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Summary record of the 2091st meeting

Topic:
Other topics

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Paragraph 74

68. Mr. BARSEGOV, referring to the penultimate sentence, said that it was States, not the Commission, that would be called upon to transform the obligation in question into a legal obligation.

69. Mr. CALERO RODRIGUES proposed that the sentence should be amended to read: "It was that obligation that had to be transformed into a legal obligation."

It was so agreed.

70. In reply to a request by Mr. BENNOUNA for clarifications concerning the last sentence, Mr. BARBOZA (Special Rapporteur) said that, during the discussion, some members had stated that it had to be specified in what cases and in which circumstances the obligation to make reparation existed when it was not linked to risk.

71. Mr. BARSEGOV proposed that the words "In the opinion of these members" should therefore be added at the beginning of the last sentence.

It was so agreed.

Paragraph 74, as amended, was adopted.

Paragraphs 75 and 76

Paragraphs 75 and 76 were adopted with some drafting changes.

Paragraph 77

Paragraph 77 was adopted.

Paragraph 78

72. Mr. AL-BAHARNA proposed that the words "of the Commission" should be added after "the members".

It was so agreed.

Paragraph 78, as amended, was adopted.

Paragraph 79

73. Mr. McCAFFREY said that, as was customary, paragraph 79 should form the subject of a separate section, which would be entitled: "C. Points on which comments are invited".

74. For the sake of uniformity, the paragraph should also be brought into line with the corresponding text (para. 87) of chapter III of the report (see 2088th meeting, para. 19), and it should be specified that the Commission would welcome the views of Governments in particular on the question raised. The question itself should be stated more straightforwardly, since the Commission wished to know whether the basis of liability should be risk or harm. Paragraph 79 as it now stood was too abstract.

The meeting rose at 1.05 p.m.

2091st MEETING

Wednesday, 27 July 1988, at 3 p.m.

Chairman: Mr. Bernhard GRAEFRATH

Present: Prince Ajibola, Mr. Al-Baharna, Mr. Arangio-Ruiz, Mr. Barboza, Mr. Barsegov, Mr. Beesley, Mr. Bennouna, Mr. Calero Rodrigues, Mr. Eiriksson, Mr. Francis, Mr. Koroma, Mr. Mahiou, Mr. McCaffrey, Mr. Ogiso, Mr. Pawlak, Mr. Sreenivasa Rao, Mr. Razafindralambo, Mr. Roucounas, Mr. Sepúlveda Gutiérrez, Mr. Shi, Mr. Thiam, Mr. Tomuschat, Mr. Yankov.

Draft report of the Commission on the work of its fortieth session (continued)

CHAPTER II. International liability for injurious consequences arising out of acts not prohibited by international law (concluded) (A/CN.4/L.424 and Corr.1)

Paragraph 79 (concluded)

1. The CHAIRMAN said that, following consultations with the Special Rapporteur and to obviate the need for further discussion, he would suggest that paragraph 79 should be amended to read: "The Commission would welcome the views of Governments in particular on the role risk should play in the topic (see paragraphs 21 to 28 above)."

2. Mr. BEESLEY said that that formulation was one possibility, but was so condensed that the Commission was unlikely to receive useful answers. He proposed instead that the last part of the paragraph should read: "... on the question whether the concept of appreciable risk or the concept of appreciable harm should be the basis of liability". He was, however, prepared to accept any clear form of wording that would have the necessary effect.

3. Mr. RAZAFINDRALAMBO pointed out that, in order to bring the French text of paragraph 79 into line with the English, the words *à la fois* should be added before *à la prévention*. Also, the word *applicabilité* should be replaced by *application*.

4. Mr. BARSEGOV said that the Commission now seemed to want to change the basis on which it had been working. If the neutral wording suggested by the Chairman was not acceptable, the question the Commission should put to the General Assembly was whether the concept of liability for lawful acts should be based, as before, on risk, or whether the basis should be changed to harm, or again, if it was deemed preferable, to appreciable harm, the word "appreciable" being placed between square brackets so as to indicate that there were two schools of thought on the matter.

5. Prince AJIBOLA said that the text proposed by the Chairman would be acceptable provided the reference to paragraphs 21 to 28 was deleted.

6. Mr. FRANCIS said that the Commission should ask the General Assembly whether the scope of the draft articles should be limited to activities involving risk, as

provided in draft article 1, and if so, whether risk should be qualified by the term “appreciable”.

7. Mr. KOROMA said that, unfortunately, the text proposed by the Chairman did not present the issue in a way that would lead to an appropriate response from the General Assembly. To give both sides of the coin, as it were, it would be preferable to have a form of words which invited the General Assembly’s comments on whether risk or harm should form the basis of liability.

8. Mr. ARANGIO-RUIZ said that he still thought it would be better to defer putting any question on the topic to the General Assembly until the Commission’s next session. If a question was to be put, however, he could accept the Chairman’s formulation, since it was the most neutral.

9. Mr. CALERO RODRIGUES said that it was not so much a matter of putting a question to the General Assembly as of indicating issues on which the Commission wished to have the Assembly’s opinion. Also, he did not think it was correct to speak of a change of approach to the topic: the fact was that some members favoured the concept of risk as the basis of liability and others favoured harm. The main thing was to invite the comments of Governments in the General Assembly on the important role which both risk and harm should play in the topic. Accordingly, he could accept the text proposed by the Chairman but would suggest that it refer to the role which both risk and harm should play in the topic.

10. Mr. KOROMA said that Mr. Calero Rodrigues’s proposal should be slightly amended by adding the words “in particular” before “on the role risk and harm should play in the topic”.

11. The CHAIRMAN suggested, in the light of the comments made, that paragraph 79 should be amended to read: “The Commission would welcome the views of Governments, either in the Sixth Committee or in written form, in particular on the role risk and harm should play in the present topic (see paragraphs 21 to 28 above).” As suggested by Mr. McCaffrey (2090th meeting, para. 73), paragraph 79 would constitute section C of chapter II.

It was so agreed.

Paragraph 79, as amended, was adopted.

B. Consideration of the topic at the present session (concluded)

New paragraph 26 bis

12. The CHAIRMAN said that, following consultations with the Special Rapporteur, he would suggest that the text he had proposed at the previous meeting (2090th meeting, para. 10) for a new paragraph 26 bis should be shortened to read:

“One member pointed out that activities involving risk meant not any kind of risk but an exceptional risk capable of producing harm or injury. Risk would exist whatever its degree. The obligation under the draft articles would therefore be to co-operate with the States concerned in order to set up appropriate

machinery to regulate matters pertaining to harm caused by the consequences of an exceptionally dangerous activity.”

It was so agreed.

New paragraph 26 bis was adopted.

New paragraph 24 bis

13. Mr. BARBOZA (Special Rapporteur) said that Prince Ajibola proposed inserting a new paragraph 24 bis, reading:

“While some members were of the opinion that the concept of ‘risk’ should not be introduced into the present topic in any form and preferred the use of the terms ‘injury’ or ‘harm’, other members agreed with the Special Rapporteur and expressed the opinion that ‘risk’ was an important element of liability in this topic.”

14. It seemed to him, as Special Rapporteur, that it would be more accurate to speak of “one member” rather than “some members”. Prince Ajibola’s proposal, as thus amended, could perhaps then be inserted at the beginning of paragraph 25, the first sentence of which would be replaced by two sentences reading: “One member was of the opinion that the concept of ‘risk’ should not be introduced into the present topic in any form. Some other members of the Commission, while not rejecting the introduction of the concept of risk, disagreed with its place as the predominant concept in the topic.”

15. Prince AJIBOLA said that he was prepared to accept the Special Rapporteur’s amendment to his proposal, although, to the best of his recollection, other members had from the outset opposed including the concept of risk in the topic, since it merely clouded the whole issue. Naturally, he was open to correction on that score. He fully appreciated the views of those members who regarded risk as an important element in liability and, indeed, had taken account of those views in his proposal. By the same token, he would like his own view to be reflected, even if it was presented as being the view of one member.

16. Mr. BARSEGOV said that there seemed to be three schools of thought on the issue: first, that risk had no place whatsoever in the topic, which was the view held by Prince Ajibola; secondly, that liability should be based on harm, the role of risk being to oblige States to take certain measures; and, thirdly, that risk formed an integral part of the whole concept of liability. He would like to know whether that third school of thought was also reflected in the report.

17. Mr. ARANGIO-RUIZ said that, in his view, harm was an essential basis of liability, but he did not exclude the relevance of risk within the topic.

18. Mr. KOROMA said that he could accept Mr. Barsegov’s proposition that risk formed an integral part of the topic, in the interests of arriving at a solution to the problem. He would, however, suggest that the first part of the text proposed by Prince Ajibola should be amended to read: “While some members were of the opinion that the concept of ‘risk’ was not the basis of

the present topic and would prefer the concept of 'injury' or 'harm', other members agreed . . .".

19. Mr. OGISO said that, during the general debate, he had expressed doubts about the appropriateness of using risk as the basis of liability, but his position had not been as categorical as that of Prince Ajibola. It was for the Commission to decide whether he should be counted as another member who was opposed to the concept of risk.

20. Prince AJIBOLA said he agreed with Mr. Barsegov that there were three schools of thought on the issue: those who, like himself, wanted risk to be entirely excluded and believed that the core of the topic was liability and harm; those who, like Mr. Koroma, agreed that risk should not be the basis of the topic but thought that it should be brought into play; and those who, like Mr. Barsegov, felt that risk was a pivotal aspect of the problem. All three schools of thought must be reflected in the report.

21. The CHAIRMAN suggested that, to that end, the new paragraph 24 *bis* should read as follows: "Some members were of the opinion that the concept of 'risk' should not be introduced into the present topic in any form and preferred the concepts of 'injury' or 'harm'."

22. Mr. KOROMA said that he was prepared to accept the text proposed by the Chairman. Regrettably, however, it was an over-simplified and artificial reflection of the Commission's discussion, because it had been drafted under sharp time constraints.

23. Mr. OGISO said that he, too, could accept the text proposed by the Chairman, even though he was not sure whether his position corresponded in every particular to that of Prince Ajibola.

24. Mr. BARBOZA (Special Rapporteur) proposed that, in view of the doubts just expressed by Mr. Ogiso, the Commission should adopt the text proposed by the Chairman for the new paragraph 24 *bis* but amend the words "Some members were" to read "One member was".

It was so agreed.

New paragraph 24 bis, as amended, was adopted.

Section B, as amended, was adopted.

Chapter II of the draft report, as amended, was adopted.

CHAPTER IV. Draft Code of Crimes against the Peace and Security of Mankind (A/CN.4/L.426 and Add.1)

A. Introduction (A/CN.4/L.426)

Paragraphs 1 to 19

25. Mr. AL-BAHARNA said that he had no objection to the proposed introduction but believed that, for future reports, the Commission should consider omitting such historical surveys altogether or abridging them radically.

26. The CHAIRMAN said that that suggestion would be given due consideration.

Paragraphs 1 to 19 were adopted.

Section A was adopted.

B. Consideration of the topic at the present session (A/CN.4/L.426)

Paragraphs 20 to 29

Paragraphs 20 to 29 were adopted.

Paragraph 30

27. Mr. MAHIU said that, in the last sentence, the words "the Hague Court" should be replaced by "the International Court of Justice".

It was so agreed.

Paragraph 30, as amended, was adopted.

Paragraphs 31 to 33

Paragraphs 31 to 33 were adopted.

Paragraph 34

28. The CHAIRMAN, responding to a comment by Mr. Sreenivasa RAO, suggested that, in the first sentence, the words "The majority of the" should be replaced by "Many".

It was so agreed.

29. Mr. BENNOUNA proposed that the phrase "the material preparation and creation of conditions for the implementation of criminal intent", in the ninth sentence, should be replaced by "the material element of preparation". In addition, the words "foreign policies of expansionism, intervention and domination", in the last sentence, should be replaced by "foreign policies of expansion and domination".

It was so agreed.

Paragraph 34, as amended, was adopted.

New paragraph 34 *bis*

30. Mr. Sreenivasa RAO said that the members of the Commission, including himself, who had expressed strong doubts about the advisability of including preparation of aggression in the draft code had not had their views reflected in the report. They had argued, *inter alia*, that it was difficult to distinguish between preparation of aggression and preparation of defensive action, and that preparation of aggression on a large scale amounted in any case to threat of aggression and was therefore covered by the relevant provisions.

31. Mr. THIAM (Special Rapporteur) confirmed that that view had been expressed during the discussion: he would welcome a specific drafting proposal.

32. Mr. McCAFFREY proposed the following text for a new paragraph 34 *bis*:

"Some members, however, were of the view that preparation of aggression should not be included in the code as a separate offence. They believed that it would be very difficult to distinguish acts amounting to preparation of aggression from other legitimate acts of defence, and that in any case it could be covered by the crime of the threat of aggression."

It was so agreed.

New paragraph 34 bis was adopted.

Paragraph 35

Paragraph 35 was adopted.

Paragraph 36

Paragraph 36 was adopted with minor drafting changes.

Paragraphs 37 to 41

Paragraphs 37 to 41 were adopted.

Paragraph 42

33. Mr. BENNOUNA pointed out that the second sentence of the French text should be brought into line with the English, perhaps by adding the word *internationaux* or *pertinents* after *instruments*.

It was so agreed.

Paragraph 42, as amended in the French text, was adopted.

Paragraphs 43 to 45

Paragraphs 43 to 45 were adopted.

Paragraph 46

34. Mr. MAHIU suggested that the last sentence of the French text should be amended to make it clear that the *seconde variante* mentioned therein related to a draft paragraph on intervention submitted by the Special Rapporteur, and not to a decision of the ICJ in the *Nicaragua* case.

It was so agreed.

Paragraph 46, as amended in the French text, was adopted.

Paragraph 47

35. Mr. BEESLEY suggested that the words “intervention was wrongful by definition”, in the second sentence, should be replaced by “the term ‘intervention’ should be used as a term of art for wrongful conduct”.

It was so agreed.

Paragraph 47, as amended, was adopted.

Paragraph 48

36. Mr. KOROMA suggested that the words “which defined intervention” should be replaced by “which dealt with intervention”.

It was so agreed.

Paragraph 48, as amended, was adopted.

Paragraph 49

37. Mr. BENNOUNA proposed that the following sentence should be inserted between the first and second sentences: “Some other members felt that the case of minor armed incidents which were not serious enough to constitute aggression under the 1974 Definition of Aggression should be left aside.”

It was so agreed.

38. Mr. TOMUSCHAT suggested that the words “as such”, at the end of the first sentence, should be replaced by “in the proper sense”, so as to bring the English text into line with the French.

It was so agreed.

Paragraph 49, as amended, was adopted.

Paragraphs 50 and 51

Paragraphs 50 and 51 were adopted.

Paragraph 52

39. Mr. TOMUSCHAT proposed that the following passage should be added at the end of the paragraph:

“Other members also criticized the second alternative as being too vague in referring to such notions as ‘unrest’ and ‘activities against another State’. According to them, the wording should follow the definition of intervention contained in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States.”

It was so agreed.

Paragraph 52, as amended, was adopted.

Paragraph 53

40. Mr. CALERO RODRIGUES proposed that the paragraph should be amended to read:

“One member said that he was in favour of combining the alternatives proposed by the Special Rapporteur. Another was of the opinion that it was not necessary to include intervention in the code as a separate crime. The more serious acts included in the notion of intervention should be precisely described and each of them inserted in the code as a separate crime.”

It was so agreed.

Paragraph 53, as amended, was adopted.

Paragraph 54

41. Mr. Sreenivasa RAO suggested that the heading of subsection 6, “Intervention and terrorism”, should be replaced by two separate headings, namely “Intervention” before paragraph 39 and “Terrorism” before paragraph 54.

42. The CHAIRMAN explained that it would be difficult at the present stage to alter the system of headings as it corresponded to that used by the Special Rapporteur in his sixth report (A/CN.4/411). He suggested that the word “terrorism” at the beginning of paragraph 54 should be underlined to indicate the change of subject.

It was so agreed.

Paragraph 54, as amended, was adopted.

Paragraph 55

43. Mr. THIAM (Special Rapporteur) said that the word “operating” should be inserted between “organizations” and “at the international level” at the end of the paragraph.

Paragraph 55, as amended, was adopted.

Paragraph 56

44. Mr. THIAM (Special Rapporteur) said that, in the second sentence, the words “State terrorism” should be replaced by “terrorism committed by a State against another State” and the words “and not peace inside a State” should be deleted.

45. Mr. BENNOUNA wondered whether it might not be appropriate to replace the words “international

peace", which would be the last words of the paragraph as amended by the Special Rapporteur, by "the peace and security of mankind".

46. Mr. CALERO RODRIGUES proposed that the whole phrase beginning with the words "since the draft code", in the second sentence, up to the end of the paragraph, should be deleted.

47. Mr. Sreenivasa RAO said he disagreed that there had been a consensus that internal terrorism did not fall within the scope of the draft code. Either the word "consensus" should be changed or the nature of the consensus that had actually emerged should be defined in greater detail.

48. After further discussion in which Mr. MAHIOU, Mr. THIAM (Special Rapporteur) and Mr. Sreenivasa RAO took part, Mr. TOMUSCHAT proposed that paragraph 56 should read as follows:

"A consensus emerged in the Commission that acts of terrorism confined to a State without any foreign support did not fall within the part of the draft code dealing with crimes against peace. With regard to international terrorism, many members were of the opinion that the code should cover terrorism committed by a State against another State."

It was so agreed.

Paragraph 56, as amended, was adopted.

Paragraph 57

49. Mr. AL-BAHARNA proposed that the words "baneful forms", in the third sentence, should be replaced by "heinous forms".

It was so agreed.

50. Mr. BENNOUNA proposed that the phrase "terrorism might well extend to chemical . . .", in the fourth sentence, should be amended to read: "terrorism might well extend to the use of chemical . . .".

It was so agreed.

51. Mr. TOMUSCHAT proposed that the penultimate sentence should be deleted. The statement that "In future, even entire countries or regions might fall into the hands of terrorists" was undoubtedly an exaggeration.

52. Mr. THIAM (Special Rapporteur) pointed out that paragraph 57 reflected the views expressed by some members of the Commission. At least one member had made the statement contained in the penultimate sentence.

53. Mr. KOROMA noted that the penultimate sentence began with the words "In future". Unfortunately, at the present time areas in some countries were already under the control of terrorists.

54. Mr. RAZAFINDRALAMBO supported Mr. Koroma's comment and recalled that, during the discussion, Mr. Reuter had cited the example of whole areas in certain countries which were under the control of bandits or drug traffickers.

55. After a brief discussion, the CHAIRMAN suggested that a decision on paragraph 57 should be de-

ferred until the next meeting, when Mr. Koroma would submit a rewording of the penultimate sentence.

It was so agreed.

56. Mr. PAWLAK proposed that the following sentence should be added at the end of paragraph 57 in order to reflect the views he had expressed: "It was also pointed out that the Commission, in the further elaboration of the definition and scope of international terrorism, should attach greater importance to treaties in force, as well as to the work of experts dealing with the subject."

It was so agreed.

New paragraph 57 bis

57. Mr. Sreenivasa RAO proposed a new paragraph 57 bis, reading:

"While the efforts of the Special Rapporteur in defining international terrorism were commended, it was suggested that such a definition could usefully draw upon the example of several recent international conventions and treaties which adopted an enumerative technique, such as the Extradition Treaty between Canada and India of 6 February 1987."

New paragraph 57 bis was adopted.

Paragraph 58

Paragraph 58 was adopted.

Paragraph 59

58. Mr. AL-BAHARNA proposed that the expression "1937 Convention", in the first sentence, should be replaced by the full title: "1937 Convention for the Prevention and Punishment of Terrorism".

It was so agreed.

Paragraph 59, as amended, was adopted.

Paragraph 60

59. Mr. Sreenivasa RAO pointed out that the statement in the second sentence to the effect that some terrorists were driven "by idealism", followed by the reference to "some noble purpose" in the third sentence, gave a somewhat unbalanced picture and amounted almost to a glorification of terrorism.

60. Mr. THIAM (Special Rapporteur) said that paragraph 60 merely reflected statements made in the course of the debate and that some members had in fact used the form of language criticized by Mr. Sreenivasa Rao.

61. Mr. ARANGIO-RUIZ said that he shared the opinion expressed by Mr. Sreenivasa Rao. Paragraph 60 dwelt too much on terrorists. The best course would be to reduce the length of the paragraph considerably.

62. Mr. TOMUSCHAT said it was indeed going too far to say that some terrorists were driven by idealism. One could perhaps speak of "misguided idealism". The best solution would be to delete the second sentence of paragraph 60, which contained that expression, and to be content with the statement in the third sentence that the Commission could not disregard the causes of ter-

rorism, which were not always without some noble purpose.

63. Prince AJIBOLA said the basic philosophy should be that terrorism constituted a crime. Glorification of terrorism should, of course, be avoided. He urged that paragraph 60 be reduced to one compact sentence.

64. Mr. EIRIKSSON proposed that the discussion on paragraph 60 should be suspended and the Special Rapporteur invited to submit a redraft at the next meeting.

It was so agreed.

The meeting rose at 6.10 p.m.

2092nd MEETING

Thursday, 28 July 1988, at 10 a.m.

Chairman: Mr. Leonardo DÍAZ GONZÁLEZ

Present: Prince Ajibola, Mr. Al-Baharna, Mr. Arangio-Ruiz, Mr. Barboza, Mr. Barsegov, Mr. Beesley, Mr. Bennouna, Mr. Calero Rodrigues, Mr. Eiriksson, Mr. Francis, Mr. Graefrath, Mr. Koroma, Mr. Mahiou, Mr. McCaffrey, Mr. Ogiso, Mr. Pawlak, Mr. Sreenivasa Rao, Mr. Razafindralambo, Mr. Roucounas, Mr. Sepúlveda Gutiérrez, Mr. Shi, Mr. Thiam, Mr. Tomuschat, Mr. Yankov.

Draft report of the Commission on the work of its fortieth session (*continued*)

CHAPTER IV. *Draft Code of Crimes against the Peace and Security of Mankind* (*continued*) (A/CN.4/L.426 and Add.1)

B. Consideration of the topic at the present session (*concluded*) (A/CN.4/L.426)

Paragraph 57 (*concluded*)

1. Mr. KOROMA said that he no longer wished to propose any amendment in connection with the penultimate sentence (see 2091st meeting, para. 55).

2. The CHAIRMAN said that, if there were no objections, he would take it that the Commission agreed to adopt paragraph 57 as amended at the 2091st meeting, on the understanding that the penultimate sentence ("In future, even entire countries or regions might fall into the hands of terrorists") would be deleted.

It was so agreed.

Paragraph 57, as amended, was adopted on that understanding.

Paragraph 60 (*concluded*)

3. Mr. THIAM (Special Rapporteur) proposed, in the light of the discussion at the previous meeting, that paragraph 60 should be amended to read:

"Some members were of the opinion that a degree of caution was required on the part of the Commis-

sion in the matter of international terrorism. They pointed out that terrorism could be inspired by the most diverse motives, particularly idealism."

Paragraph 61 would follow on logically.

4. Prince AJIBOLA said that he was somewhat troubled by the word "idealism".

5. Mr. MAHIOU said that he appreciated Prince Ajibola's view, but would point out that the paragraph reflected the opinions expressed by some members of the Commission and not the position of the Commission as a whole.

6. The CHAIRMAN said that, if there were no objections, he would take it that the Commission agreed to adopt the new text of paragraph 60 proposed by the Special Rapporteur.

It was so agreed.

Paragraph 60, as amended, was adopted.

Paragraph 61

7. Mr. PAWLAK proposed, with the agreement of the Special Rapporteur, that the end of the second sentence should be amended to read: ". . . and it was therefore suggested that international terrorism as an independent crime should form the subject of a separate draft article."

8. Mr. BENNOUNA pointed out that there might well prove to be more than one draft article on the subject.

9. Mr. THIAM (Special Rapporteur) proposed that the words "a separate draft article" should be replaced by "separate provisions".

10. Prince AJIBOLA said that he would like the text to make it clear whether the "suggestion" had been made by one or more members of the Commission.

11. Mr. THIAM (Special Rapporteur), pointing out that many members had made the suggestion, said that he would so specify in the paragraph. In addition, since paragraph 61 reflected first his view, and then the views of certain members of the Commission, it should be divided into two, the second paragraph starting with the second sentence ("Not all acts of international terrorism . . .").

12. The CHAIRMAN said that, if there were no objections, he would take it that the Commission agreed to adopt paragraph 61, as amended by Mr. Pawlak and the Special Rapporteur.

It was so agreed.

Paragraph 61, as amended, was adopted.

Paragraph 62

Paragraph 62 was adopted.

Paragraph 63

Paragraph 63 was adopted with a minor drafting change.

Paragraph 64

13. Mr. THIAM (Special Rapporteur) said that the words "more precise", in the first sentence, should be replaced by "better drafted".