Third United Nations Conference on the Law of the Sea

1973-1982
Concluded at Montego Bay, Jamaica on 10 December 1982

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A/CONF.62/WS/37 and Add.1-2

Note by the Secretariat

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume XVII (Plenary Meetings, Summary Records and Verbatim Records, as well as Documents of the Conference, Resumed Eleventh Session and Final Part Eleventh Session and Conclusion)*

DOCUMENT A/CONF.62/WS/37 AND ADD.1 AND 2*

Note by the Secretariat

Pursuant to the announcement made by the President of the Conference at the 185th plenary meeting on 6 December 1982, statements made in the exercise of the right of reply are contained in the present document.

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AUSTRALIA

[*Original: English*]
[*1 August 1983*]

Australia reserves its position with regard to any statement made at the final part of the eleventh session of the Third United Nations Conference on the Law of the Sea at Montego Bay relating to the interpretation of provisions of the United Nations Convention on the Law of the Sea or to the present state of international law.

CHINA

[*Original: Chinese and English*]
[*4 February 1983*]

In his speech at the 191st plenary meeting on 9 December 1982, the representative of Viet Nam groundlessly claimed that the Xisha Islands and the Nansha Islands were Vietnamese territories and insinuated that China had occupied the Xisha Islands by force of arms and threatened to annex the Nansha Islands. The Chinese delegation categorically rejects this utterly false and absurd allegation designed to distort historical facts.

It is a matter of common knowledge that the Xisha Islands and the Nansha Islands are inalienable parts of China's sacred territory, an irrefutable fact fully backed by historical and juridical records. The Vietnamese Government itself affirmed in a note dated 14 September 1958 that those islands belonged to China.

As to the declaration of the Vietnamese Government, dated 12 November 1982, on the baseline of Viet Nam's territorial sea, the spokesman of the Chinese Foreign Ministry has given it a stern refutation on 28 November 1982. The so-called maritime boundary line in the Beibu Gulf claimed by the Vietnamese Government is completely illegal and, therefore, null and void.

[*Original: Chinese/English/French*]
[*25 April 1983*]

The Sino-Vietnamese boundary delimitation convention signed between China and France in 1887 did not in any way delimit the maritime area in the Beibu Gulf. Therefore, no maritime boundary line has ever existed in the sea of the Beibu Gulf. On 26 December 1973, the Vietnamese Government formally admitted this fact to the Chinese Government.

Notwithstanding the fact admitted by Viet Nam itself, the Vietnamese authorities have now staked out a claim to the Xisha Islands and the Nansha Islands, thereby fully revealing their expansionist ambitions *vis-à-vis* those Chinese territories. That is something which the Chinese Government and people will never countenance.

DENMARK

[*Original: English*]
[*6 October 1983*]

Denmark reserves its position with regard to any statement made at the final part of the eleventh session of the Third United Nations Conference on the Law of the Sea at Montego Bay relating to the interpretation of provisions of the United Nations Convention on the Law of the Sea or to the present state of international law.

FEDERAL REPUBLIC OF GERMANY

[*Original: English*]
[*9 March 1983*]

The delegation of the Federal Republic of Germany avails itself of the right of reply to statements of delegations made at the final part of the eleventh session of the Third United Nations Conference on the Law of the Sea in Montego Bay, Jamaica (6-10 December 1982), and, in accordance with the procedure provided for the delivery of those replies, would like to state that it cannot agree with certain opinions expressed by various delegations during the final part of the eleventh session of the Third United Nations Conference on the Law of the Sea. While reserving its judgement on all declarations containing elements of interpretation of the Convention on the Law of the Sea, the Federal Republic of Germany would like to reiterate its position in particular with respect to the following points.

None of the provisions of the Convention, which reflect existing international law, can be regarded as entitling the coastal State to make the innocent passage of any specific category of foreign ships dependent on prior consent or notification. It is also in this sense that the delegation of the Federal Republic of Germany understands the statement by the President of the Conference at the 176th plenary meeting on 26 April 1982.

According to the provisions of the Convention, archipelagic sea-lane passage is not dependent on the designation by the archipelagic State of specific sea-lanes or air routes in so far as there are existing routes through the archipelago normally used for international navigation.

With respect to maritime zones, the Convention provides, beyond and adjacent to the territorial sea, for an exclusive economic zone, where the coastal State has specific resource-related sovereign rights and jurisdiction, while all States continue to enjoy in that zone the high sea freedoms of navigation and overflight and of laying of submarine cables and

*Document A/CONF.62/WS/37/Add.1 contained the statement by Australia, dated 1 August 1983, and the statements by France, dated 12 May and 28 July 1983, and document A/CONF.62/WS/37/Add.2 contained the statement by Denmark, dated 6 October 1983.

pipelines and other internationally lawful uses of the sea (see the letter of the delegation of the Federal Republic of Germany of 24 September 1982 addressed to the President of the Conference, document A/CONF.62/L.155). The exercise of these rights can therefore not be construed as affecting the security of the coastal State or affecting its rights and obligations under international law. Apart from artificial islands, the coastal State has the right in the exclusive economic zone to control the construction, operation and use only of those installations and structures which have economic purposes. Accordingly, the notion of a 200-mile zone of general rights of sovereignty and jurisdiction of the coastal State cannot be sustained either in general international law or under relevant provisions of the Convention.

With respect to the rules of international maritime law in force, the position of the Federal Republic of Germany is evident from its consistent practice in bilateral relations. Accordingly, the Federal Republic of Germany reserves its judgement as to any unilateral claim and interpretation of maritime jurisdiction.

In reply to statements made by several delegations, the delegation of the Federal Republic of Germany would like further to reemphasize the fact that, as a matter of law, States cannot be subject to obligations under the Convention until it has been duly ratified and entered into force for them. While many provisions of the Convention reflect existing rules of international law, the Convention, to a considerable extent, also purports to create new law. In particular those parts which relate to the legal régime of the deep sea constitute in their entirety new contractual law, which can become binding upon States only after ratification. Until then States remain free under existing international law in this field to enact legislation and to take other measures of an interim character.

It should also be retained that Part XI of the Convention and related annexes deal with a specific and new economic issue, with a view to phasing in a new economic resource into the world economy. The relevant provisions therefore cannot constitute a precedent for international negotiations in other economic fields.

Generally it has to be emphasized that the interpretation of provisions contained in the Convention has to be in compliance with the general principle of good faith and of avoidance of abuse of rights.

FRANCE

[*Original: French*]
[*12 May 1983*]

In response to certain statements made at the final part of the eleventh session of the Third United Nations Conference on the Law of the Sea at Montego Bay, the French Government wishes to make the following observations, which seem to it to reflect both the letter and the spirit of the new Convention:

1. The limitation of the breadth of the territorial sea to no more than 12 nautical miles is a crucial provision of the Convention, which confirms and codifies a widely observed customary practice. All States must, therefore, respect that limit, which is the only one authorized by international law. The French Government, for its part, does not recognize as territorial sea waters claimed as such beyond a distance of 12 nautical miles from baselines determined by the coastal State in accordance with the Convention.

2. The Convention unequivocally confirms the customary rule according to which all vessels, including warships, may engage in innocent passage in the territorial sea of a foreign State. No article of the Convention authorizes a coastal State to adopt or maintain in force any laws or regulations which would establish prior notification or authorization as a condition for the entry of any foreign vessel into its territorial sea. In addition, in accordance with the Convention, the French Government will not recognize as applicable to it any laws, regulations or other provisions which require such formalities or restrict in any other way the innocent passage of its vessels irrespective of type.

3. The coastal State does not exercise sovereignty over the economic zone but only sovereign rights for economic purposes and jurisdiction with respect to the protection and preservation of the marine environment, marine scientific research, and the deployment and use of artificial islands, installations and structures. Provided they respect such rights and such jurisdiction, all States enjoy in the economic zone the freedom of navigation, the freedom of overflight, the freedom to lay submarine cables and pipelines and the freedom to make other uses of the sea in conditions similar to those applicable to the high seas.

[*Original: French*]
[*28 July 1983*]

In response to the written statements submitted at the time of the signing of the United Nations Convention on the Law of the Sea at Montego Bay, the French Government wishes to refer to its statement of 12 May 1983, which it supplements with the following observations:

1. Vessels and aircraft of all States enjoy the same freedoms of navigation and of overflight in the economic zone as they do on the high seas and may carry out any manoeuvres and exercises related to those freedoms.

2. Uninhabited rocks which can sustain human habitation and an economic life of their own are entitled to an economic zone and a continent shelf, as provided for in the Convention.

ITALY

[*Original: English*]
[*7 March 1983*]

In reply to statements made during the final part of the eleventh session of the Third United Nations Law of the Sea Conference, as reported in the 185th to 193rd plenary meetings, Italy, while reserving its position on every point not covered here and while recalling all other statements it made at the Conference, wishes to state the following.

First, Italy reserves its position as regards every declaration and statement containing points of interpretation that go beyond the provisions of the Convention.

Secondly, Italy considers that the United Nations Convention on the Law of the Sea is fully regulated by the law of treaties, including article 38 of the Vienna Convention on the Law of Treaties[62] of 23 May 1969. Thus, the Convention does not entail rights and obligations for States which are not parties to it, with the exception of rules that correspond to customary law. Consequently, most of the provisions of Part XI and of annexes II and IV do not correspond to customary law nor do they limit the freedom of States not parties to the Convention to take measures relating to deep sea-bed mining, with due regard to the interests of the States in the exercise of the freedoms of the high seas.

Thirdly, according to the Convention, the coastal State does not enjoy residual rights in the exclusive economic zone. In particular, the rights and jurisdiction of the coastal State in

[62] See *Official Records of the United Nations Conference on the Law of Treaties, Documents of the Conference* (United Nations publication, Sales No. E.70.V.5).

such zone do not include the right to obtain notification of military exercises or manoeuvres or to authorize them. Moreover, the right of the coastal State to build and to authorize the construction operations and the use of installations and structures in the exclusive economic zone and on the continental shelf is limited only to the categories of such installations and structures as listed in article 60 of the Convention.

Fourthly, none of the provisions of the Convention, which corresponds on this matter to customary international law, can be regarded as entitling the coastal State to make innocent passage of particular categories of foreign ships dependent on prior consent or notification.

It is the understanding of Italy that this is confirmed by the declaration of the President of the Conference on 26 April 1982.

NETHERLANDS

[*Original: English*]
[*8 April 1983*]

The Representative of the Kingdom of the Netherlands to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to declare that the Kingdom of the Netherlands reserves its position with regard to any statement made at the final part of the eleventh session of the Third United Nations Conference on the Law of the Sea, at Montego Bay, which contains elements of interpretation with regard to the provisions of the United Nations Convention on the Law of the Sea.

TURKEY

[*Original: English*]
[*24 February 1983*]

In view of some statements made at Montego Bay, the Turkish delegation deems it necessary to state the following.

It should be recognized that the United Nations Convention on the Law of the Sea does not foresee a uniform application of its provisions as a whole and to all seas, as alleged by Mr. Papoulias of Greece in his statement of 9 December 1982, at the 191st plenary meeting. To think otherwise would run counter to the letter and spirit of the Convention. The existence, in the Convention, of special provisions for enclosed and semi-enclosed seas, archipelagic States, geographically disadvantaged States, land-locked States and the principle of equity only testify to this understanding. In other words, a differentiation in the application of the provisions of the Convention in accordance with various geographical circumstances is one of the principal elements of the basic thinking underlying the Convention, although this has not been adequately reflected in its provisions.

In his aforementioned statement, the resident representative of Greece said:

> "Similarly, it should be stressed at this time that all the clauses have been accepted by near consensus, since almost all the countries that abstained in the vote when the Convention was adopted stated that they accepted all the parts of the Convention, with the exception of Part XI, on the sea-bed. If I am not mistaken, the same is true for the four countries that voted against it."

This statement creates a misleading impression of the proceedings of the Conference. It is a well-known fact that at both formal and informal meetings of the Conference, the Turkish delegation raised objections to a number of articles and submitted amendments thereto, and never gave its consent to those which did not accommodate Turkish views. It should be noted in this context that the Turkish objections are not related to Part XI of the sea-bed. This is also true for some other countries who have voted against the Convention, contrary to the impression given by Mr. Papoulias.

It would also be recalled that Turkey had proposed, at the final session of the Conference, an amendment to the Convention which, if adopted, would have permitted reservations to the Convention. The fact that 45 States either voted in favour or abstained indicates that a considerable number of States had difficulties with the Convention. Therefore, to speak of a near consensus constitutes a distortion of the realities concerning the proceedings of the Conference.

In the same statement the representative of Greece said:

> "Given this fact, and also the practice of States, it is clear that these provisions can be, and practically speaking are, considered to be already part of customary international law. Such is the case, for example, of the provision fixing the maximum breadth of the territorial sea at 12 miles, a provision which is already being applied by a substantial majority of countries Members of the United Nations. That also goes for the articles referring to freedom of navigation and the régime with respect to islands, and other articles."

In the first place, it should be noted that the 12-mile limit envisaged in article 3 of the Convention is neither a compulsory limit nor a limit to be applied automatically. The 12-mile limit is the maximum breadth that may be applied within the general limitation imposed by article 300 which embodies the principle of abuse of right. In the narrow seas, on which Turkey is bordered, the extension of the territorial sea in disregard of the special characteristics of these seas and in a manner which would deprive another littoral State of its existing rights and interests creates inequitable results which certainly call for the application of the principle of abuse of right.

In the second place, Turkey is of the opinion that the 12-mile limit for territorial waters has not acquired the character of the rule of customary international law. Indeed, it is not possible to speak of a rule of customary international law in cases where the application of such a rule constitutes an abuse of right.

It should also be mentioned that international custom depends on the consent of States and it is a rule of international law that a State may contract out of a custom in the process of formation. Turkey, in the course of the preparatory stages of the Conference as well as during the Conference, has been a persistent objector to the 12-mile limit. As far as the semi-enclosed seas are concerned, the amendments submitted and the statements made by the Turkish delegation manifest Turkey's consistent and unequivocal refusal to accept the 12-mile limit on such seas.

In view of the foregoing considerations, the 12-mile limit cannot be claimed *vis-à-vis* Turkey.

The reference to freedom of navigation by Mr. Papoulias constitutes a clear contradiction with the Greek attempts to hamper freedom of navigation by giving arbitrary interpretation to some of the provisions of the Convention. In this context, Turkey wishes to confirm the views contained in document A/CONF.62/WS/34. The scope of the régime of straits used for international navigation and the rights and duties of States bordering the straits are clearly defined in the provisions contained in Part III of the United Nations Convention on the Law of the Sea. With the limited exceptions provided in articles 35, 36, 38, paragraph 1, and 45, all straits used for international navigation are subject to the régime of transit passage. Consequently, any attempt to create a separate category of straits, i.e. "spread-out islands that form a great number of alternative straits", is contrary to the Convention and the principles of international law. Turkey wishes to underline that such attempts are legally unfounded and totally unacceptable.

Article 121 on the régime of islands is, in Turkey's opinion, an article of a general nature which does not predetermine the maritime space to be allocated to the islands situated in the areas subject to delimitation. The presence of islands in an area to be delimited is only one of the relevant circumstances to be taken into account in order to arrive at an equitable solution. The maritime spaces of the islands in the areas to be delimited are determined by the application of equitable principles. Hence article 121 is not applicable to the islands located in the maritime areas which are subject to delimitation.

Finally Turkey wishes to reaffirm that unilateral actions pursued by the Greek Cypriot administration, including the extension of territorial waters to 12 miles in 1964, without the participation of the Turkish Cypriot side, are devoid of any legality. As a matter of fact, the Turkish Federated State of Kibris, the co-founder partner of the Republic, in its letter of 8 February 1983 addressed to the Secretary-General of the United Nations, has objected to such unlawful actions and has expressed the view that these actions are not binding on the Turkish Cypriot Community.[63]

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[4 March 1983]

At the final part of the eleventh session of the Conference, statements were made regarding the interpretation or application of the convention concerning the rights of a coastal State with regard to the territorial sea, and in particular the innocent passage of warships and other vessels through the territorial sea, the status and régime of the exclusive economic zone, and in particular the rights and obligations of States other than the coastal State concerned within that zone, the delimitation of maritime boundaries of all kinds and the legal status of the deep sea-bed beyond national jurisdiction and its resources. A number of statements on these and other matters misinterpret the provisions of the convention or their effect. The United Kingdom does not accept these statements and wishes to recall the statement made by the leader of the United Kingdom delegation at the 189th plenary meeting on 8 December 1982 and to reaffirm its position expressed then and on other occasions during the negotiations.

United States of America

[Original: English]
[8 March 1983]

Rights and duties of non-parties

Some speakers discussed the legal question of the rights and duties of States which do not become party to the Convention adopted by the Conference. Some of these speakers alleged that such States must either accept the provisions of the Convention as a "package deal" or forgo all of the rights referred to in the Convention. This supposed election is without foundation or precedent in international law. It is a basic principle of law that parties may not, by agreement among themselves, impair the rights of third parties or their obligations to third parties. Neither the Conference nor the States indicating an intention to become parties to the Convention have been granted global legislative power.

The Convention includes provisions, such as those related to the régime of innocent passage in the territorial sea, which codify existing rules of international law which all States enjoy and are bound by. Other provisions, such as those relating to the exclusive economic zone, elaborate a new concept which has been recognized in international law. Still others, such as those relating to deep sea-bed mining beyond the limits of national jurisdiction, are wholly new ideas which are binding only upon parties to the Convention. To blur the distinction between codification of customary international law and the creation of new law between parties to a convention undercuts the principle of the sovereign equality of States.

The United States will continue to exercise its rights and fulfil its duties in a manner consistent with international law, including those aspects of the Convention which either codify customary international law or refine and elaborate concepts which represent an accommodation of the interests of all States and form part of international law.

Deep sea-bed mining

Some speakers asserted that existing principles of international law, or the Convention, prohibit any State, including a non-party, from exploring for and exploiting the mineral resources of the deep sea-bed except in accordance with the Convention. The United States does not believe that such assertions have any merit. The deep sea-bed mining régime of the Convention adopted by the Conference is purely contractual in character. The United States and other non-parties do not incur the obligations provided for therein to which they object.

Article 137 of the Convention may not as a matter of law prohibit sea-bed mining activities by non-parties to the Convention; nor may it relieve a party from the duty to respect the exercise of high seas freedoms, including the exploration for and exploitation of deep sea-bed minerals, by non-parties. Mining of the sea-bed is a lawful use of the high seas open to all States. United States participation in the Conference and its support for certain General Assembly resolutions concerning sea-bed mining do not constitute acquiescence by the United States in the elaboration of the concept of the common heritage of mankind contained in Part XI, nor in the concept itself as having any effect on the lawfulness of deep sea-bed mining. The United States has consistently maintained that the concept of the common heritage of mankind can only be given legal content by a universally acceptable régime for its implementation, which was not achieved by the Conference. The practice of the United States and the other States principally interested in sea-bed mining makes it clear that sea-bed mining continues to be a lawful use of the high seas within the traditional meaning of the freedom of the high seas.

The concept of the common heritage of mankind contained in the Convention adopted by the Conference is not *jus cogens*. The Convention text and the negotiating record of the Conference demonstrate that a proposal by some delegations to include a provision on *jus cogens* was rejected.

Innocent passage in the territorial sea

Some speakers spoke to the right of innocent passage in the territorial sea and asserted that a coastal State may require prior notification or authorization before warships or other governmental ships on non-commercial service may enter the territorial sea. Such assertions are contrary to the clear import of the Convention's provisions on innocent passage. Those provisions, which reflect long-standing international law, are clear in denying coastal State competence to impose such restrictions. During the eleventh session of the Conference, formal amendments which would have afforded such competence were withdrawn. The withdrawal was accompanied by a statement read from the Chair, and that statement clearly placed coastal State security interests within the context of

[63] *Official Records of the Security Council, Thirty-eighth Year, Supplement of January, February and March 1983*, document S/15603.

articles 19 and 25. Neither of those articles permits the imposition of notification or authorization requirements on foreign ships exercising the right of innocent passage.

Exclusive economic zone

Some speakers described the concept of the exclusive economic zone in a manner inconsistent with the text of the relevant provisions of the Convention adopted by the Conference.

The International Court of Justice has noted that the exclusive economic zone "may be regarded as part of modern international law" (Continental Shelf Tunisia/Libya Judgment (*I.C.J. Reports 1982,* p. 18), para. 100). This concept, as set forth in the Convention, recognizes the interest of the coastal State in the resources of the zone and authorizes it to assert jurisdiction over resource-related activities therein. At the same time, all States continue to enjoy in the zone traditional high seas freedoms of navigation and overflight and the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, which remain qualitatively and quantitatively the same as those freedoms when exercised seaward of the zone. Military operations, exercises and activities have always been regarded as internationally lawful uses of the sea. The right to conduct such activities will continue to be enjoyed by all States in the exclusive economic zone. This is the import of article 58 of the Convention. Moreover, Parts XII and XIII of the Convention have no bearing on such activities.

In this zone beyond its territory and territorial sea, a coastal State may assert sovereign rights over natural resources and related jurisdiction, but may not claim or exercise sovereignty. The extent of coastal State authority is carefully defined in the Convention adopted by the Conference. For instance, the Convention, in codifying customary international law, recognizes the authority of the coastal State to control all fishing (except for the highly migratory tuna) in its exclusive economic zone, subject only to the duty to maintain the living resources through proper conservation and management measures and to promote the objective of optimum utilization. Article 64 of the Convention adopted by the Conference recognizes the traditional position of the United States that highly migratory species of tuna cannot be adequately conserved or managed by a single coastal State and that effective management can only be achieved through international cooperation. With respect to artificial islands, installations and structures, the Convention recognizes that the coastal State has the exclusive right to control the construction, operation and use of all artificial islands, of those installations and structures having economic purposes and of those installations and structures that may interfere with the coastal State's exercise of its resource rights in the zone. This right of control is limited to those categories.

Continental shelf

Some speakers made observations concerning the continental shelf. The Convention adopted by the Conference recognizes that the legal character of the continental shelf remains the natural prolongation of the land territory of the coastal State wherein the coastal State has sovereign rights for the purpose of exploring and exploiting its natural resources. In describing the outer limits of the continental shelf, the Convention applies, in a practical manner, the basic elements of natural prolongation and adjacency fundamental to the doctrine of the continental shelf under international law. This description prejudices neither the existing sovereign rights of all coastal States with respect to the natural prolongation of their land territory into and under the sea, which exists *ipso facto* and *ab initio* by virtue of their sovereignty over the land territory, nor freedom of the high seas, including the freedom to exploit the sea-bed and subsoil beyond the limits of coastal State jurisdiction.

Boundaries of the continental shelf and exclusive economic zone

Some speakers directed statements to the boundary provisions found in articles 74 and 83 of the Convention adopted by the Conference. Those provisions do no more than reflect existing law in that they require boundaries to be established by agreement in accordance with equitable principles and in that they give no precedence to any particular delimitation method.

Archipelagic sea lanes passage and transit passage

A small number of speakers asserted that archipelagic sea lanes passage, or transit passage, is a "new" right reflected in the Convention adopted by the Conference. To the contrary, long-standing international practice bears out the right of all States to transit straits used for international navigation and waters which may be eligible for archipelagic status. Moreover, these rights are well established in international law. Continued exercise of these freedoms of navigation and overflight cannot be denied a State without its consent.

One speaker also asserted that archipelagic sea lanes passage may be exercised only in sea lanes designated and established by the archipelagic State. This assertion fails to account for circumstances in which all normal sea lanes and air routes have not been designated by the archipelagic state in accordance with Part IV, including articles 53 and 54. In such circumstances, archipelagic sea lanes passage may be exercised through all sea lanes and air routes normally used for international navigation. The United States regards these rights as essential components of the archipelagic régime if it is to find acceptance in international law.

Consistency of certain claims with provisions of the Convention adopted by the Conference

Some speakers also called attention to specific claims of maritime jurisdiction and to the application of certain provisions of the Convention adopted by the Conference to specific geographical areas. These statements included assertions that certain claims are in conformity with the Convention; that certain claims are not in conformity with the Convention but are nevertheless consistent with international law; that certain baselines have been drawn in conformity with international law; and that transit passage is not to be enjoyed in particular straits due to the purported applicability of certain provisions of the Convention.

The lawfulness of any coastal State claim and the application of any Convention provision or rule of law to a specific geographic area or circumstance must be analysed on a case-by-case basis. Except where the United States has specifically accepted or rejected a particular claim or the application of a rule of law to a specific area, the United States reserves its judgement. This reservation of judgement on such questions does not constitute acquiescence in any unilateral declaration or claim. In addition, the United States reserves its judgement with respect to any matter addressed by a speaker and not included in this right of reply, except where the United States has specifically indicated its agreement with the position asserted.