

Mr. PELL. I thank the Chair.

RECENT RIOTS IN INDONESIA

Mr. PELL. Mr. President, I know we all have been saddened in recent days by reports of rioting and violence in Indonesia. Last weekend, the government cracked down on a political opposition group in Jakarta. Supporters of that group took to the street in protest and as a result, several people have been killed and over 200 arrested. The crackdown has reportedly been widened to include other known political activists including Muchtar Pakpahan, the head of the Indonesian Labor Welfare Union.

We also read this week that the military commander in Jakarta ordered his troops to "shoot on the spot" any protestors who are seen to be threatening the peace, a particularly disturbing development. I would urge the government in Jakarta to seek to negotiate and to work with the opposition forces in a peaceful manner, rather than calling on the military to quell any protests. This is the same approach I suggest in the report of my visit to Indonesia 2 months ago.

The root of the current problems is, I believe, the lack of an open political system in Indonesia. Two token legal opposition parties are allowed to exist, but they have little influence over policy. They cannot seriously challenge the ruling Golkar party. The current political and electoral systems are designed such that Golkar is assured of retaining power. But in the most recent parliamentary elections in 1992, Golkar unexpectedly lost a percentage of the parliamentary seats. Hoping for a trend, the two opposition parties were beginning to talk of making greater gains in the parliamentary elections scheduled for next year, although observers never thought either was likely to take the majority. This talk upset the government. Even though retaining ultimate political control was never in question, the government has reacted to even a slight loss in that control by calling on the military.

The government is centering its efforts on the Indonesian Democracy Party—or PDI—led by Megawati Sukarnoputri, the daughter of Indonesia's first president, Sukarno. Megawati had begun a very visible campaign in preparation for the parliamentary elections next year and indicated that she might challenge President Suharto in the presidential elections in 1998, a first for Suharto who has always been unopposed. In what appears to be a nervous reaction, the government allegedly orchestrated a coup within the PDI to force Megawati out of her leadership position. Her supporters took over the PDI headquarters and refused to leave until the military took over the headquarters this past weekend.

President Suharto has done much that is good for his country. Indonesia's population control program, for

example, is a model for the developing world. The country's economic development has been admirable and many U.S. companies benefit from their investments throughout the archipelago. But as the country has grown and developed economically, it comes as no surprise that certain elements of Indonesian society now want their country to grow and develop politically as well. The government's current approach to the threat of a serious political challenge—to arrange for Megawati's overthrow within her party, blame the riots on virtually extinct communist sympathizers, and threaten to shoot any protestors—I believe will both hamper Indonesia's continued economic development and cause great harm to our bilateral relationship. Internally, the Indonesian currency and stock market are beginning to fall.

For several months now the U.S. Government has considered selling F-16s to the Indonesian military. In light of the events in Jakarta, I urge the administration to rethink the wisdom of this sale. My own view is that we should not rush forward with a high-technology, glamorous weapon sale to a foreign military that is threatening to shoot peaceful protestors in the street. I am encouraged, Mr. President, by some signs that the administration is considering holding off on this sale.

Indonesia is poised to be one of the region's most important and influential countries. President Suharto has the chance now to accelerate that process by allowing for Indonesia's transition to modern political governance. He could follow the model of Taiwan, which transformed itself from a single-party, authoritarian regime to a thriving multi-party democracy without violence. Indonesia is more than ready to allow full-fledged, active opposition voices to publicly make their case to the people. I would urge the Indonesian Government to call back its military, deal peacefully with the opposition, and show the world it is indisputably ready for the 21st century.

RATIFICATION OF THE LAW OF THE SEA CONVENTION IS AN URGENT NECESSITY

Mr. PELL. Mr. President, the United States will shortly become one of the first and perhaps the first Nation to ratify the Straddling Fish Stocks Agreement. This agreement was approved by the Senate on June 27. I am very pleased that prompt Senate action on the Agreement enabled the United States to continue its leadership on international fisheries issues. The agreement will significantly advance our efforts to improve fisheries management. In effect, it endorses the U.S. approach to fisheries management and reflects the acceptance by other nations of the need to manage fisheries in a precautionary and sustainable manner.

That being said, Mr. President, in advising and consenting to ratification of

the Straddling Stocks Agreement, the Senate's work is only partially done. Having approved the Straddling Stocks Agreement, the next logical step for this body is to consider and pass the treaty which provides the foundation for the agreement, namely the United Nations Convention on the Law of the Sea. My purpose today is to highlight the connections between the two and to underscore the many benefits that will accrue to the United States if the Senate grants its advice and consent to ratification of the Law of the Sea Convention, a step that should have been taken long since, and I hope will come about shortly.

Prima facie evidence for the tight linkage between the Law of the Sea Convention and Straddling Stocks Agreement is found in the latter's title, the "Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to Fish Stocks." Clearly, the Agreement was negotiated on the foundation established in the Law of the Sea Convention. The connection between the two is made explicit in Article 4 of the agreement which stipulates that the agreement "shall be interpreted and applied in the context of and in a manner consistent with the Convention." Further, Part VIII of the agreement provides that disputes arising under the agreement be settled through the convention's dispute settlement provisions. Indeed, the Law of the Sea Convention establishes a framework to govern the use of the world's oceans that reflects almost entirely U.S. views on ocean policy.

Can the United States become a party to the agreement, but remain outside the Law of the Sea Convention? The answer is yes. The more important question is: Does this best serve U.S. interests? The answer to that question is no. Only by becoming a party to the Law of the Sea Convention can the United States maximize its potential gain from the agreement and protect its fisheries interests.

One way to do this is to ensure that U.S. views on fisheries management are represented on the Law of the Sea Tribunal. That is the body which settles disputes arising under the agreement, and it is established in the Law of the Sea Convention. Not surprisingly, in order to nominate a judge to the tribunal, the United States must become a party to the Law of the Sea Convention.

A second way to ensure that U.S. gains are maximized is to ensure that our country's views on fisheries management are well represented in the convention processes themselves. To do this, we must be a party to the convention. The Straddling Stocks Agreement's provisions are to be applied in light of the convention. As the convention itself is an evolving, living document, the United States must be part of the dialogue that will affect not only the Straddling Stocks Agreement, but other oceans management policy.

Mr. President, there are sound reasons for the United States to become a party to the Law of the Sea Convention in order to enhance the benefits of the Straddling Stocks Agreement. There are, however, reasons to become a party to the Law of the Sea Convention far beyond the connection with the Straddling Stocks Agreement.

Indeed, I have always held the view that the strength of the Law of the Sea Convention lies in the multiplicity of interests that it protects and enhances for the United States. It is precisely because the convention addresses our Nation's broad range of interests so comprehensively that the United States has so much to gain by becoming a party. Indeed, I believe there is no action that the Senate can take before the end of this session that would have greater long term benefits for the world as a whole than to ratify the Law of the Sea Convention.

The implications for world peace are enormous; the potential for trade and development is equally far-reaching. I hope this will not be caught up in a spate of politics as usual, but will be seen in the framework of a renewed commitment to bipartisanship in foreign policy.

The old saying was that "politics stops at the water's edge." That would be an apt motto for our consideration of Law of the Sea, since its scope begins precisely at the water's edge.

Perhaps more than any other nation, the United States has a broad range of interests in the oceans and their uses. We are the world's predominant sea power. The United States Navy operates on a global scale and has vital interests in seeing the convention's provisions on freedom of navigation implemented. The Air Force too shares many of these interests. We are also a maritime nation, Mr. President. Fully 95 percent of U.S. export and import trade tonnage moves by sea, with direct repercussions for American workers' jobs. The United States is also a coastal nation—we have one of the longest coastlines in the world—with strong interests in the sound use of resources on our continental shelf.

Mr. President, I think it is useful to remind my colleagues that, more than 20 years ago, the United States was a driving force in initiating the negotiations that produced the Law of the Sea Convention. At that time, the Navy in particular was concerned about other nations' ever increasing maritime jurisdictional claims. To address this problem, the Department of Defense sought a treaty that would set out as a matter of international law a regime to govern such claims. Given this history, it is more than a little ironic that the United States ultimately led efforts to block adoption of the convention upon conclusion of negotiations in 1982.

In my view, while the convention's critics raised some legitimate concerns regarding provisions related to deep seabed mining, they allowed these concerns to blind them to the overriding

benefits the convention would confer on the United States. Moreover, all of these concerns have now been addressed in the recently negotiated agreement on deep seabed mining. I would like to recount those benefits for my colleagues' information.

First and foremost, the convention enhances U.S. national security. Remember, Mr. President, that this was the original driving force behind U.S. participation in the convention. The convention establishes, as a matter of international law, freedom of navigation rights that are critical to our military forces. In testimony before the Foreign Relations Committee, Admiral Center stated,

The Convention strongly underpins the worldwide mobility America's forces need. It provides a more stable legal basis for governing the world's oceans. It reduces the need to fall back on potentially volatile mixture of customary practice and gunboat diplomacy.

The need to protect freedom of navigation is not merely a theoretical issue. There have been recent situations where even U.S. allies denied our Armed Forces transit rights in times of need. Such an instance was the 1973 Yom Kippur war when our ability to resupply Israel was critically dependent on transit rights through the Strait of Gibraltar. Again in 1986, U.S. aircraft passed through the Strait to strike Libyan targets in response to that government's acts of terrorism directed against the United States, after some of our allies had denied us the right to transit through their airspace.

I have heard arguments that the convention's provisions on freedom of navigation are not really important because they reflect customary international law. I disagree. Customary international law is inherently unstable. Governments can be less scrupulous about flouting the precedents of customary law than they would be if such actions were seen as violating a treaty.

Moreover, not all governments and scholars agree that all of the critical navigation rights which are protected by the convention are also protected by customary law. They regard many of those rights as contractual; that is, only available to parties to the convention. For example, it was not long ago that our country claimed a territorial sea of only 3 miles. This zone now extends to 12 miles, as allowed by the convention. But other countries have claimed territorial sea zones that extend to 200 miles, in direct violation of the convention. Currently, the United States routinely challenge such excessive jurisdictional claims through the Freedom of Navigation Program.

I do not doubt that, if necessary, the U.S. Navy will sail where it needs to to protect U.S. interests. But, if we reject the convention, preservation of these rights in nonwarlike situations will carry an increasingly heavy price for the United States. By remaining outside of the convention, the United

States will have to challenge excessive jurisdictional claims of states not only diplomatically, but also through conduct that opposes these claims. Each time we conduct an operation in contested waters we are sending our young men and women into harms way. Mr. President, we don't need to do that. A widely ratified convention would significantly reduce the need for such operations. A widely ratified convention would also afford us a strong and durable platform of principle to ensure support from the American people and our allies when we have no choice but to confront claims we regard as illegal.

Now I would like to turn to the issue of the Law of the Sea Convention and U.S. economic interests. The convention promotes these interests in a number of ways. It provides the U.S. with exclusive rights over marine living resources within our 200 miles exclusive economic zone; exclusive rights over mineral, oil, and gas resources over a wide continental shelf that is recognized internationally; the right for our communications industry to place its cables on the sea floor and the continental shelves of other countries without cost; a much greater certainty with regard to marine scientific research, and a ground breaking regime for the protection of the marine environment.

Mr. President, seaborne commerce represents 80 percent of trade among nations and is a lifeline for U.S. imports and exports. As I noted earlier, 95 percent of U.S. export and import trade tonnage moves by sea. With continuing economic liberalization occurring globally, exports are likely to continue to grow as a percentage of our economic output. In addition, in some sectors, such as oil, our dependence on imports will continue to grow. Thus our economic well being—economic growth and jobs—will increasingly depend on foreign trade. Without the stability and uniformity in rules provided by the convention, we would see an increase in the cost of transport and a corresponding reduction of the economic benefits currently realized from an increasingly large part of our economy.

Consequently, the United States would stand to lose a great deal if it was no longer assured of the freedom of navigation: trade would be impaired, ports communities would be impacted and our whole maritime industry could be put in jeopardy. The convention addressees the concerns and failure of the United States to ratify would impose a tremendous burden on this industry.

Within its EEZ, the United States has exclusive rights over its living marine resources. Foreign fleets fishing in our waters can be controlled or even excluded, and our regional management councils are in a position to adopt the best management plans available for each of the fisheries on which our industries depend. The settlement of disputes provisions of the convention do not apply to the measures taken by the coastal State within its EEZ. Consequently, the United

States has discretionary powers for determining the total allowable catch, its harvesting capacity, the allocation of surpluses to other States and the terms and conditions established in its conservation and management measures.

Indeed, the Law of the Sea Convention will play a paramount role in the implementation of the important international agreements to which the United States is already a party. These include: the 1992 Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, approved by the Senate on August 11, 1992; the U.N. General Assembly Resolution on Large-Scale High Seas Driftnet Fishing, approved by the Senate on November 26, 1991; the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, approved by the Senate on October 6, 1994; and the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, approved by the Senate on October 6, 1994.

In approving these treaties, the Senate spoke to the importance of these issues to our Nation; however, the long-term benefits of these fishery agreements will only be realized and mutual enforcement ensured if the underlying principles of the Law of the Sea Convention—the new constitution of the oceans—are ratified by the United States.

Mr. President, in 1982, the Reagan administration was prepared to sign the convention on behalf of the United States, but for part XI. Part XI dealt with deep seabed mining and contained a number of provisions that the United States found objectionable. Unfortunately, at the time, the administration was not able to secure the changes it sought in time for the United States to sign the convention. As a result, neither the United States nor the other industrialized countries signed the convention.

During the Bush administration, with the prospect that the convention would actually enter into force, informal consultations were begun at the United Nations with the aim of resolving concerns with part XI. That goal was achieved in an agreement that, in effect, amends part XI of the convention in a manner that meets all of the concerns first articulated under President Reagan and carried forward through to the Clinton Administration. The modification of part XI is a bipartisan foreign policy success and is the culmination of three decades of U.S. oceans policy efforts.

I feel qualified to say this Mr. President, since I have closely followed the Law of the Sea negotiations from their early days to the present. The initial support for this idea was put forth by Arvid Pardo, Malta's delegate to the United Nations, with his famous "Common Heritage of Mankind" speech before the U.N. General Assembly in 1967. The convention then became the prod-

uct of visionaries. I remember particularly the "Pacem in Maribus"—Peace on the Seas—meetings organized by Elizabeth Mann Borgese, the daughter of Germany's great writer, Thomas Mann. Her book, *The Ocean Regime*, published in 1968, gave written expression to the ideas that were to gain a wider audience through *Pacem in Maribus*, on their way to being embodied in the negotiated texts of the Law of the Sea Convention.

For me the dream began even earlier, during my service in the U.S. Coast Guard during World War II. Why not declare the oceans a zone of peace, open to all peoples and nations, to be free forever from the ravages of warfare? My service on the staff of the San Francisco Convention that prepared the U.N. Charter, just 51 years ago this summer, further confirmed me in my belief that ways could be found to create a working peace system.

The Law of the Sea Convention is the product of one of the more protracted negotiations in diplomatic history. When the process began, the Vietnam war was nearing its peak; the cold war was at its height; it had been only 5 years since the construction of the Berlin Wall.

I was proud to serve as a delegate to those early Law of the Sea negotiations, one of the few who had also attended a *Pacem in Maribus* meeting. My enthusiasm led me in 1967 to introduce the first Senate resolution calling on the President to negotiate a Law of the Sea Convention.

That resolution and a draft treaty that I proposed in 1969 led to the Seabed Arms Control treaty, which was ratified by the Senate in 1972. This little-known treaty has permanently removed nuclear weapons and other weapons of mass destruction from the ocean floor, which is 70 percent of the Earth's surface. It has been signed by nearly 100 countries, it works, and it provides a good precedent for the Convention on the Law of the Sea. With the Seabed Arms Control Treaty as my model, you can appreciate my enthusiasm for the Law of the Sea Convention.

Now, Mr. President, we must look to the future and U.S. oceans policy for the 21st century. Our interests in the Convention lie not only in what it is today, but in what it may become. Just as form and substance have been given our Constitution by the courts, so too will future uses of the oceans be influenced and shaped by decisions made under the convention. With the convention's entry into force, the United States stands on the threshold of a new era of oceans policy. Under the Convention, U.S. national interests in the world's oceans would be protected as a matter of law. This is a success of U.S. foreign policy that will work to our benefit in the decades to come.

Mr. President, the United States was a leader in initiating the negotiations of the Law of the Sea Convention because our national security interests

were at stake. We have also played a widely recognized leadership role in the Straddling Stock Agreement negotiations because our fisheries interests were threatened. Indeed, the United States will be among the very first parties to ratify this very important agreement. It is time for the United States to regain its leadership role by ratifying promptly the United Nations Convention on the Law of the Sea and thus protecting the entirety of our oceans interests.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from California.

Mrs. BOXER. Mr. President, I understand we are working back and forth. If the Senator from Iowa wishes to be recognized for 5 or 10 minutes, I will be happy to yield to him.

Mr. GRASSLEY. Three minutes.

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senator from Iowa be recognized for 5 minutes, and the Senator from California for 10 minutes immediately following his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Senator from California for her kindness.

THE CASE OF RICARDO CORDERO ONTIVEROS

Mr. GRASSLEY. Mr. President, I am disappointed to have just learned that Mexican officials have arrested Ricardo Cordero. Mr. Cordero came to our attention this week with articles in the *Washington Post* and other papers in our country because of charges he made about the degree of narcotics-related corruption in Mexico's counterdrug efforts.

When I read those articles, the thought came to my mind, how come this guy is still in Mexico? He will be assassinated, executed, or something. But anyway, now he is arrested. It has been on charges of corruption and taking bribes himself.

I do not want to comment on the merits of those charges. He could be guilty, of course. But what concerns me, and what needs to concern all of us in this body, Cordero's accusations made this week printed in our own newspapers.

The arrest has the appearance of retaliation and intimidation. It gives the impression that instead of investigating his allegations, that the messenger, in fact, has been punished. If this is the case, then it raises further doubts about the ability of Mexico to take serious steps to end corruption and to deal with the problems posed by drug trafficking.

Even if Mr. Cordero is guilty of the charges brought against him, it is a clear indication of the thorough-going nature of corruption in the counterdrug fight in Mexico. If he is innocent, however—and at least in our