

**Proposed methodology for conducting of work by the Ad Hoc Committee  
at its fourth and fifth sessions proposed by the Chair of the Ad Hoc Committee**

*Status: 15 November 2022*

## **I. Introduction**

1. In accordance with the [Road Map and mode of work](#) of the Ad hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes (Ad Hoc Committee), the Chair is tasked with the preparation, with the support of the secretariat, of the consolidated negotiating document in advance of the fourth and fifth sessions, on the basis of the outcomes of the first reading of the draft chapters of the convention during the second and third sessions.
2. The consolidated negotiating document is proposed as an instrument to enable the Ad Hoc Committee to elaborate the text of the convention. It will be structured in a form akin to a treaty and contain treaty language.
3. Guided by principles of inclusivity and transparency, the Chair prepared the present methodology for facilitating the Ad Hoc Committee to fulfil its mandates during the fourth and fifth sessions.
4. The following two considerations were taken into account in the preparation of the present text:
  - *Time*: The Ad Hoc Committee has 19 days during the fourth and fifth sessions to conduct the second reading of the draft provisions. Therefore, it is important to organize the substantive discussions during the formal sessions in the most effective way possible to advance the work of the Ad Hoc Committee. The time constraint may require the best use of the time between sessions to enable the Committee to finalize its tasks within the decided timeframe.
  - *Resources*: The resource limitations of many delegations were taken into consideration while seeking to maintain an open and inclusive process.
5. The proposed methodology aims to facilitate the transition from a consolidated negotiating document toward a draft text of the future convention. According to the Road map and the mode of work, after the fourth and fifth sessions respectively, the Chair is tasked, with the support of the secretariat, to prepare a draft text of the convention. The draft convention will consist of a clean text, based on the outcomes of the second reading of the draft chapters of the convention.

## **II. On the methodology**

### **1. The conduct of the text-based negotiations at formal meetings**

6. The second reading of the relevant chapters of the convention during the fourth and fifth sessions will be conducted in two rounds. The consolidated negotiating document will be projected on the screen, without using track-changes.
7. During the first round, which should last between two to three days as a maximum, the Chair will invite Member States to provide their substantive comments and positions (not general comments) on each chapter under consideration.

8. The main objective of the first round is to clearly identify potentially divergent topics that could benefit from the co-facilitator process, as detailed below.
9. During the second round, the formal meeting will focus on the provisions that enjoy broad support. Meanwhile, the discussion on provisions with divergent views will continue informally, with the involvement of co-facilitators.
10. During the second round, the Chair will invite Member States to provide their substantive amendments and proposals on each provision or cluster of provisions under consideration. The Chair and the secretariat will take note of the substantive amendments and proposals, without reflecting them, in real-time, through the track change mode.
11. At each following day, the secretariat will publish an updated document, in English only, reflecting concrete language proposals formulated by Member States through interventions at the Plenary. To support the drafting of this document, Member States may transmit to the secretariat their amendments to the provisions being examined as proposed in their interventions.
12. The consolidated negotiating document and the above-mentioned document will serve as a basis for the Chair for the preparation of the draft text of the convention. The draft text of the convention will be a clean text that translates the perception of the Chair of a possible consensus on the future convention.

## **2. The process of co-facilitators and intersessional informal consultations**

13. During the negotiation of the draft chapters of the convention on the basis of the consolidated negotiating document, the progress may require informal open-ended negotiations to enable the Ad Hoc Committee to finalize its mandates in relation to the fourth and fifth sessions. In this regard, the Chair will seek the support of co-facilitators during the formal sessions. The mandate of co-facilitators is to get a better understanding of the positions of Member States on challenging areas identified by the Chair, or on provisions with strong divergent views that need focused informal discussions, in order to explore possibilities for compromise and solutions.
14. The Chair will designate co-facilitators among elected officers and outside the Bureau taking into consideration geographical and gender balance. The designation of co-facilitators and informal consultations will be conducted as soon as such a requirement emerges during the discussions.
15. The topics of the informal open-ended negotiations will be identified as the negotiation process advances. Informal negotiations conducted by co-facilitators should not be a systematic option, but rather a pragmatic solution to achieve the following two goals: i) to allow the Ad Hoc Committee to successfully carry out its agenda and avoid protracted discussions during very limited plenary time; and ii) to explore the possibilities to achieve consensus on specific challenging areas within the clear and limited timeframe anticipated by Member States to finalize the convention.
16. The work of co-facilitators shall be inclusive and open to all delegations. During the formal sessions, co-facilitators could convene, in hybrid format, informal meetings open to all delegations. These informal meetings should be organized on time slots other than those allocated to the formal meetings of the Ad Hoc Committee (that is, before the morning session, after the afternoon session or during the lunch break).

17. The co-facilitators will present an oral report on the progress of their efforts to the formal meeting of the Ad Hoc Committee. Any decision on the outcomes of the co-facilitators process shall be taken at the formal session.
18. During the intersessional periods, the Chair, with the assistance of co-facilitators, may conduct informal consultations, in an inclusive way, on the issues that have not been solved during the formal sessions.
19. The Chair may also organize open-ended meetings to present oral reports on the progress and status of her consultations. Any decision on the outcomes of these consultations shall be taken at the formal session.
20. The outcomes of the process of co-facilitators and the informal intersessional consultations will serve as inputs for the Chair for the elaboration of the draft text of the convention.

### **3. Role of the Bureau**

21. In addition to seeking support from the Bureau members in the facilitation of informal negotiations, the Chair will convene regular Bureau meetings to evaluate the progress in the elaboration process and seek advice on future actions to help reach consensus on all issues. Co-facilitators, including those are not the members of the Bureau, could be invited to brief the Bureau on their efforts.
22. Such meetings would also allow the Bureau to be fully informed in the case of a decision-making process, as provided for in paragraph 5 of General Assembly resolution [75/282](#).

### **4. Establishment of a group of experts with skills in the official languages of the United Nations**

23. Based on the Road map and mode of work of the Committee, at its fourth session, it will be important for the Ad Hoc Committee to decide on whether to establish a group of experts with skills in the official languages of the United Nations who would be tasked with ensuring the consistency of the text of the convention in all official languages of the United Nations.

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