



## Research Article

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# Law on Reservations to Human Rights Treaties: Historical Development and Its Prospects

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### Abstract

*The application of rules on reservations under the Vienna Convention on Laws of Treaties (VCLT) has generated a debate to revisit the Vienna regime. The rules on reservations under the VCLT have helped attain the universality of human rights treaties but at the price of integrity. The beneficial aspect of reservations is the promotion of universal recognition of human rights treaties. However, they have shattered the uniform and practical application of the provisions of these treaties. The disappointment of the treaty monitoring bodies over the VCLT's rules on reservations to human rights treaties has resulted in the demand for a separate set of rules on reservations drawn to them. The universality and integrity of these treaties have been at the forefront of the treaty bodies and scholars. In the current debate on rules on reservations, this research tracks down the historical development of the law on reservations to multilateral treaties. It highlights the unique features of the human rights treaties and examines the application of rules to determine the compatibility of reservations. The research suggests treaty bodies adopt a novel approach to maintain the balance between universality and their integrity.*

**Keywords:** Reservations to human rights treaties, Historical development of the law on reservations, Reservations and multilateral treaties, Reservation under VCLT, Vienna regime on reservations

## 1. Introduction

The issues concerning reservations to the human rights treaties (HRT) are the most complex and baffling area of international law on treaties (Anderson 1964). The complex nature of reservations is evident from the fact that the issues related to the reservations to HRT remain unsolved under the Vienna Convention on Laws of Treaties 1969 (VCLT) (Swaine 2006). The VCLT establishes the rules on reservations that apply to standard treaties and HRT. The delegation of 110 members unanimously voted for adopting the flexible rule on the admissibility of reservations as introduced by the International Court of Justice (ICJ) in the Genocide case 1951. The International Law Commission (ILC) endorsed the flexible rule in the VCLT (Clark 1991). The VCLT provides standard rules relating reservations to multilateral treaties. The HRT possesses unique features that distinguish them from the standard treaties. The effectiveness of the Vienna regime to HRT is in debate among scholars. The flexible rules under the Vienna regime have helped to attain the universality of HRT. Today, the question is not about universality; instead, it involves the uniform application of rights enunciated in

these treaties, i.e., the integrity of the treaties. The flexibility of formulating reservations has resulted in many incompatible reservations (Moloney 2004). The Human Rights Committee (HRC) has shown its dissatisfaction with the VCLT's rules for dealing with the reservations to the International Covenant on Civil and Political Rights (ICCPR). The legal fora have suggested the decisive role of the treaty bodies in dealing with reservations to the HRT. The ice-breaking claim of the HRC to assume the authority to determine the compatibility of reservations is the beginning of a new era on the law on reservations. This paper traces the historical development of the law on reservations before and after the Genocide case. It highlights the unique characteristics of the HRT and the application of VCLT's rules on reservations to these treaties. Finally, the paper examines the prospects of the VCLT's rules and the claim of the HRC to determine the compatibility of reservations.

## 2. Understanding Reservations

The ICJ laid down the rule to determine the compatibility of reservations in the Genocide case in 1951. Keeping in view the unique features of the HRT, the Court introduced a flexible rule on determining the compatibility of reservations by referring to the 'object and purpose' of the treaties. The flexible rule was later incorporated in the VCLT and HRT. The ICJ elaborated the rules on reservations. However, the judges did not attempt to define a reservation (Anderson 1964). They might have presupposed the understanding of a reservation. The drafters of the VCLT incorporated the definition of a reservation in Article 2 (1)(d). According to the article, a reservation is a one-sided statement by the reserving state formulated to amend or alter the legal effects of provisions of a treaty. The state parties may formulate reservations when ratifying or acceding to a treaty and not afterward. Sir Gerald Fitzmaurice, British jurist and former member of the ICJ, elaborates it as a statement or notice to limit states' obligations under a treaty. According to him, the reserving states purport to apply treaty provisions in a particular manner or partial implementation of the treaty. Sir Gerald has focused on the purpose of formulating reservations (Anderson 1964). The ILC, in its Guide to Practice on Reservations to Treaties 2011, gives a broader scope of reservations. The Guide has incorporated two effects of formulating reservations to exclude or modify the legal effects of specific provisions (Guide to Practice on Reservation 2011). 'To exclude' may refer to the complete bar to that extent, and 'to modify' refer to a different interpretation of the treaty provisions.

The reservations vary in scope on account of their format and purpose to formulate the reservations. From the definitions, two elements are considered essential ingredients of a reservation; first, the time bar limit of formulating reservations, as stated earlier. However, a state party may modify or withdraw a reservation under Article 20 of the VCLT. The HRT has also incorporated the provisions to withdraw reservations. For instance, article 28 (3) of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and article 51 (3) of the Convention on the Rights of the Child (CRC) provide for the withdrawal of reservations. Many states have modified or withdrawn their reservations. An example in this context is the withdrawal of reservation on articles 2 (f), 9 (1), 16 (b), 16 (d), 16 (e), 16 (h) of the CEDAW by Malaysia in 1998. In addition, Malaysia modified the reservation to articles 5 (a), 7 (b), 9 (2) and 16 (1a), and (2) of the CEDAW. Similarly, Australia partially withdrew its reservation, drawn to article 11 of the CEDAW. In 2009, Algeria also withdrew the reservation formulated to article 9 (2) of the CEDAW (United Nations Treaty Collection n.d.). In 2010, Germany withdrew her declaration to the CRC on articles 9, 10, 18, 22, and 38(2) (United Nations Treaty Collection n.d.). Secondly, the purpose of formulating a reservation. The statement and its format are not significant, i.e., a reservation may be in the form of a declaration, understanding, or another form. The essential element remains whether the statements used as reservations purports to limits, exclude or modify the legal effects or not.

### 2.1 Reservations, Understandings, and Declarations

In practice, the reserving states use different statements to alter the legal effects of the provisions of

the treaties, and it becomes difficult to distinguish between them. For instance, in the *Belilos* case, Switzerland's interpretative declaration was treated as an invalid reservation by the European Court of Human Rights (McCall-Smith 2014a; Edwards 1999; *Belilos v Switzerland*, 1988). The claim of Switzerland that its declaration is a reservation that is covered under the VCLT. The Court accepted its argument and applied the international legal regime to the Swiss statement. Each of the statements drafted by the reserving states is different on account of its scope and effects. Ababu (2010) opined that reservations, interpretative declarations, and other statements have different scopes on account of the purpose that the reserving state purports to bring. Similarly, Edwards (1999) argued that using 'however phrased or name' in the definition indicates that the format of the statement is immaterial, and the relevant factor is whether that statement modifies the legal effects or not. Taking the example of the interpretative declaration that does not intend to bind other states; instead, it clarifies or expresses the understanding of the treaty provisions.

## 2.2 Reservations and the Universality of HRT

Reservations provide a means to the state parties to join a treaty in a contingent manner. The reserving states exempt themselves from certain obligations and remain bound by the remaining part of the treaty. In bilateral treaties, the acceptance of the reservation is essential by the other state; otherwise, the treaty does not come into existence. In multilateral treaties, the unacceptance of the reservation results in the reciprocity of the application of the reserved provision. In the case of HRT, the purpose of formulating a reservation is to exclude the application of certain provisions or alter the legal effects of specific provisions. The principle of reciprocity does not apply in HRT. In addition, the state parties do not preclude the treaty provisions between themselves and the reserving states (United Nations Treaty Collection n.d.).

The reservations have played a vital role in promoting the universality of HRT. The reserving states exclude the application of specific provisions that contradict their cultural and social traditions. In this way, reservations can reach a consonance between the state parties having different cultural, political, and social values. The reserving states remain bound by the treaty except for the reserved provisions. On the one hand, the state parties have agreed on the standard set of rights incorporated in HRT.

On the other hand, the state parties through reservations may account for local values. As introduced by the ICJ, on reservations was to promote the universality of HRT. The goal of universality has been achieved without any doubt. One hundred ninety-four states have ratified the CRC. Only three states, i.e., Somalia, South Sudan, and the United States, are not members of the CRC (Human Rights Watch n.d.). Similarly, the CEDAW is the second highly ratified HRT following the CRC (United Nations Treaty Collection n.d.).

The integrity of HRT has been compromised for the sake of universality and recognition of international human rights law across the globe. The qualified ratification of HRT implies that they do not intend to implement certain rights. Many state parties have formulated broad, general, and sweeping reservations that contradict the object and purpose of the treaties (Keller 2014). Taking the example of the CEDAW, many states, including Pakistan, Saudi Arabia, and Syria, have drawn reservations in the name of Sharia and the constitution (Human Rights Watch n.d.). The scope of such reservations is open-ended; therefore, they are considered incompatible with the object and purpose of the Convention. These incompatible reservations have detrimental effects on the integrity of HRT (Human Rights Watch n.d.). Other contracting parties have opposed the general and broad reservations. For instance, Austria and Denmark have filed objections stating that general reservations create a doubt to the obligations of the state parties to implement the treaty provisions (Human Rights Watch n.d.). From this perspective, the reservations have affected the uniform application of the treaties' rights.

### 3. Historical Development of the Law on Reservations

The discussion concerning the law on reservations is divided into two parts, i.e., the Pre-Genocide case regime and the Post-Genocide case regime. The Pre-Genocide case period comprises of Pre-League and League practice, the Pan American system, and rules on reservations under the Havana Convention. The Post-Genocide case regime consists of the Genocide case, the VCLT, and HRC's elaborations on the reservations.

#### 3.1 *Pre-Genocide Regime on Reservations*

Before the League of Nations, the acceptance of a reservation required the unanimous consent of the state parties. The unacceptance of a reservation by a single state could exclude the reserving state from the treaty. The rigid rule on the admissibility of the reservations maintained the integrity of the treaties (Goodman 2002). The League of Nations endorsed the unanimous rule for the admissibility of the reservations. The Pre-League and League period empowered the state parties to determine the validity and admissibility of reservations. The state parties had the sole authority to accept or reject a proposed reservation. The League system introduced the permissibility criterion to determine the admissibility of reservations. The permissibility criterion curtailed the power of the state parties to determine the admissibility of reservations.

It provided that if a treaty provides for the formulation of specific reservations, then the state parties cannot reject the reservation. The focus of the Pre-League and the League system was on the integrity of the treaties. The reason behind this could be that HRT did not come into existence at that time. Before adopting the Universal Declaration on Human Rights, most of the plurilateral and multilateral treaties were interest-based. Unlike HRT, in which the individuals are direct beneficiaries, the state parties are the beneficiaries in the case of standard multilateral treaties (Goodman, 2002). The principle of unanimous consent was also followed at the regional level by the Organization of American States till 1920. Later, it adopted 'piecemeal validity' or 'individual opposability' (Koh 1982). The principle of 'piecemeal validity' was an apparent deviation from the rule of unanimity. Under the 'piecemeal validity' rule, a single state party's acceptance could validate a reservation. Under the unanimous rule, a valid reservation required the consent of all state parties. However, in the Pan-American system, the unanimous opposition could reject a reservation. The 'piecemeal validity' was unique in terms of providing maximum participation of the state parties. Another beneficial aspect of the rule was that the reservation was not binding on the state parties that had not accepted the reservation (Riddle 2002).

Contrary to the Pan-American system, the Havana Convention on Treaties introduced a minimal relationship between the objecting and reserving state. Under the Pan-American system, the reserving and objecting state had no legal relationship despite being the party to the same treaty. The Havana Convention excluded the relationship of the reserving and objecting state to the extent of reserved provisions only. In this way, all state parties had legal relationships with other parties. The Havana rules on reservations created a balance between the universality of the treaties and their integrity. However, it failed to gain recognition across the globe. The United Nations, till the introduction of the compatibility test in the Genocide case, followed the League system on dealing with reservations (Clark 1991; Koh 1982). The VCLT and other HRT later adopted the flexible rule of determining the compatibility of reservations with the object and purposes of the treaties. The Genocide case laid down the foundation of the Genocide case regime on reservations.

#### 3.2 *Post-Genocide Case Regime on Reservations*

The application of standard rules on reservations to HRT had been in discussion for more than a century. The landmark development in the law on reservations was the introduction of compatibility test in the Genocide case. Keeping in view the unique features of HRT, the ICJ decided to adopt a

flexible rule on the admissibility of reservations to HRT. The Court referred the admissibility of reservations to the object and purpose of the treaties. The issues related to the entry into force and reservations to the Convention on the Preservation and Punishment of the Crime of Genocide (Genocide Convention) were discussed. The ICJ was consulted for an opinion on the matter. The ICJ considered the distinguishing features of the normative treatises and preferred to adopt a flexible rule on reservations to HRT (Shelton 1983). Although, the compatibility test entirely depends on the object and purpose of a treaty. However, the Court did not elaborate on the term and left it to the state parties to interpret it.

In 1962, Sir Humphery submitted the 'Waldock report' to the ILC. Sir Waldock framed a separate rule on reservations for the bilateral, plurilateral, and multilateral treaties. The acceptance of the other state parties was required in the case of bilateral treaties. The rules of the League system, i.e., opposability criterion was referred for the plurilateral treaties. Finally, the Pan-American system was used for the multilateral treaties, i.e., the proposed reservations were admitted if, as a minimum, one state party had accepted the reservation (Koh 1982). The report did not get recognition in the VCLT. Considering the issues of the multilateral treaties, the VCLT framed a standard set of rules for the multilateral treaties. The Convention is an authentic codified law on matters related to multilateral treaties and reservations. It endorsed the compatibility test established by the ICJ.

The VCLT provides comprehensive rules on reservations. Article 19 (a) of the Convention lays down three conditions for the validity or admissibility of a reservation. A reservation is considered invalid if it falls under any of the following conditions; firstly, if the treaty does not provide for formulating the reservations or expressly prohibits reservations. As, Article 21 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1987 and article 120 of the Rome Statute of the International Criminal Court, 1998 prohibit the formulation of reservations. Secondly, if a treaty allows only a specific or particular reservation and the proposed reservation does not belong to that category. For instance, article 57 of the European Convention on Human Rights (ECHR) allows reservations drawn to a specific provision in the context of the local law. Finally, if a treaty is silent on the conditions mentioned earlier, a reservation would be invalid if it is incompatible with the object and purpose of the treaty. For example, article 28 (2) of the CEDAW Convention and article 51(2) of the CRC has incorporated the compatibility rule. Under the VCLT's rules, if a reservation does not fall under any of the three conditions, it is presumed to be valid. The permissibility and opposability doctrines differ in their approach to decide the admissibility of reservations. The permissibility school maintains that the admissibility of reservations is solely determined based on the permissibility criterion given in a treaty. The proponents of this school argue that other state parties cannot accept if a reservation is invalid. The opposability school grants the authority to determine the admissibility of a reservation to the other state parties (Bydoon 2011).

The rules on reservations in the Vienna regime apply to all kinds of international multilateral treaties, including the normative treaties. In the standard treaties, the beneficiaries are the state parties, and the reciprocal principle applies. Therefore, the VCLT's provisions have been successfully utilized in the standard treaties. The situation is different in HRT, i.e., the reciprocity rule does not apply to the HRT, and the individuals are the direct beneficiaries rather than states. The HRT has unique characteristics that distinguish them from the standard treaties. The application of VCLT's provisions to the HRT has given rise to many issues and controversies. Resultantly, these controversies have generated debates to reform the rules on reservations under the VCLT. What are the unique features that distinguish HRT from standard treaties? The answer to this question is elaborated on in the next part of the paper.

#### 4. Human Right Treaties; Special Features and Vienna Regime

Since the inception of the UN Charter, the world community has worked hard to develop human rights laws across the globe. The 'Bill of Human Rights,' i.e., UDHR, ICCPR, and ICESCR, is the founding document and provides the bedrock to the nine core HRT. The committee of experts has

been established under every treaty to monitor the implementation of the treaty provisions and optional protocols in the member states (OHCHR n.d.). The HRT incorporates a standard set of rights for all people without any discrimination. The development of the human rights law has occurred due to the global recognition of the HRT. However, the recognition of these instruments has been loaded with reservations. The HRT differs from the standard treaties in several ways. The primary difference between the HRT and standard treaties is the purpose of their formation. In the case of standard treaties, the focus of the state parties is on mutual benefits. The standard treaties are generally formed to enhance cooperation in technology, trade, education, or security. However, the scope of the HRT is broader on account of being beneficial to individuals across the globe. The beneficiaries in the case of HRT are the individuals. They do not directly benefit the state parties; instead, they obligate them to implement the rights enunciated in the treaties (Anderson 2001).

In addition, the principle of reciprocity does not apply in HRT. The reciprocity helps to maintain the balance between the contracting parties that have formulated the reservations. The reserving states using reservations preclude the obligations under the treaties. In standard treaties, the objecting states can also exclude applying the reserved provisions against the reserving state. The principle of reciprocity does not apply in HRT. As a result, the situation becomes more complex. If the objecting state renounces its obligations in response to a reservation, it will affect the individuals who are the beneficiaries of the treaties and not the state Parties (McCall-Smith 2014b). Another difference between the standard and HRT is the nature of provisions in both treaties. Specific provisions in HRT are considered core to the object and purpose of the treaty. The treaty bodies have emphasized the core provisions in their observations and General Comments. A reservation to the core provision is deemed to be an incompatible reservation. As reservations to articles, 2 and 16 are considered incompatible by the CEDAW Committee. The standard treaties usually do not differentiate between the provisions of the treaties (Shin 2004).

Furthermore, the nature and scope of reservations to HRT differ in many aspects, from the reservations drawn to standard treaties. In standard treaties, the reservations are limited in their scope and followed by the principle of reciprocity. The reservations formulated to HRT are broad and general. Such reservations make it challenging to ascertain the limits of the reservation. The scope of such reservations cannot be defined to specific provisions, and they create a doubt about the state's intention to fulfill its obligations under the treaty. The most noticeable category of such reservations includes the reservations drawn in the name of religion and constitutional law. For instance, about twenty Muslim states have formulated reservations to the CEDAW that are not compatible with the object and purpose of the Convention (Mayer 1995). Another variance in the reservations to both kinds of treaties is the criterion for the admissibility of them. The permissibility criterion generally determines the admissibility of the reservation to standard treaties. In the case of HRT, the criteria to determine admissibility vary from treaty to treaty. The Convention on the Reduction of Statelessness 1961 states that a reservation can only be made to specific Convention provisions. The Convention on Elimination of All Forms of Racial Discrimination 1965 does not permit reservations if two-thirds of state parties reject the proposed reservation. The ECHR prohibits general reservations. The CEDAW Convention and the American Convention on Human Rights have adopted the flexible criterion, i.e., compatibility test for the reservations (Shelton 1983). In addition to the nature of reservations, the HRT faces many reservations compared to the standard treaties. The CEDAW Convention and the ICCPR are examples of such treaties that carry the highest number of reservations. The acceptance and rejection of a reservation in a standard treaty gain a quick response from the state parties as the direct interest of the parties is involved. In the case of HRT, due to the lack of direct interest of the state parties, the practice of the states reflects that the state parties refrain from filing objections even to those reservations that are expressly incompatible. The VCLT puts a time bar of twelve months on filing objections to the reservations. The lack of sources and expertise hindered the state parties from evaluating the proposed reservation within the prescribed period. Moreover, several considerations, including political, economic, and alliances, may prevent a state party from objecting to a reservation.

## 5. Application of the 'Compatibility Test' to HRT

The VCLT remains the cornerstone and primary source of law on reservations to multilateral treaties. Article 1 of the Convention states that it applies to treaties between the states. Many rules on reservations contained in the VCLT are based on customary international law. Therefore, they apply even to those instruments that do not qualify as a treaty. Similarly, they apply to treaties concluded before the inception of the VCLT or even if a state has not ratified the VCLT. Article 19 through 20 of the Convention provides a comprehensive set of rules on several aspects of reservations, including formulation, acceptance, objections, and withdrawal. The application of the VCLT's provisions has proved to be effective in the case of standard treaties. However, Vienna rules to HRT have caused several issues due to the ambiguities in the VCLT.

One of the primary issues concerning the application of the VCLT's provisions to HRT is the ambiguity regarding the authority to determine the compatibility of reservations. The VCLT gives a mandate to the other state parties to determine the compatibility of reservations. In standard treaties, the relationship between the state parties is based on the parties' mutual interests. Every state party evaluates the proposed reservation and responds effectively. The treaty or the reserved provisions may be precluded from application between the objecting and the reserving state. In HRT, determining the admissibility of reservations by state parties has proved to be less effective. The response of the state parties to a proposed reservation shows varied trends in accepting and filing objections to the incompatible reservations. Some state parties may consider a reservation compatible, and other state parties may regard the same reservation as incompatible. One such example is the objections filed to the reservations of Pakistan and Saudi Arabia to the CEDAW Convention. Only five objections were filed to the reservation of Pakistan, and eight objections were filed to the reservation of Saudi Arabia (United Nations Treaty Collection n.d.). The reservations of Pakistan and Saudi Arabia are considered incompatible on account of their broad and general nature. Such reservations nullify the object and purpose of the Convention. The lack of objections from incompatible reservations does not imply that other state parties do not consider such reservations incompatible. Several factors may have hindered the state parties from filing objections. For example, inadequate resources, lack of expertise of the state machinery, political, economic, national interest-based considerations may hinder the state parties from filing objections.

In addition, the application of the time bar rule to HRT is another misery in dealing with the reservations. Article 20 (5) of the VCLT empowers the objecting state to file objections within twelve months of formulating the reservation. This time bar rule prohibits the filing of objections after the prescribed period. As stated earlier, most states lack the expertise and machinery to respond in the prescribed period. Many incompatible reservations go unaddressed. As a result, the reserving state gets the benefit of its incompatible reservation.

Furthermore, in the case of standard treaties, reservations are balanced by precluding the treaty provisions. However, the practice of the state parties in HRTs reveals the absence of preclusion of the treaty provisions between the state parties. In 2000, Austria objected to Bahrain's reservation to articles 2, 9 (2), 15 (4), and 16 of the CEDAW. Austria stated the reservation of Bahrain as incompatible but did not preclude the Convention between itself and Bahrain. In the same way, Czech Republic declared the reservation of Oman to articles 9 (2), 15 (4), and 16 of the CEDAW as incompatible and invalid but did not preclude the Convention between itself and Oman (United Nations Treaty Collection, n.d.). Even if the objecting and reserving state ruled out the treaty provisions between themselves, it would prove to be more detrimental in HRT due to the lack of direct interest of the state parties.

The treaty monitoring bodies have shown their concerns on the compliance of the obligations under a treaty. These bodies have kept matters related to reservations at the forefront of their policies and decision-making. The ECtHR and the Inter-American Court on Human Rights have developed the practice of severability. The Courts have claimed their competency to determine the compatibility of reservations. Under the severability doctrine, the incompatible reservation is

severed, and the reserving state is considered bound by the treaty as if no reservations have been drawn. The treaty monitoring bodies have adopted an assertive approach on matters related to reservations. The HRC in General Comment 24/ 52, 1994 have renounced the application of the VCLT and claimed the authority to determine the compatibility of reservations (Baylis 1999). The Committee stated that general and broad reservations had affected the effective implementation of the ICCPR. The Committee endorsed the compatibility test and severability rule and ruled out the VCLT's provisions to the extent of authority to determine the admissibility of reservations. The International Law Commission has also supported the HRC viewpoint in its Guide on Reservations to Treaties 2011. It remains uncertain to what extent the claim of the HRC would be implemented. The voices echo across the literature to revisit the legal framework and reform the rules on reservations.

## 6. Conclusion

The state parties are obligated to implement the rights enunciated in HRT without any justification and excuse. The general and broad reservations formulated to HRT have provided a means to the reserving states to escape from the responsibilities under HRT. The situation has resulted from the legal framework's ambiguities on reservations, including the VCLT and HRT. The ICJ in the Genocide case adopted a lenient approach in determining the admissibility of reservations. The aim was to enhance the participation of the state parties and promote the universality of HRT. The flexible approach of the Genocide case and the rules on reservations under the VCLT have proved to be an effective means in determining the admissibility of reservations in the case of standards international treaties. However, employing these rules to HRT has received criticism on account of neglecting the integrity of the HRT. The unique characteristics of the HRT demand a different set of rules on reservations on various accounts. For instance, the reciprocal principle does not apply to HRT; the nature and scope of reservation vary from the standard treaties and the absence of precluding the treaty provisions between the reserving and objecting states. In addition, the ambiguities in the VCLT's provisions relating to the mandate to decide the admissibility of reservations and the legal effects of formulating incompatible reservations have added further hardships in realizing the human rights standards under HRT.

The recent scholarship has changed the focus from universality to the integrity of HRT. The broad and general reservations have affected the integrity of the provisions of the HRT. The aim is not to lose the universality for gaining the integrity of HRT but to maintain the balance between them. The legal fora and the treaty monitoring bodies have emphasized taking matters related to reservations at precedent. The scope of the opposability principle is limited in the case of HRT. The severability doctrine has also received strong opposition from the state parties, including France, UK, and the USA. Keeping in view the universality and integrity of HRT, the monitoring bodies should be strengthened concerning their mandate to determine the compatibility of the reservations. The monitoring bodies must adopt a novel approach in this regard, and the balance between the universality and integrity of treaties must be maintained.

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- OHCHR, United Nations Human Rights Office of the High Commissioner. The Core International Human Rights Instruments and their Monitoring Bodies. <https://www.ohchr.org/en/professionalinterest/pages/coreinstruments.aspx>