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*Permanent Mission of the Republic of Mozambique  
to the United Nations, New York*



**On behalf of Brazil, Mozambique and Switzerland,**

**We would like to cordially invite you to attend a Panel Discussion on**

## **Non-Legally Binding Agreements and Instruments in International Law**

**Wednesday, 26 October 2022, 1.15-2.45pm EST  
UN Headquarters, Conference Room 8, 1<sup>st</sup> basement floor**

*Meeting to be held in a hybrid format*

**Register here: [Link](#)**

### **Context**

Non-legally binding instruments (e.g. Soft Law, informal agreements) are not a new phenomenon. They emerged as a trend in international legal governance since the end of the Second World War. In particular, Soft law has proliferated in recent years and is playing an increasing role on the international plane. In the context of rapid global changes and a decreasing consensus at the multilateral level, non-legally binding instruments that nevertheless contain some degree of normative character (such as for example informal agreements between states, legal acts adopted by conferences of States parties or certain resolutions of the General Assembly) offer advantages. They may contribute to facilitating the development of a consensus- and rules-based international order.

At the same time, however, the increasing use of non-legally binding instruments raises several questions from the point of view of international law and the rule of law more generally. These questions have been underlined by the recent decision of the International Law Commission to include the topic of “Non-legally binding international agreements” in its long-term program of work. Among them are the following:

- What is the relationship of non-legally binding instruments to existing international treaty law and customary international law?
- How do international and domestic tribunals deal with non-legally binding instruments?
- Given their lack of formalized procedures, are such non-legally binding instruments more susceptible to being shaped by specific and peculiar interests of certain actors?
- To what extent do such instruments pose a challenge to established domestic policy-making procedures (e.g. approval of international instruments in accordance with relevant Constitutional provisions)?

The purpose of this side-event is to examine these issues critically and to contribute to the emerging discussion – as exemplified by the ILC’s decision and recent studies in regional fora – on the role of non-legally binding instruments in the international order of the 21<sup>st</sup> Century.



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## **Provisional agenda**

United Nations Headquarters, Conference Room 8, 1.15-2.45pm EST

### ***Welcome remarks***

H.E. Ms. Pascale Baeriswyl, Permanent Representative of Switzerland to the United Nations in New York

### ***Keynote speech (“Theory and Practice of Non-Legally Binding International Instruments”)***

Prof. Mathias Forteau, member of the International Law Commission (*virtually*)

### ***Panel discussion***

H.E. Mr. Pedro Comissário Afonso, Permanent Representative of Mozambique to the United Nations in New York and Chair of the 6th Committee

Mr. Andrea Caroni, Member of the Swiss Parliament (*virtually*)

Prof. Lori Damrosch, Columbia University

*Moderation by H.E. Ms. Corinne Cicéron Bühler, Director, Directorate of International Law of the Swiss Federal Department of Foreign Affairs*

### ***Closing remarks***

H.E. Professor George Galindo, Legal Adviser of the Ministry of Foreign Affairs of Brazil

### **For virtual participation**

[Link](#)

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