



**AALCO@70**  
From Seven Decades of Legacy to  
Future of International Law  
1956-2026

AALCO Webinar on  
**Non-legally binding international agreements**

**Concept Note**

Pursuant to a recommendation of the Working Group on the Long-term Programme of Work of the International Law Commission (ILC or the Commission), the topic “**Non-legally binding international agreements**” was included in the long-term programme of work of the Commission in 2022. The syllabus of the topic was accordingly annexed to the Report of the Commission at its seventy-third session (2022), and the General Assembly took note of this development in its resolution 77/103 of 7 December 2022.

Following further consultations among members of the Commission, the topic was formally included in the programme of work of the Commission on 4 August 2023, and **Professor Mathias Forteau** was appointed as Special Rapporteur. The General Assembly subsequently took note of this decision in its resolution 78/108 of 7 December 2023.

The first report of the Special Rapporteur, preliminary in nature, laid the foundation for the Commission’s consideration of the topic by delineating its scope and identifying the principal questions to be examined. Presented at the seventy-fifth session (2024) of the Commission, the report was well received by Commission members and by States during the debates in the Sixth Committee of the General Assembly. These deliberations provided valuable guidance on the overall contours of the topic and the general direction of the work, enabling a gradual transition from conceptual framing to more concrete normative reflection.

Building upon this initial phase, the second report of the Special Rapporteur addressed issues relating to the form and purpose of the eventual outcome, the

terminology employed, the scope of the draft conclusions, and matters to be preserved through the inclusion of a “without prejudice” clause. The report also examined the first substantive issue, namely the distinction between treaties and non-legally binding international agreements, and proposed six draft conclusions addressing, inter alia, purpose, terminology, scope, the without prejudice clause, legal bindingness, and the existence of an express indication of intent.

Although the second report was submitted to the seventy-fifth session of the Commission, time constraints resulting from the shortened session prevented its consideration in plenary. Instead, it was examined by a Working Group established for the topic. Members of the Working Group generally welcomed the report, particularly its cautious and non-prescriptive approach, its reliance on contemporary State practice, and its analytical clarity. The Working Group also emphasised the considerable practical importance of the topic and noted that a key challenge going forward would be to strike an appropriate balance between enhancing legal certainty and preserving the flexibility inherent in non-legally binding international agreements.

The topic was also discussed at the **Sixty-Third Annual Session of AALCO**, held in September 2025 in Kampala, Republic of Uganda. During the Session, AALCO Member States expressed support for the descriptive and practice-oriented approach adopted by the Special Rapporteur and offered observations on preliminary issues, including the use of terminology and the framing of the draft conclusions.

AALCO’s engagement with topics on the programme of work of the International Law Commission constitutes an integral part of its mandate under Rule 12(8) of the Statutory Rules of AALCO. In this context, the topic of non-legally binding international agreements is of particular relevance to AALCO Member States, given the increasing reliance on such instruments by States across a wide range of substantive areas of international law. The proposed webinar is therefore conceived as a collaborative platform to facilitate informed exchange between the Commission and Asian and African States on this evolving area of practice.

The webinar also forms part of the ongoing efforts of the AALCO Secretariat to promote structured engagement with the work of the Commission. In recent years, AALCO has organised a series of webinars for officials of its Member States on selected ILC topics, including:

- 1) *Rising Sea Levels and AALCO Member States: Perils and Protection under International Law* (7 June 2022)

- 2) *General Principles of Law and AALCO Member States* (6 April 2023)
- 3) *Immunity of State Officials from Foreign Criminal Jurisdiction* (2 April 2025)
- 4) *Shaping International Investment Law: The International Law Commission's Past Contributions and Future Potential* (21 July 2025)

## **Key Objectives of the Webinar**

The webinar seeks to enhance engagement between the International Law Commission and AALCO Member States on the topic of non-legally binding international agreements, with a view to promoting the universality, relevance, and practical utility of the Commission's work. In particular, the webinar aims to:

- Facilitate information-sharing by the International Law Commission on the evolving legal framework governing non-legally binding international agreements, thereby enabling Member States to engage constructively with the practical aspects of the topic;
- Provide a forum for officials and legal experts from AALCO Member States to share national experiences and practices, supporting informed and context-sensitive decision-making in relation to the use of such instruments;
- Offer an opportunity for Asian and African States to articulate their legal and policy perspectives on the topic, thereby contributing meaningfully to the ongoing work of the Commission;
- Strengthen the engagement of AALCO Member States with items on the agenda of the Commission, in furtherance of AALCO's mandate under Rule 12(8) of its Statutory Rules.