

The United Kingdom's comments on UNODC proposals for the implementation of Operative Paragraph 3 of General Assembly Resolution 74/247

The United Kingdom would like to thank the United Nations Office on Drugs and Crime (UNODC) for its efforts to implement General Assembly Resolution 74/247, calling for the establishment of an Ad Hoc Committee, and for the proposals put forward in "Implementation of Operative Paragraph (OP) 3 of General Assembly Resolution 74/247 and Next Steps".

The United Kingdom would like to take this opportunity to set out what we believe are the necessary conditions for an effective process that is fair, transparent and inclusive, and reflects the diverse views held by Member States on this issue.

The organisational session proposed for August 2020 should focus only on the procedural aspects of the Ad Hoc Committee, and should not discuss matters relating to the substance of a new treaty. We believe this clearly reflects the mandate that General Assembly Resolution 74/247 has given this meeting, which is to agree the 'outline and modalities for further activities' of the Ad Hoc Committee.

Decision making by the Ad Hoc Committee should be on a consensus basis. The UNODC is guided by the "Spirit of Vienna" and operates by consensus. We believe that the best solution for discussing a new treaty is to develop any provisions on this basis, to allow the views of all Member States to be considered.

The Ad Hoc committee should have a neutral Chair and a balanced bureau, to ensure that the diverse views on cybercrime of all Member States are fairly represented and heard.

The United Kingdom believes that substantive discussions on a treaty should not commence until the second half of 2021. The United Kingdom is grateful for the work of the Inter-Governmental Experts Group on Cybercrime (IEG), and believes that any treaty discussions should be informed by the outcome of the IEG, once that work is completed in 2021. We note that OP2 of General Assembly Resolution 74/247 asks Members States to take into full consideration the work and outcomes of the IEG.

Given the multi-stakeholder nature of cyberspace, there must be an effective means of allowing civil society, the private sector and non-governmental organisations to participate in the discussions. Such an approach will allow for the widest and most effective consideration of all the issues relating to cybercrime, and would allow all parties likely to be affected by any new convention to have a say in the development of it.

The United Kingdom places great importance on the respect for human rights and fundamental freedoms throughout this process. The work of the Ad Hoc committee

should also be designed to deliver outcomes consistent with the existing international legal framework.

The United Kingdom reiterates its gratitude to the UNODC for its role in supporting an effective Ad Hoc Committee, and for its efforts to prepare an agenda and objective background material for the August meeting, which will enable the development of a fair, transparent, consensus-based, inclusive, and therefore, constructive, process.