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DRAFT REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FIFTY-SIXTH SESSION

Rapporteur: Mr. Pedro COMISSÁRIO AFONSO

CHAPTER VIII

UNILATERAL ACTS OF STATES

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A. Introduction

1. In the report on the work of its forty-eighth session, in 1996, the Commission proposed to the General Assembly that the law of unilateral acts of States should be included as a topic appropriate for the codification and progressive development of international law.¹
2. The General Assembly, in paragraph 13 of resolution 51/160, *inter alia*, invited the Commission to further examine the topic “Unilateral Acts of States” and to indicate its scope and content.
3. At its forty-ninth session, in 1997, the Commission established a Working Group on this topic which reported to the Commission on the admissibility and facility of a study on the topic, its possible scope and content and an outline for a study on the topic. At the same session, the Commission considered and endorsed the report of the Working Group.²
4. Also at its forty-ninth session, the Commission appointed Mr. Victor Rodríguez Cedeño, Special Rapporteur on the topic.³
5. The General Assembly, in paragraph 8 of its resolution 52/156, endorsed the Commission’s decision to include the topic in its work programme.
6. At its fiftieth session, in 1998, the Commission had before it and considered the Special Rapporteur’s first report on the topic.⁴ As a result of its discussion, the Commission decided to reconvene the Working Group on Unilateral Acts of States.

¹ Ibid., *Fifty-first Session, Supplement No. 10* (A/51/10) p. 230 and pp. 328-329.

² Ibid., *Fifty-second Session, Supplement No. 10* (A/52/10), paras. 196-210 and 194.

³ Ibid., paras. 212 and 234.

⁴ A/CN.4/486.

7. The Working Group reported to the Commission on issues related to the scope of the topic, its approach, the definition of unilateral act and the future work of the Special Rapporteur. At the same session, the Commission considered and endorsed the report of the Working Group.⁵

8. At its fifty-first session, in 1999, the Commission had before it and considered the Special Rapporteur's second report on the topic.⁶ As a result of its discussion, the Commission decided to reconvene the Working Group on Unilateral Acts of States.

9. The Working Group reported to the Commission on issues related to: (a) the basic elements of a workable definition of unilateral acts as a starting point for further work on the topic as well as for gathering relevant State practice; (b) the setting of general guidelines according to which the practice of States should be gathered; and (c) the direction that the work of the Special Rapporteur should take in the future. In connection with point (b) above, the Working Group set the guidelines for a questionnaire to be sent to States by the Secretariat in consultation with the Special Rapporteur, requesting materials and inquiring about their practice in the area of unilateral acts as well as their position on certain aspects of the Commission's study of the topic.

10. At its fifty-second session, in 2000, the Commission considered the third report of the Special Rapporteur on the topic,⁷ along with the text of the replies received from States⁸ to the questionnaire on the topic circulated on 30 September 1999. The Commission at its 2633rd meeting on 7 June 2000 decided to refer revised draft articles 1 to 4 to the Drafting Committee and revised draft article 5 to the Working Group on the topic.

⁵ *Official Records of the General Assembly, Fifty-third Session, Supplement No. 10 (A/53/10)*, paras. 192-201.

⁶ A/CN.4/500 and Add.1.

⁷ A/CN.4/505.

⁸ A/CN.4/500 and Add.1.

11. At its fifty-third session, in 2001, the Commission considered the fourth report of the Special Rapporteur⁹ and established an open-ended Working Group. At the recommendation of the Working Group, the Commission requested that a questionnaire be circulated to Governments inviting them to provide further information regarding their practice of formulating and interpreting unilateral acts.

12. At its fifty-fourth session, in 2002, the Commission considered the fifth report of the Special Rapporteur,¹⁰ as well as the text of the replies received from States to the questionnaire on the topic circulated on 31 August 2001.¹¹ The Commission also established an open-ended Working Group.

13. At its fifty-fifth session in 2003, the Commission considered the sixth report of the Special Rapporteur.¹²

14. At its 2771st meeting, the Commission established an open-ended Working Group on Unilateral Acts of States chaired by Mr. Alain Pellet. The Working Group held six meetings.

15. At its 2783rd meeting on 31 July 2003, the Commission considered and adopted the recommendations contained in Parts 1 and 2 of the Working Group on the scope of the topic and the method of work.¹³

⁹ A/CN.4/519.

¹⁰ A/CN.4/525 and Add.1, Corr.1, Corr.2 (Arabic and English only) and Add.2.

¹¹ A/CN.4/524.

¹² A/CN.4/534.

¹³ See *Official Records of the General Assembly, fifty-eighth session, Supplement No. 10* (A/58/10), paras. 304-308.