PART 2

Search for Unilateral Acts. Survey of Fields and Topics of International Law
Introduction to Part 2

One of the basic tasks of the present work is to examine the comprehensiveness of various lists of unilateral acts proposed in the doctrine. The most popular list, comprising four types of acts (promise, protest, recognition and waiver) cannot be adopted a priori as the only one. The same applies to its modifications, or to those lists which are a little longer and usually presented without any special justification. There can be no doubt that the only reasonable way of checking a list’s comprehensiveness (or not) is to confront the general definition (or idea) of a unilateral act of state in public international law with selected acts, activities, documents, legal transactions, declarations, behaviours and events analysed by the doctrine in different branches of international law. Unless such an act, action, document etc. is evidently bilateral/multilateral or is deprived of legal effects, it must be examined to determine whether it is a unilateral act of a state within the meaning adopted in this book.

At the same time it is obvious that any such attempt is connected with a serious risk of overseeing one or more important acts, or even one or more important branches of international law. Although international law is not limitless, the attempts to describe it in an exhaustive way often come dangerously close to descriptions of limitless objects. In addition, the very division of it into branches is more or less a matter of convention. For some scholars air law or space law are separate branches, while for others they are just parts of one wider branch connected with space and territories. These ‘branches’ are often suggested for convenience and didactical purposes. In this respect international law can hardly compete with domestic law and its three basic divisions – criminal, civil and administrative. One cannot find anything of that kind in public international law. In addition, the emergence of a new ‘branch’ of international law may be due to the presence of a substantial number of international agreements on a particular topic. One can hardly expect that this criterion will be of special importance in a monograph on unilateral acts of states. There is also a group of items which are presented separately from all branches of international law (like custom). However, awareness of all the risks connected with a survey of different branches of international law cannot lead to abandoning the attempt altogether. My intention herein is to refer to as many different acts, actions or activities as possible, while being aware that a careful reader may be in a position to suggest some new and additional ones.