RESERVATIONS IN MARINE ENVIRONMENTAL TREATIES: PRACTICAL OBSERVATIONS AND LEGAL LIMITATIONS

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The ability of states to exclude or modify terms of a multilateral treaty through the practice of reservations is a common feature of public international law. While many environmental agreements expressly prohibit general reservations, these treaties often provide for specific reservations, or some other type of objection procedure, whereby state parties may “opt-out” of conservation or management measures adopted by the regime. The need to inquire into the impact and usage of specific reservations is becoming increasingly apparent. Valuable ocean resources are disappearing at an alarming rate, and any mechanism that potentially limits the effectiveness of treaty regimes to conserve and manage them, must receive close scrutiny. This article examines specific reservations and objection procedures in key marine environmental conservation agreements and explores the extent to which they have been invoked. Finally, it discusses some legal limitations to their usage.

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