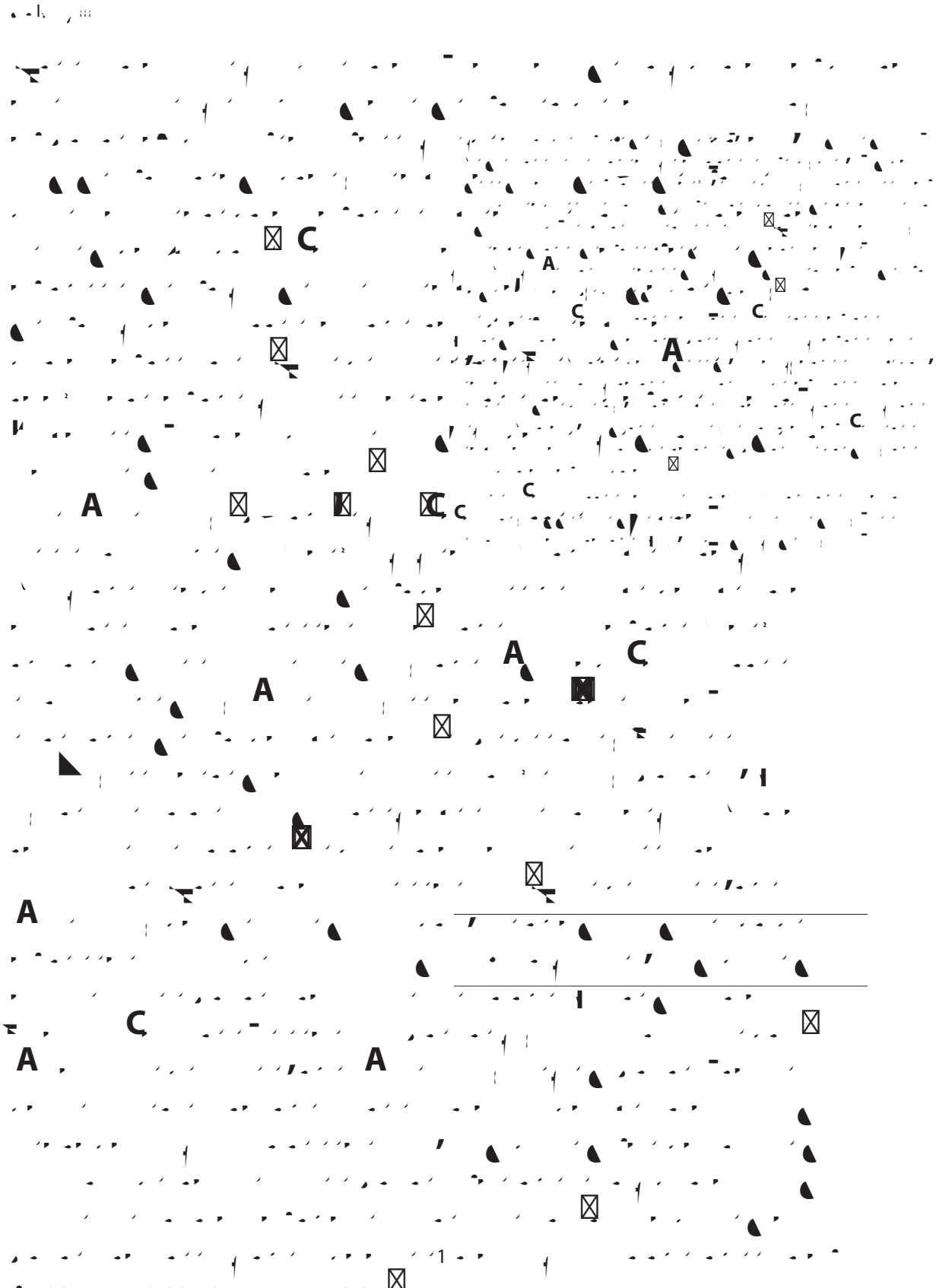

of *sic utere tuo ut alienum non laedas*, the principle of sustainable development (utilization of the atmosphere and environmental impact assessment), the principle of equity, special circumstances and vulnerability, in 2016; prevention, due diligence and precaution, in 2017; principles guiding interrelationships with other elds of international law, in 2018; as well as compliance and implementation, and dispute settlement, in 2019.

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a customary rule, and welcomed the conclusion that judicial decisions and writings were relevant for the identi cation of rules of customary international law.

ey also made comments regarding the relevance of international organizations and non-State actors as well as particular custom, and discussed extensively the conditions of application of the persistent objector rule, as well as its consequences. e Special Rapporteur emphasized that the aim of the work was to assist in determining the existence or not of a rule of

tively newly adopted environmental regulations, and drew attention to the challenges with regard to the distinction between property, livelihood, nature, land and natural resources, which entailed a clear link to human rights, especially where indigenous peoples were a ected. e Special Rapporteur also examined the legal framework with regard to demilitarized zones, nuclear-weapon-free zones and natural heritage zones and areas of major ecological importance, analyzing the relationship between environmental and cultural heritage zones, as well as the right of indigenous peoples to their environment as a cultural and natural resource. She drew attention to further issues to be covered in her future work, including the Martens clause, multilateral operations, the work of the UN Compensation Commission and situations of occupation, as well as the law applicable in post-con ict situations and proposals for post-con ict measures including cooperation, information-sharing and reparative measures.

e debate in plenary addressed, among other issues, scope, methodology and purpose, use of terms, and the ve proposed draft principles. e importance was reiterated to achieve a proper balance between safeguarding legitimate rights that existed under the law of armed con ict and protecting the environment, and an in-depth analysis was suggested of the notion of "widespread, long-term and severe damage" as well as of the standards used for those criteria. It was noted that the law of armed con ict applied, in principle, as *lex specialis* during armed con ict but that legal gaps would be avoided by not ruling out the parallel applicability of international environmental law. While there was broad agreement that both international and non-international armed con ict should be covered, the need to clarify how the di erences between those types of con ict were re ected was also noted. Divergent views were expressed whether or not the draft principles would apply, as a matter of existing law, to nuclear weapons and other weapons of mass-destruction, and the importance of di erentiating between the human environment and the natural environment was also highlighted. e Special Rapporteur was encouraged to examine further the relevance of otw (u)17.3 (i7 (g)-71e)-0.7 iw-20. (e rv.7 (-0.005

could be held responsible; (b) State immunity and immunity *ratione materiae* of a State o cial, where the act was attributable to both the State and the indi-

Members generally agreed that the provisional application of treaties had legal e ects and created rights and obligations and endorsed the Special Rapporteur's assessment that the legal e ects of a provisionally applied treaty were the same as those stemming from a treaty in force; a provisionally applied treaty was subject to the *pacta sunt servanda* rule in article 26 of the 1969 Vienna Convention. e need was recognized for further analysis to determine whether acquiescence in the form of silence or inaction could represent agreement for the provisional application of the treaty. It was proposed that the Special Rapporteur focus in his future work on the legal regime and modalities for the termination and suspension of provisional application; seek to identify the type of treaties, and provisions in treaties, which were often the subject of provisional application, and whether or not certain kinds of treaties addressed provisional application similarly; and analyze limitation clauses used to modulate the obligations in order to comply with internal law, or conditioning provisional application on respect for internal law. Some members cautioned against developing model clauses on the provisional application of treaties, which could prove complex due to the di erences between national legal systems. It was observed that the provisional application of treaties with the participation of international organizations was di erent as it was designed to ensure the greatest participation simultaneously of the organization's members and of the organization itself; it was also observed even if a treaty was negotiated within an international organization, or at a diplomatic conference convened under the auspices of an international organization, the conclusion of the treaty was an act of the States concerned and not of the international organization. Members generally supported the Special Rapporteur's approach to prepare draft guidelines to provide States and international organizations with a practical tool. e Special Rapporteur indicated his intention to consider in his next report the termination of provisional application and its legal regime, together with a study of other relevant provisions in the 1969 Vienna Convention, including articles 19, 46 and 60.

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On 28 July, the Commission referred the six draft -
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e Commission [A/70/17] noted that Working Group VI (Security Interests), at its twenty-sixth (Vienna, 8–12 December 2014) [A/CN.9/830] and twenty-seventh (New York, 20–24 April) [A/CN.9/836] sessions, had completed the second reading of a draft model law on secured transactions, based on the recommendations of the uncitral Legislative Guide on Secured Transactions (the Secured Transactions Guide) adopted by uncitral in 2007 [YUN 2007, p. 1378] and the General Assembly in 2008 [YUN 2008, p. 1474], and consistent with all texts prepared by uncitral on secured transactions. e Commission also noted that the Working Group had recommended the preparation of a Guide to Enactment to the future Model Law.

Uncitral had before it two Secretariat notes entitled "Draft Model Law on Secured Transactions" [A/CN.9/852 & A/CN.9/853], which were considered by the Committee of the Whole established by the Commission. On 16 July, the Commission adopted the report of the Committee of the Whole

Working Group, which envisaged a single set of rules, had not yet led to consensus on the issue of whether binding pre-dispute agreements to arbitrate concluded with consumers were to be given e ect under the Rules.

e Commission considered a proposal by Israel [A/CN.9/857] to develop a non-binding instrument for use by odr providers and neutrals, aimed at assisting and supporting odr practitioners. Another proposal, submitted by Colombia, Honduras and the United States [A/CN.9/858], envisaged a non-binding descriptive instrument of a technical and explanatory nature.

e Commission agreed that any future text should build upon the progress on the third proposal and other proposals, and instructed Working Group III to continue its work towards elaborating a non-binding

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uncitral activities in legislative development,

Repertory, progress had been made in preparing studies pertaining to volume III, Supplements 7 to 9 covering the period from 1985 to 1999 as well as Supplement 10 for the period from 2000 to 2009. With regard to the *Repertoire*, Supplement 17, covering the years 2010 and 2011 had been completed, and work continued on Supplement 18, covering the period from 2012 to 2013. The Special Committee recommended that the Assembly call on the Secretary-General to continue efforts to update the two publications and make them available in all language versions, and to address, on a priority basis, the question of the backlog in the preparation of volume III of the *Repertory*.

Regarding the identification of new subjects, some delegations suggested examining legal matters relating to the Organization's reform and revitalization; others called for the consideration of the proposals submitted at previous sessions. It was also suggested that no new proposals should be considered that might envisage amendments to the Charter without the express mandate of the General Assembly; any new subjects should be practical and non-political. The Special Committee considered a proposal entitled "Concept paper by Ghana on strengthening the relationship and cooperation between the United Nations and regional organizations or arrangements in the peaceful settlement of disputes" [A/AC.182/L.137], introduced by Ghana and aimed at filling existing gaps between the UN and regional organizations with regard to