

Argentine Republic

Intervention on occasion of briefing for the organizational meeting of the Ad Hoc Committee
created by General Assembly Resolution 74/247

December 7th, 2020, Vienna

Thank you Mr. moderator for giving me the floor

Based on the recognition of the great challenges posed by cybercrime, and in accordance with the mandate of the AHC established by Resolution 74/247, Argentina considers essential that the process of constitution of the Committee proceeds in the most transparent and inclusive manner, and that such process is conducted on the basis of consensus.

Argentina also considers essential that any international instrument aimed at combating the use of ICTs for criminal purposes, takes due account of the protection of human rights and fundamental freedoms.

International cooperation in the prevention, investigation and prosecution of cybercrime requires a joint effort between different actors, multidisciplinary and at multiple levels.

The implementation of the mandate within the framework of the Ad Hoc Committee is a process led by the States but which must provide for the adequate participation of other actors, such as civil society, academia, the private sector and the technical community.

It is important to avoid duplication of forums addressing the topic simultaneously. In this understanding, Argentina considers that the substantive sessions of the ad hoc Committee should only begin after the presentation of the IEG final report in 2021. Similarly, once the IEG has presented its final report and the substantive discussions of the Ad Hoc Committee have started, if deemed necessary, ad hoc subgroups could be created within the framework of the latter.

As regards to the Bureau, based on the balanced format proposed (that is 15 members with equitable geographical representation) we consider that the election of members of the Bureau should be made through a procedure that reflects a broad consensus. Likewise, rotation of Bureau members should be foreseen in order to provide more opportunities for participation of different States over time.

Regarding the venue of the substantive work of the Ad Hoc Committee, Vienna is considered to be the most convenient since it is the headquarters of the UNODC; the Commission for Crime Prevention and Criminal Justice (CCPCJ); and where the IEG has met since 2011. Likewise, it would seem logical that the Secretariat of the Ad Hoc Committee be UNODC, as has been the case of the IEG, this consideration is an additional argument for the venue to be Vienna.

Just as we believe the outcome of the Ad Hoc Committee should stem from a broad consensus, it is understood that its decision-making process should be in accordance with the expected result, and therefore, also be based on consensus.

In this sense, the UNGA Rules of Procedure, in its article 161, provide for the possibility of its subsidiary bodies or committees establishing consensus as a means of decision-making.

In addition, consensus-based decision-making has resulted in strong treaties in the area of crime prevention and criminal justice, including the United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention. Against Corruption (UNCAC).

Finally, as established by Res. 74/247, Argentina understands that the first session of the Committee should be focused on procedural and organizational issues.

Thank you Mr. moderator