

Comments by the Principality of Liechtenstein on the background paper on a proposed outline and modalities for the further activities of the open-ended ad hoc intergovernmental committee to elaborate a comprehensive international convention on countering the use of information and communications technologies for criminal purposes

Liechtenstein wishes to thank the Secretariat for providing the background paper and supports the clear mandate to include existing international instruments as well as the work and outcomes of the open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime in the process of elaborating a comprehensive international convention on countering the use of information and communications technologies for criminal purposes. Liechtenstein reiterates its previously expressed concerns with regard to that process.

Liechtenstein wishes to provide the following suggestions for clarification and specification to the background paper:

1. The background paper postulates the creation of an “open-ended ad hoc intergovernmental committee of experts, representative of all regions”. This wording creates a lack of clarity as to whether access to the negotiating committee is open to all States. Liechtenstein proposes to include a clear and unambiguous language for the name of the committee, which explicitly declares its openness to all States at all times.

2. Liechtenstein is of the view that the envisaged timeframe does not sufficiently take into account the very dynamic development in the area of Cybercrime. It cannot be predicted whether new developments shortly before the finalization of the draft text would make a revision of the draft necessary. Therefore, Liechtenstein proposes to carry out an assessment at the end of the seventh session of the Committee to see whether additional consultations could be useful.

3. With regard to Paragraph 14 of the background paper and the contributions of intergovernmental organizations, non-governmental organizations, civil society and the private sector, Liechtenstein wishes to emphasize the importance of a regular exchange with all stakeholders. Especially in a dynamic field such as cybercrime, a dialogue on a regular basis could significantly increase the quality of the discussions. Liechtenstein therefore suggests strengthening paragraph 14 significantly to ensure

the meaningful participation of intergovernmental organizations, non-governmental organizations, civil society, academia and the private sector at all stage of the process.

4. Liechtenstein wishes to emphasize that a regular exchange with the United Nations membership in New York on the progress of the process is necessary to ensure inclusiveness, transparency and legitimacy of the process. Liechtenstein therefore proposes to include a specific provision to that effect.