

## **Comment on “Implementation of Operative Paragraph 3 of General Assembly Resolution 74/247 and Next Steps”, Status: 20 April 2020**

### **Comments by Canada**

Canada would like to thank the United Nations Office on Drugs and Crime (UNODC) for its efforts in putting together concrete proposals on the preparation of the August organizational meeting, including its 20 April 2020 proposal entitled, “Implementation of Operative Paragraph (OP) 3 of General Assembly Resolution 74/247 and Next Steps” and its May 12 proposal. While Canada broadly supported both proposals, we were informed on May 6 that the silence procedure contained in the 20 April 2020 proposal was broken by one Member State. In order to follow-up on the April 20 offer for further communication on this topic, Canada wishes to take this opportunity to make some suggestions pertaining to the process leading to the August 2020 meeting and the upcoming negotiations.

In Canada’s view, the process leading up to and including the August meeting will need to lay the foundation for an inclusive, fair, transparent, and constructive process moving forward. Establishing mechanisms for meaningful and representative Member State input and consultation is critical, in particular through consensus-based decision-making during the August meeting and the further work of the ad hoc committee. In that regard, Canada suggests that the background paper to be developed by the UNODC make reference to the ad hoc committee adopting UN General Assembly (UNGA) rules of procedure, modified to establish consensus as the means for decision-making.

Canada appreciates the UNODC’s proposal to work with Member States in developing a provisional agenda and a background paper. We appreciate the UNODC’s offer to organize an informal meeting online for Member States as necessary to further discuss and finalize these two documents.

We see merit in calling for nominations of Chair, Vice-chairs and Rapporteur for the ad hoc committee in advance of the August meeting to ensure that a wide range of perspectives are reflected in the important preparatory work at hand. We also believe it is important that the open-ended ad hoc intergovernmental committee of experts established under Operative Paragraph 2 of UNGA 74/247 captures the views of all Member States, not just the most vocal, beginning with the nomination of a neutral and competent chair.

We also strongly encourage the UNODC to help establish mechanisms for the meaningful participation of non-state actors, including civil society, academia, and the private sector, leading up to the August meeting, during, and following it. Canada places significant importance on safeguarding respect for human rights and fundamental freedoms throughout this process, including by applying a human rights-based approach that is open, transparent, and inclusive from the outset.

In a similar vein of striving for an inclusive process, Canada would like to register our concerns about the ability of some States to participate, whether it be in-person or by virtual means. In either case, there are financial and accessibility constraints that may prohibit the inclusivity that is desirable. Given this, it is important that going into the August meeting there is a clear sense of financial and other resource implications for each option that is proposed in any potential background document or otherwise part of deliberations at the August meeting.

Canada would like to see that any process we invest in is constructive and is able to achieve the shared aim of enhancing international cooperation in the global fight against cybercrime. We note that some States have raised the need to clarify understanding of OP 3, which indicates that the ad hoc committee will need “to agree on an outline and modalities for its future activities”. For Canada, “an outline of... activities” means a suggested plan of events, tasks, key dates, decision making rules, role of non-State stakeholders, and other similarly process-related issues that will require agreement in August to set the stage for subsequent expert-driven consideration

of the substantive issues. We believe that any consideration of substance at the August meeting, or leading up to it, would detract from a full review of procedural options and modalities. Additionally, it would risk prematurely defining the substantive parameters without benefiting from the time, consultation and effort required for constructive and thorough expert review, including “the full consideration [of]... the work and outcomes of the open-ended intergovernmental Expert Group [and its] Comprehensive Study on Cybercrime” (as per OP2 of UNGA 74/247).

Finally, Canada wishes to reemphasize its support for the work of the UNODC in continuing to pave the way for an inclusive, transparent, constructive, and consensus-based process that will lead to a fair outcome to the benefit of all.