

**Summary of the information provided by
Mr. John Brandolino, DTA Director, UNODC
at the informal meeting relating to the Cybercrime Ad Hoc
Committee organizational session, held on Friday, 10 July
2020 via MS Teams**

The meeting was of an informal character, to provide a space for Member States to discuss and hopefully move towards agreement on the provisional agenda for the organizational session of the ad hoc committee (AHC) pursuant to General Assembly resolution 74/247, which is currently scheduled to be held in New York on 25-27 August 2020.

During part 1 of the meeting, the DTA Director provided an update on procedural issues related to the August organizational session of the ad hoc committee.

During part 2 of the meeting, the floor was opened for Member States to discuss the provisional agenda for the organizational session of the ad hoc committee.

Part 1:

Invitations

The invitations for Member States to the organizational session were sent out on 8 July and the Secretariat of the Third Committee in New York will post the relevant information for registration for IGOs and NGOs on their websites.

- UNODC will then make available the relevant information on the [ad hoc committee website](#)¹ as well.
- The invitation provides a clear caveat that future COVID developments could affect the details and holding of the meeting.

Ad Hoc Committee Website

The website of the ad hoc committee contains basic information on the ad hoc committee, documents related to the meeting, frequently asked questions on process (in Q and A format), and submissions and comments shared by Member States and others relating to the process.

- The Secretariat will upload on this part of the website any future contributions from Member States that they request or agreed to be shared, rather than circulating such contributions via email.
- Member States are therefore encouraged to visit the website from time to time for updates.

¹ <https://www.unodc.org/unodc/en/cybercrime/cybercrime-adhoc-committee.html>

Nominations for Officers

The list of nominations received for officers of the ad hoc committee has been circulated to Member States via email.

- The Secretariat is updating the list according to any new information received from the Regional Groups and will circulate any updated list via email.
- Member States are advised that they need to identify an individual for each nomination and specify the position for which the person is being nominated.
- Technically, names and positions can be provided up to 48 hours in advance of the start of the organizational session as some minimal time is needed to add them to any ballots that may be necessary if voting is utilized for election of officers.
- However, Member States are encouraged to provide the information sooner so as to help facilitate consensus prior to the meeting on the election of Chair, Vice Chairs and Rapporteur.
- More information on the election process is available on the frequently asked questions part of the ad hoc committee website.

Status of the August Meeting

The meeting is scheduled for 25-27 August in New York.

The Secretariat has prepared two documents for the meeting: a draft provisional agenda and a background paper.

- Regarding the background paper, Member States have been invited to provide written comments, if they so choose, which the Secretariat can share on the ad hoc committee website.

The AHC Secretariat spoke with the Secretariat of the Third Committee to obtain more clarity with regard to the potential status of the August meeting. The following are the main points:

- UNHQ is behind Vienna in terms of reopening, handling visitors from outside the country and the COVID restrictions.
- UNHQ is currently in Phase 0 of reopening and the Secretary-General announced three days ago that they will move to Phase 1 as of 20 July.

- Phase 1 restricts presence in the main UN building to 10 percent of staff.
- Under Phase 1, no large meetings with full membership, such as the AHC meeting, are possible on-site.
- The Secretariat in NY expects this situation to extend through August 2020 and it is not certain when it would end.
- Even if in-person meetings were available in UNHQ, there is the question of where in HQ the meeting would be held. The General Assembly plenary hall is the only room large enough to accommodate one person per delegation with local distancing restrictions; however, the plenary hall is closed until late August for repairs and would be in high demand if and when in person meetings return.
- There have been discussions about using two conference rooms to accommodate one person per delegation at UNHQ - with one room being fed via virtual link, but it is still not certain whether this is acceptable or possible.

In view of all of the above, the most likely scenario would be for the AHC organizational session to be **held in an entirely virtual (Total Virtual) format**. Under such a format, the following important considerations need to be kept in mind:

- **Informal Meeting:** According to [current General Assembly practice \(in the context of COVID\)²](https://www.un.org/pga/74/covid-19/), **virtual meetings are only informal meetings**; this means that virtual meetings are not of a formal character.
 - This in turn affects the way in which the outcome of the meeting is adopted.
 - As confirmed with the Secretariat of the Third Committee, according to resolution 74/247, the outcome of the AHC organizational session would be in the form of a report to the General Assembly.
 - However, an informal session of the AHC would be unable to formally adopt any formal decisions, including a report in-session (as per current General Assembly practice).
 - Also, according to current General Assembly practice, any report or other outcome of the informal session (such as a Chair's summary), would need to go through a General Assembly 72-hour silence procedure in order to be considered formally adopted. It is vital to note that only consensus decisions can be made via silence procedure, as there is no mechanism for resolving lack of consensus.

² <https://www.un.org/pga/74/covid-19/>

- Any outcome not formally adopted could not be included in the formal records of the General Assembly.
- **Interpretation:** It should also be noted that UNHQ is only beginning to test remote virtual interpretation platforms, and cannot say whether those platforms will be ready to use in New York by the time of the meeting.
 - The Secretariat in NY has also advised that they are facing challenges in securing the availability of interpreters during this time period and cannot confirm their availability until closer to the date of the meeting – despite the fact that there technically are interpretation entitlements for this meeting.
- **Chair:** Very crucially, it is perhaps most important to note that, at the moment, **there is no way to facilitate voting for the election of officers.**
 - At the moment, any voting is deferred to the next General Assembly session (COVID restrictions permitting).
 - An exception was made specifically for the election of the President of the General Assembly and Chairs of the main committees of the General Assembly. For this, Member States were allowed to enter the General Assembly plenary hall to vote, which was a cumbersome and lengthy process. No other exceptions are contemplated.
 - For the organizational session of the ad hoc committee, this means that **Member States will need to come to agreement to elect the officers via acclamation/consensus prior to the meeting, as no voting can take place during the meeting.**
 - Furthermore, due to the fact that formal decisions can only be adopted via the 72 hrs. silence procedure, **no election of officers can take place during the informal meeting, even if by acclamation.** Instead, the report of the organizational session of the ad hoc committee would include the election via acclamation of the officers, which would be approved during the adoption of the report.
 - Given this situation, the AHC Secretariat has been advised by the Third Committee Secretariat that -- **at a minimum – it would be necessary for Member States to agree on a Chair OR a Vice-Chair that could chair the organizational session.** The Secretariat was also informed that not all officers would need to be decided upon prior to the organizational session.
 - In practical terms and moving forward, Member States need to come to a consensus decision on, at a minimum, a Chair or Vice-Chair that could chair the organizational session. Preferably, an agreement could be reached on the full slate of candidates for all officer positions before the meeting, but this is not essential.

- If consensus cannot be reached on a Chair or Vice-Chair, then it will not be possible to hold the organizational session.
 - **In order to know whether the organizational session will be held, and so as plan it in a timely manner, the Secretariat urges Member States to agree on a Chair or Vice-Chair by the end of July 2020.** Consultations on all other officers could then continue.
- **Postponing or Changing Venue:** In order to postpone the AHC organizational session, extend the mandate of the AHC, or move the venue of the meeting to Vienna,³ a decision by the General Assembly would be needed (similar to what was done for the postponement of the 14th Crime Congress). This could be done using the silence procedure.

Part 2:

Under part 2, the floor was opened for Member States to discuss the draft provisional agenda for the ad hoc committee organizational session.

During this part, it was suggested by some Member States that an additional informal meeting could be organized by the Secretariat to conduct on-screen editing of the draft provisional agenda.

The Secretariat indicated it will be able to organize such a drafting session unless it hears any strong objections from any Member State. The possible date for the Secretariat is Tuesday, 22 July 2020. An announcement proposing such a session will come shortly to Member States.

One Member State asked whether the drafting session could be conducted in a hybrid/in-person meeting; the Secretariat will look into the possibility of facilitating this.

³ Unless the Member States agree otherwise, the meeting would still operate under the same GA rules of procedure and practice even if moved to Vienna to allow for a hybrid/in-person meeting.