

**Methodology for conducting the work of the Ad Hoc Committee
at its sixth session, proposed by the Chair of the Ad Hoc Committee**

Status: 18 July 2023

I. Introduction

1. In accordance with General Assembly resolutions 74/247 and 75/282, as well as 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 prepared, with the support of the Secretariat, a draft text of the convention in advance of the sixth session, based on the outcomes of the second reading of the draft chapters of the convention during the fourth and fifth sessions of the Committee, while also taking into account the outcomes of the second and third sessions. The advance edited version of the draft text of the convention was made available in English on 16 June 2023 on the website of the sixth session. The document in all official languages of the United Nations, with the symbol A/AC.291/22, was published in the United Nations Official Document System (ODS) and on the Committee website on 14 July 2023.
2. The Chair has elaborated the draft text of the convention with a view to facilitating a consensus text, without delay, considering that in its elaboration she took into account positions expressed by Member States during five negotiating sessions, the informal co-facilitated negotiations, informal consultations, as well as the views expressed by various multi-stakeholders. Moreover, many of the provisions are adapted from existing international and regional legal instruments, pursuant to General Assembly resolutions 74/247 and 75/282.
3. The following factors have been considered in the elaboration of the present document:
 - *Time*: The Ad Hoc Committee has 10 working days during the sixth session to consider the draft text of the convention. Therefore, it is important to organize the substantive discussions in the plenary meetings in the most effective and efficient way possible to advance the work of the Ad Hoc Committee.
 - *Resources*: It is challenging for many delegations to mobilize additional resources for further substantive discussions between the sixth session and the concluding session. Thus, it is essential that the Committee utilize the presence of Member States experts during the formal session to the best extent possible to advance the discussion, while seeking to maintain an open and inclusive process.
4. The objective of the negotiations during the sixth session is to agree, *ad referendum* and by consensus, on the concrete language of as many of provisions to be included in the final text as possible, aiming at concluding the sixth session with a minimum number of pending provisions, on the understanding that nothing is agreed until everything is agreed. Provisions not agreed upon *ad referendum* at the sixth session will be further discussed during the concluding session, before a final decision is taken by the Ad Hoc Committee.
5. In light of the foregoing, delegations are encouraged to focus on improving the proposed draft text of the convention with the objective of reaching consensus, refraining from reintroducing previously expressed positions that do not enjoy broad support, or introducing proposals on new language or concepts, which have not been discussed up to this point. The continued negotiation in good faith, which has been the hallmark of all Member States from the first to the fifth sessions, and flexibility to seek compromise language are a *sine qua non* to achieving the objectives of the Ad Hoc Committee at the sixth session and in fulfilling its mandate within the set timetable.

II. On the methodology

1. The conduct of the text-based negotiations at plenary meetings

6. The Chair of the Ad Hoc Committee will conduct the plenary meetings in hybrid format in the six official languages of the United Nations. To facilitate its consideration, the draft text of the convention will be projected on a screen, and amendments proposed by Member States will be reflected in real time on the screen. Member States are encouraged to focus on fine-tuning the provisions of the draft text, and they should thus avoid introducing proposals which might move the negotiations further away from a possible consensus on the provisions in question. Thus, amendments should be proposed with the aim of finding compromise solutions, bearing in mind divergent views expressed by delegations in previous sessions. In order to facilitate the flow of discussions, the preparation of delegations and to identify issues to be considered in open-ended informal meetings, the Chair plans to follow the order of thematic groups of articles contained in the Annex to this document.
7. Furthermore, delegations should avoid making observations on translation, as this issue will be addressed by the Consistency Group, with the support of the Secretariat. Rather, it would be appreciated if delegations could transmit such comments by email to the Secretariat.
8. In order to facilitate discussions, the edits by Member States will be published on the website of the Committee at the end of each day. The Secretariat will reflect edits made on the screen during the plenary meetings, and not edits received from Member States by other means and not announced in Plenary.
9. The Chair will allocate provisions requiring further discussions among Member States to informal open-ended meetings (see paragraphs 12 -16 below).
10. Delegations are also encouraged to actively meet in the margins of the plenary meetings to advance their discussions on divergent views on specific provisions, and to share the outcome of those discussions in Plenary with a view to facilitating consensus.

Multi-stakeholders interventions

11. As per the modalities for their participation, the Chair will allow interventions by multi-stakeholders on the draft text of the convention, bearing in mind the limited availability of time. As time is of the essence, considering the time pressure on the Committee's negotiation work and in order to give the same opportunity to other participants, the interventions of multi-stakeholders will be of a maximum duration of 3 minutes. Multi-stakeholders are encouraged to submit their statements in writing to the Committee, through the Secretariat, in order to provide further detail on their perspectives.

2. Informal open-ended meetings

12. The Chair will convene informal open-ended meetings to further discuss specific issues to facilitate the efficiency of plenary meetings. Such discussions will run in parallel with plenary meetings and will be held in a hybrid format in English only. Following a consultation with the Bureau, the Committee Chair will announce the Chair(s) of informal open-ended meetings.
13. The co-facilitators (Brazil and South Africa) appointed to address the use of terms will continue their consultations on the terms that remain in brackets.
14. In order to ensure maximum transparency, time slots for the above co-facilitated meetings will be arranged via the Secretariat, uploaded to the website of the sixth session, and announced by the Chair in plenary meetings. The Secretariat will assist the Chair(s) of the informal open-

ended meetings and, as necessary, will make available the programme of topics to be discussed in each meeting. The Chair(s) of the informal open-ended meetings will decide on the appropriate approach for the informal discussions of the text.

15. To facilitate transparency, the Plenary will be kept abreast of developments in the informal open-ended meetings. The outcomes of the informal open-ended meetings will be brought to the attention of delegations in plenary meetings. For this purpose, the Chair of the Committee may request the Chair(s) of the informal meetings to orally brief the Ad Hoc Committee in its plenary meetings.
16. To advance their discussions on divergent views on specific provisions, and to facilitate consensus, delegations are encouraged to actively meet in the margins of the informal open-ended meetings, and to share the outcome of such discussions in the informal open-ended meetings.

4. Role of the Bureau

17. In line with General Assembly resolution 75/282, the Chair will convene regular Bureau meetings to assess progress in the negotiations and seek advice on future actions to help reach consensus on all issues. The Chair(s) of informal open-ended meetings referred to above will brief the Bureau on the outcome of the meetings; the Bureau will further be briefed by the co-facilitators (Brazil and South Africa) on the use of terms.

5. Consistency group

18. The Consistency Group will start reviewing and ensuring consistency of articles that are agreed upon *ad referendum* by the Ad Hoc Committee in all six official languages of the United Nations during the sixth session. It will continue its work, in virtual format, during the intersessional period, and will report on the outcome of its work to the Ad Hoc Committee during the concluding session. The above notwithstanding, the Chair of the Ad Hoc Committee may also invite, as necessary, the Consistency Group to address the Plenary on specific issues that may require further consideration by the Ad Hoc Committee.

6. Proposed outcomes of the sixth session

19. Following the practice of the Ad Hoc Committee to date, the report of the sixth session will be procedural in nature. It would contain a summary of the conduct of the sixth session, a reference to the next stages of work of the Ad Hoc Committee and refer to a document to be prepared by the Chair with the assistance of the Secretariat after the conclusion of the sixth session, before the concluding session. The Chair would elaborate such a document, as proposed below.
20. The document referred to in the foregoing paragraph, which would be published in the six official languages of the United Nations, would contain the *ad referendum* agreed upon draft text in the scenario where such agreement would have been reached by consensus on all of its provisions, or would include an updated draft text of the convention, reflecting the status of negotiations at the end of the sixth session, containing the already *ad referendum* agreed upon provisions and those provisions that would still be outstanding. In both scenarios, the Consistency Group would need to work inter-sessionally between the sixth session and the concluding session on all *ad referendum* agreed provisions and provide its recommendations to the Committee at the concluding session.
21. In the second scenario, as mentioned, the document (in all official languages of the United Nations) will also include the provisions that remain pending (not agreed upon *ad referendum*, by consensus). The Chair will present compromise proposals on the pending provisions for the

consideration of the concluding session, reflecting on the progress in the negotiations, and considering arguments expressed and amendments proposed by delegations.

22. The above document would serve as pre-session documentation for the concluding session of the Ad Hoc Committee to be held in New York from 29 January to 9 February 2024.

Sample daily schedule for the 6th session for reference

<i>Time</i>	<i>Meeting</i>	
Before 10:00	Bilateral consultations, consultations among Member States Consistency Group Bureau meeting (as necessary)	
10:00-13:00	Plenary meetings	Informal open-ended meetings
13:00-15:00	Bilateral consultations, consultations among Member States Bureau meeting (as necessary)	
15:00-18:00	Plenary meetings	Informal open-ended meetings
After 18:00	Bilateral consultations, consultations among Member States Bureau meeting (as necessary)	
