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Summary record of the 3222nd meeting

Topic:
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the State, so that the individual organ might not be held accountable for those acts or transactions. In other words, it stressed the fact that immunity belonged to the State. In his opinion, those two elements had a direct bearing on the definition of an official. For example, it would be possible to define an official as a person designated by the State to be its agent or organ in accordance with internal law and confirmed as such by that State. What was important about such a definition was the distinction made between persons covered by immunity and acts or situations that gave rise to the enjoyment of immunity.

26. In the context of the application of privileges and immunities, notifications regarding the status of a person were of particular importance. For example, in the 1946 Convention on the Privileges and Immunities of the United Nations, the question of defining officials was resolved in quite a simple manner. Article V, section 17, of the Convention provided: "The Secretary-General will specify the categories of officials to which the provisions of this Article and Article VII shall apply. … The names of the officials shall from time to time be made known to the Governments of Members." While such a procedure could not be applied in the present context, it would be useful to include in the definition of an official the procedural element involving the confirmation by the State of the relevant status of a person.

27. Even though he was of the opinion that all individuals through whom the State acted should enjoy immunity *ratione materiae*, at the same time, for the purposes of the present draft articles, it would be useful to distinguish between officials in the narrow understanding of the word, namely persons who were part of the structure of the State, and persons who were agents of the State in the broad understanding of that term. That could be achieved by defining an "official" and an "agent" separately in the draft articles. The definition of an agent could be similar to that contained in the articles on the responsibility of international organizations,[204] with the key element being "charged by" the State "with carrying out one of its functions and thus through whom" the State acts. Defining "official" and "agent" separately would have the merit of highlighting the connection between the official and his or her office. It would also permit the subsequent inclusion in the definition of the procedural difference between applying immunity to officials of a State *stricto sensu* and to agents of a State. Clearly, confirming the official status of a person holding office in a State structure was a relatively simple matter, which automatically created the presumption that the person had or enjoyed immunity. As far as agents of the State were concerned, the procedure would be somewhat different, since establishing their connection with a State was a bit more complicated.

28. Turning to draft article 5, he said that he agreed with the main idea but thought that further work was needed on the formulation, since the words "governmental authority" and "benefit" were inappropriate in that context.

[204] See the draft articles on the responsibility of international organizations adopted by the Commission at its sixty-third session and the commentaries thereto in *Yearbook ... 2011*, vol. II (Part Two), pp. 40 *et seq.*, paras. 87–88. See also General Assembly resolution 66/100 of 9 December 2011, annex.

29. In conclusion, he supported referral of the draft articles to the Drafting Committee.

The meeting rose at 3.55 p.m.

3222nd MEETING

Friday, 11 July 2014, at 10.05 a.m.

Chairperson: Mr. Kirill GEVORGIAN

Present: Mr. Caflisch, Mr. Candioti, Mr. Comissário Afonso, Mr. El-Murtadi Suleiman Gouider, Ms. Escobar Hernández, Mr. Forteau, Mr. Hassouna, Mr. Hmoud, Mr. Huang, Ms. Jacobsson, Mr. Kamto, Mr. Kittichaisaree, Mr. Laraba, Mr. Murase, Mr. Murphy, Mr. Niehaus, Mr. Nolte, Mr. Park, Mr. Peter, Mr. Petrič, Mr. Saboia, Mr. Singh, Mr. Šturma, Mr. Tladi, Mr. Valencia-Ospina, Mr. Vázquez-Bermúdez, Mr. Wako, Mr. Wisnumurti, Sir Michael Wood.

Immunity of State officials from foreign criminal jurisdiction (*continued*) (A/CN.4/666, Part II, sect. B, A/CN.4/673, A/CN.4/L.850)

[Agenda item 5]

Third report of the Special Rapporteur (*concluded*)

1. The CHAIRPERSON invited the Special Rapporteur on the topic of immunity of State officials from foreign criminal jurisdiction to summarize the debate on her third report.

2. Ms. ESCOBAR HERNÁNDEZ (Special Rapporteur) recalled that, in her previous report, she had examined each of the three normative elements (who, what, when) of immunity *ratione personae*[205] and had therefore done the same for immunity *ratione materiae*. That approach had been well received. While most members had agreed that it was necessary to define the persons who enjoyed immunity, not only generally, but also specifically in relation to immunity *ratione materiae*, some members had not seen the need to define that form of immunity, as it depended on the act rather than the person. That was true, and even those in favour of dealing separately with subjective scope had agreed with the relevance of the act itself, which in that context was much more important than when determining immunity *ratione personae*. However, that did not imply that the act superseded the actor, particularly since, as had been stressed on numerous occasions, immunity from foreign criminal jurisdiction applied specifically to persons. The only difficulty that might arise would be in determining which normative element, the act or the person, carried more weight, but that would also be true of immunity *ratione personae*. For that reason, it appeared necessary to define the concept

[205] *Yearbook ... 2013*, vol. II (Part One), document A/CN.4/661, chap. V.

of "State official" with respect to immunity *ratione materiae*. That notion had prompted many questions, especially with regard to immunity *ratione materiae*: for example, whether immunity applied to *de facto* State representatives, whether it was reserved for State officials or likewise extended to the representatives of federal or local entities or the employees of public or private bodies serving the State, or if it might even be applied to legal persons. All those questions provided confirmation—if any were needed—that the definition of "State officials" depended on the type of immunity.

3. The majority of members had supported the method proposed by the Special Rapporteur for determining the common criteria applying to all persons potentially enjoying immunity, be it *ratione personae* or *ratione materiae*. However, some members had not been convinced of the relevance in that regard of case law related to immunity from civil jurisdiction. Apart from the fact that it had already been referred to by the previous Special Rapporteur, Mr. Kolodkin, and in the Secretariat's study,[206] as well as in the commentary to draft article 3 provisionally adopted by the Commission at its previous session,[207] in the current report, such case law had been used only to illustrate national practice in relation to persons enjoying immunity and no conclusions had been drawn from it. However, as had been suggested by one member who had cited practice in the United States of America, it might be useful to differentiate between the criteria for immunity from civil jurisdiction and those for immunity from criminal jurisdiction, since other courts and tribunals, both national and international, could sometimes draw a similar distinction, as the European Court of Human Rights had done in the case *Jones and Others* v. *the United Kingdom*. Other members had disagreed with the reference to international treaties establishing special regimes, which were expressly excluded from the topic under consideration. Again, it was necessary to remember that treaty practice had already been used in the past and was now being used solely to identify the distinctive criteria of State officials, without drawing any further consequences. However, as a number of members had rightly emphasized, some of those instruments had very different objects and purposes, such as combating corruption, and they defined the concept of State officials in such a way as to encompass as many criminally answerable persons as possible, whereas immunity from jurisdiction should be interpreted narrowly. With regard to the Commission's previous work, some members were of the view that only the draft articles on responsibility of States for internationally wrongful acts[208] were relevant, while others believed that it was risky to transpose those concepts to immunity. She considered that they and the draft code of crimes against the peace and security of mankind[209] were all useful.

[206] Document A/CN.4/596 and Corr.1, mimeographed; available from the Commission's website, documents of the sixtieth session (2008). The final text will be reproduced in an addendum to *Yearbook ... 2008*, vol. II (Part One).

[207] *Yearbook ... 2013*, vol. II (Part Two), pp. 43–47 (commentary to draft article 3).

[208] General Assembly resolution 56/83 of 12 December 2001, annex. See the draft articles on responsibility of States for internationally wrongful acts adopted by the Commission at its fifty-third session and the commentaries thereto in *Yearbook ... 2001*, vol. II (Part Two) and corrigendum, pp. 26 *et seq.*, paras. 76–77.

[209] *Yearbook ... 1996*, vol. II (Part Two), pp. 17 *et seq.*, para. 50.

4. The question had been raised of whether the persons enjoying immunity *ratione materiae* should be listed. It would certainly be helpful to give examples, particularly in the commentary, but drawing up a list of the persons concerned might lead to confusion, particularly since such a list would necessarily have to be non-exhaustive in order to duly reflect the variety of practice. Furthermore, it could not take account of any changes in positions and functions over time. For those very reasons, the Commission had decided not to draft such lists in the past.

5. With regard to the definition of "State official", several members had considered that too many criteria had been proposed and that the expression "on behalf and in the name of" was redundant. The distinction between the function of representing the State and the exercise of elements of governmental authority had not seemed clear. The different expressions were intended to establish that the person concerned had a link with the State and to highlight the public nature of the person's activity, without associating the nature of the acts (what) with the status as an official (who). In other words, it was a matter of showing that the person in question was in a position to carry out acts that involved the exercise of governmental authority—or of sovereignty—by virtue of their link to a State that acted through them. Certain members, however, had felt that the current formulation of the proposed draft articles was a mixture of subjective and material elements; it would therefore be for the Drafting Committee to review that section, taking account in particular of the proposals made by Mr. Forteau and Mr. Murphy.

6. Some members had wished to know whether all officials, including the representatives of federated or local entities, as well as the employees of public or private bodies acting in the name and on behalf of the State, enjoyed immunity *ratione materiae*, and whether their hierarchical position had any bearing in that regard. They had also wished to know whether *de facto* representatives and legal persons were covered by that type of immunity. In responding to those questions, it was essential to be cautious and to avoid too broad an interpretation of the rules related to immunity, which was simply a limitation on the exercise of judicial competence by the forum State. The criteria mentioned in the third report should therefore be interpreted as narrowly as possible, bearing in mind the fact that immunity was granted to the official in the interest of the State, in order to protect its sovereign prerogatives. In that context, there were not enough elements to be found in practice to be able to speak of immunity of legal persons in general, and furthermore, it would be dangerous to recognize, expressly and generally, the immunity of *de facto* representatives, particularly those who did not have an official link to the State, or who had not been entrusted with a clear role. It therefore seemed impossible to include among State officials the categories of persons covered by article 8 of the draft articles on responsibility of States for internationally wrongful acts, as one member had proposed. Another issue was whether persons who were not part of the administrative structure, but to whom the State had given a specific task at some time, could be considered *de facto* representatives and enjoy immunity on those grounds. She personally believed that, given the ultimate purpose of immunity, it would be going too far to consider a person whose conduct could be attributed to the State to be a representative of that State.

7. As indicated in paragraph 149 of the third report, hierarchical status was not in itself a sufficient basis for concluding that a person was a State official, although it should certainly been taken into account to specify the type of link between the State and the official. However, if the Commission opted for a restrictive approach to immunity, the argument put forward by Mr. Tladi with regard to representatives acting on the orders of the State should be retained. In any case, the recognition of a representative's status did not always go hand in hand with the recognition of immunity, which depended on the nature of the acts carried out, as would be seen in the next report. It should also be remembered that the notion of "official" was defined in the third report only for the purposes of the draft articles and solely on the basis of international law. The definitions of that notion adopted at the national level applied only at the domestic level—a logical consequence of the principle of sovereign equality of States. In order to preserve the autonomy of existing State rights and treaty rights, a "without prejudice" clause could perhaps be inserted into the draft articles to the effect that the definition of "official" was provided for the purposes of the draft articles.

8. As to the choice of terms, she was grateful that the majority of members had been in favour of maintaining the term "State official" in the English version, since it met the requisite conditions for designating the persons covered by immunity from foreign criminal jurisdiction. On the other hand, she could not accept most of the arguments put forward by those who considered the term "organ" to be inappropriate, as it appeared in a number of instruments where it designated both physical and legal persons, and it had already been used by the Commission. Although some very real, substantial problems might arise through the use of different, non-interchangeable terms, she would not insist on "organ" being retained as the only term. The most practical solution would be to choose a term in each language rather than using the same term in all language versions; in that respect, Mr. Forteau's proposal for the French version was welcome. In any case, semantic problems related to the use of different terms would be mitigated thanks to the adoption of definitions and the commentaries, where attention would be drawn to the various terms used and to the meaning of each one for the purpose of the draft articles.

9. She proposed sending draft articles 2 and 5 to the Drafting Committee for consideration in light of the comments made by the members during the debate. The notion of "official" could be defined in a single paragraph in draft article 2, and subparagraph (ii) could be simplified without deleting the reference to the Head of State, the Head of Government and the Minister for Foreign Affairs, who clearly differed from other officials who might enjoy immunity from foreign criminal jurisdiction. With regard to draft article 5, the comments made by certain members concerning the proposal to delete the phrase "who exercise … governmental authority" were interesting. However, in her view, when defining the subjective scope of immunity *ratione materiae*, it was not enough to use the term "official" without further clarification, as it did not sufficiently highlight the highly functional dimension of that type of immunity. That issue would be considered in further depth by the Drafting Committee, as would the question of the time period to be used so that the members of the troika would not be deprived of immunity *ratione materiae* for acts they had carried out in an official capacity while in office, which would be contrary to the intended objective. However, she was not convinced that it was necessary to expressly mention the members of the troika in that draft article, as that would simply further complicate the relationship between immunity *ratione materiae* and immunity *ratione personae* and could be misleading.

10. The responses from States to the questionnaire on acts carried out in an official capacity,[210] which had been forwarded to them during the previous session, would be taken into consideration in the fourth report. She believed that the relationship between immunity *ratione personae* and immunity *ratione materiae*, which had been examined during the previous session, was described in enough detail in the commentary to draft article 4 (Scope of immunity *ratione personae*),[211] as it mentioned the temporal aspect. In order to properly define that relationship, it was also vital to take into account the material scope of immunity *ratione personae* and immunity *ratione materiae*, even though both types of immunity could, in different circumstances and according to different rules, apply to the same category of subjects, namely the Head of State, the Head of Government and the Minister for Foreign Affairs. However, it seemed difficult to conclude that the relationship between the two types of immunity could be governed by the principle of *lex specialis* strictly speaking. Lastly, while she understood the reasons behind the proposal to amend draft article 1, she noted that the draft article had already been provisionally adopted by the Commission and that it would not be appropriate to reconsider it at that stage.

Organization of the work of the session (*continued*)[*]

[Agenda item 1]

11. The list of members of the Drafting Committee on the topic of immunity of State officials from foreign criminal jurisdiction was read out: Mr. Candioti, Mr. Forteau, Mr. Huang, Ms. Jacobsson, Mr. Kamto, Mr. Kittichaisaree, Mr. Murphy, Mr. Park, Mr. Petrič, Mr. Saboia (Chairperson), Mr. Singh, Mr. Šturma, Mr. Vázquez-Bermúdez, Mr. Wako, Sir Michael Wood and Mr. Tladi (*ex officio*).

Identification of customary international law[212] (A/CN.4/666, Part II, sect. D, A/CN.4/672[213])

[Agenda item 9]

Second report of the Special Rapporteur

12. The CHAIRPERSON invited the Special Rapporteur to introduce his second report on the identification of customary international law (A/CN.4/672).

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[*] Resumed from the 3218th meeting.

[210] See *Yearbook ... 2013*, vol. II (Part Two), p. 15, para. 25.

[211] *Ibid.*, pp. 47–50.

[212] At its sixty-fifth session (2013), the Commission considered the first report of the Special Rapporteur (*Yearbook ... 2013*, vol. II (Part One), document A/CN.4/663) and had before it the Secretariat memorandum on the topic (*ibid.*, document A/CN.4/659). At that session, the Commission decided to change the title of the topic from "Formation and evidence of customary international law" to "Identification of customary international law" (*ibid.*, vol. II (Part Two), p. 64, para. 65).

[213] Reproduced in *Yearbook ... 2014*, vol. II (Part One).

13. Sir Michael WOOD (Special Rapporteur) pointed out that a considerable number of errors had been introduced into the text of the second report that had been published by the United Nations. These mainly related to the footnotes and made them quite difficult to follow in places. He hoped that a corrected version would appear in due course.

14. The Special Rapporteur said that his second report, which covered a good deal of ground, did not focus solely on State practice, as had been his original intention, because it had become clear during the preparation of the report that it was difficult to consider that topic in isolation from *opinio juris*. With regard to the history of the topic outlined in the introduction of the second report, it should be recalled that, in 2013, most members of the Commission had been of the view that *jus cogens* should not be dealt with as part of the present topic. However, although the identification of customary law and *jus cogens* had to be considered separately, the two issues were nonetheless complementary and he therefore welcomed the fact that the Commission was moving towards the inclusion of the latter topic in its long-term programme of work so that the two could be considered in parallel. His third report would contain an analysis of "special" or "regional" customary law, the importance of which had been stressed in the Sixth Committee in 2013.

15. With regard to chapter I of the second report, it seemed that both the Commission and States in the Sixth Committee were broadly supportive of the proposal that the outcome should take the form of draft "conclusions". However, that did not preclude the possibility of later replacing that term with "guidelines", for instance, if it seemed more appropriate. Paragraph 1 of draft conclusion 1 (Scope) provided a useful definition of the objective of the draft conclusions, by indicating that they were concerned solely with methodology and not with the substance of the rules of customary law. The content of the second paragraph, however, could just as well be included in the commentary or even in an introductory "general commentary" to the draft conclusions.

16. With regard to draft conclusion 2 (Use of terms) in chapter II of the report, it might in fact be rather awkward to propose a definition of customary international law "[f]or the purposes of the present draft conclusions", as though the expression might have a different meaning for other purposes, which was most definitely not the case. It would therefore be more appropriate to place the content of subparagraph (*a*) in an introductory general commentary; subparagraph (*b*) might then be unnecessary.

17. Chapter III of the second report dealt with the basic approach to the identification of customary international law, namely that of the two constituent elements, mentioned in draft conclusion 3 (Basic approach). That approach was well established and applied to all fields of international law, although there might be differences in application depending on the field or types of rules in question. He would therefore be interested to hear the views of the Commission members on that issue. Draft conclusion 4 (Assessment of evidence) stressed the importance of taking account of the context surrounding the evidence of the two elements of customary law.

18. Chapter IV of the second report concerned the first of the two elements—general practice. In draft conclusion 5 (Role of practice), the expression "general practice" had been chosen in preference to "State practice" because, given the role that other actors, in particular certain international organizations, might play, it seemed preferable to use the language of Article 38, paragraph 1 (*b*), of the Statute of the International Court of Justice, especially since that expression incorporated the basic requirement of generality. He invited the members of the Commission to share with him their views on the role of non-State actors' practice. That draft conclusion had also been largely inspired by the ruling of the International Court of Justice in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*. Draft conclusion 6 (Attribution of conduct) was based on the corresponding provision in the draft articles on responsibility of States for internationally wrongful acts.[214]

19. The difficulties related to the evidence of practice and acceptance required particular attention. He intended to explore that issue further in his third report; in the meantime, he invited the members of the Commission to comment on that point. With regard to manifestations of practice, the subject of draft conclusion 7 (Forms of practice), the Commission should consider the issue of whether to take into account verbal actions by States, which were mentioned in paragraph 1. Furthermore, given that the draft conclusions were aimed not just at specialists in international law, the list of possible manifestations of practice by States proposed in paragraph 2, which was necessarily non-exhaustive, was genuinely useful. Many of the types of practices listed could also serve as evidence of *opinio juris*. The essential issues of practice in connection with treaties and with the resolutions of international organizations would be covered in more depth in the third report. For that reason, he would welcome the Commission members' opinions on that subject. The importance of inaction should not be overlooked, and the practice of international organizations should be assessed with the same caution as was used when assessing State practice.

20. Draft conclusion 8 (Weighing evidence of practice) stated that there was no predetermined hierarchy among the various forms of practice—in other words, the practice of a State, which should be considered as a whole, was weighed in accordance with the specific circumstances of each case, or on the basis of the rule in question. The requirement set by draft conclusion 9 (Practice must be general and consistent) was crucial and derived from international case law.

21. Chapter V of the second report was devoted to the second element of customary law, namely its subjective element, which in fact raised more theoretical than practical difficulties. In draft conclusion 10 (Role of acceptance as law), the phrase "accepted as law" had been chosen in preference to other expressions, particularly *opinio juris (sive necessitates)*, given the intentions that

[214] General Assembly resolution 56/83 of 12 December 2001, annex, article 4. See the draft articles on responsibility of States for internationally wrongful acts adopted by the Commission at its fifty-third session and the commentaries thereto in *Yearbook ... 2001*, vol. II (Part Two) and corrigendum, pp. 26 *et seq.*, paras. 76–77.

might be implied by its use and the difficulties raised by the definition of that term. In addition, "accepted as law" more closely described the beliefs that motivated States and took account of the forward-looking dimension. It was useful to read draft conclusion 11 (Evidence of acceptance as law) in conjunction with draft conclusion 7, as paragraphs 1, 2 and 3 of the former had parallels with those of the latter. Paragraph 4 reflected the idea that evidence of the acceptance of a practice as law could arise from the practice itself or could be deduced from it. Nonetheless, the element of acceptance was a separate requirement from practice itself, and should be established in each case. The Commission might prefer to reflect that idea, which necessitated further study, in a separate draft conclusion placed close to draft conclusion 3.

22. He proposed referring the draft conclusions to the Drafting Committee for provisional adoption during the current session. He would submit the related commentaries at the following session. The draft conclusions proposed in the second and third reports could be adopted at that session and thus be included in the report of the Commission to the General Assembly for 2015.

The meeting rose at 12.15 p.m.

3223rd MEETING

Tuesday, 15 July 2014, at 10 a.m.

Chairperson: Mr. Kirill GEVORGIAN

Present: Mr. Caflisch, Mr. Candioti, Mr. Comissário Afonso, Mr. El-Murtadi Suleiman Gouider, Ms. Escobar Hernández, Mr. Forteau, Mr. Hassouna, Mr. Hmoud, Mr. Huang, Ms. Jacobsson, Mr. Kamto, Mr. Kittichaisaree, Mr. Laraba, Mr. Murase, Mr. Murphy, Mr. Niehaus, Mr. Nolte, Mr. Park, Mr. Peter, Mr. Petrič, Mr. Saboia, Mr. Singh, Mr. Šturma, Mr. Tladi, Mr. Valencia-Ospina, Mr. Vázquez-Bermúdez, Mr. Wako, Mr. Wisnumurti, Sir Michael Wood.

Cooperation with other bodies (*continued*)*

[Agenda item 14]

Statement by the representative of the Inter-American Juridical Committee

1. The CHAIRPERSON welcomed Mr. Novak Talavera, Vice-Chairperson of the Inter-American Juridical Committee (IAJC), and invited him to address the Commission.

2. Mr. NOVAK TALAVERA (Inter-American Juridical Committee) said that the Inter-American Juridical Committee was the advisory body of the Organization of American States (OAS) on international juridical matters; it undertook studies of that subject, either at the request of the OAS General Assembly or on its own initiative. In 2013, it had held two regular sessions, had completed five reports and had begun work on four issues of concern in the American hemisphere.[215]

3. The first report, on sexual orientation, gender identity and expression, surveyed progress in the protection afforded to the right to non-discrimination on grounds of sexual orientation and identity by the domestic legislation of American countries. It analysed the rulings of courts in some member States and identified inter-American instruments that might be of use in protecting the aforementioned right, as well as the latest precedents of the Inter-American Court of Human Rights that promoted non-discrimination on grounds of sexual identity.

4. The second report, on protection of cultural property in the event of armed conflict, contained model legislation to assist member States in implementing the standards and principles of international humanitarian law. The text comprised 12 chapters covering, *inter alia*, marking, identifying and cataloguing cultural property; planning of emergency measures; and monitoring and compliance mechanisms. The main objective was to persuade American States to adopt a nexus of preventive measures in peacetime in order to protect and preserve the region's cultural heritage in the event of armed conflict.

5. The third report, on inter-American judicial cooperation, had been prompted by threats to the region's security from trafficking in persons and drugs, terrorism, arms smuggling and organized crime. The report advocated a set of measures to harmonize procedures and legislation, enhance cooperation among the relevant authorities, promote capacity-building and remove obstacles to efficient intraregional judicial cooperation.

6. The fourth report concerned the drafting of guidelines on corporate social responsibility in the area of human rights and the environment in the Americas. It took account of the work done by several international organizations and of the particular features of the region. It reflected legislative progress and improvements in company practice in safeguarding human rights and the environment. It also pinpointed shortcomings and difficulties that had led the Inter-American Court of Human Rights to advocate for closer oversight by States of the activities of companies operating in their territory.

7. The fifth report, entitled "General guidelines for border integration", comprised more than 50 standards designed to facilitate agreements on cross-border cooperation and integration that drew on examples of best practice in the Americas and elsewhere and encompassed follow-up mechanisms.

8. In the second half of 2013, the IAJC had commenced work on a number of other matters of particular importance in the Americas. In devising guidelines for

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* Resumed from the 3218th meeting.

[215] See the Annual Report of the Inter-American Juridical Committee to the forty-fourth regular session of the General Assembly of the Organization of American States (OAS/Ser.G - CP/doc.4956/14), available from the OAS website: www.oas.org/en/sla/iajc/docs/INFOANUAL.CJI.2013.ENG.pdf.