, 1995

The PRESIDING OFFICER. The Senate now stands in recess until 9 a.m. on July 24.

Whereupon, the Senate, at 3:58 p.m., recessed until Monday, July 24, 1995, at 9 a.m.

## NOMINATIONS

Executive nominations received by the Senate July 21, 1995:

### THE JUDICIARY

JOHN H. BINGLER, JR., OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE MAURICE B. COHILL, JR., RETIRED.