

Methodology for conducting the work of the Ad Hoc Committee at its concluding session, proposed by the Chair of the Ad Hoc Committee

Status: 15 January 2024

I. Introduction

1. In accordance with General Assembly resolution 75/282, as well as the [Road map and mode of work approved at its first session](#), the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes (Ad Hoc Committee) is expected to complete its work at the concluding session to be held from 29 January to 9 February 2024 in New York, in order to submit a draft convention to the General Assembly at its seventy-eighth session. The Ad Hoc Committee at its concluding session has 10 working days to finalize its mandate. It is therefore of crucial importance to plan and organize the work of the Committee in the most effective and efficient way.
2. The following methodology is dependent upon the timely receipt of funding to cover the additional expenses related to the holding of plenary and open-ended informal meetings in hybrid format, as well as meetings of the Consistency Group and the Bureau, and the expected number of night meetings. As of this date, the Secretariat is able to provide an online component for a limited number of meetings. This means that meetings of the Bureau, the Consistency Group and open-ended informal meetings that take place in parallel to the plenary meetings can be held in hybrid format. The plenary and any night meetings will be held in person, bearing in mind that the plenary meetings will be webcast on the website of UN WebTV.
3. In accordance with the methodology for conducting the work of the Ad Hoc Committee at its sixth session, approved by the Committee at the first meeting of that session, the Chair has revised, with the support of the Secretariat, the draft text of the convention, which had been submitted to the Committee at its sixth session, on the basis of the discussions held during that session. The advance edited version of the revised draft text of the convention (hereinafter 'RDTC') was made available in English on 28 November 2023 on the website of the concluding session. The document in all official languages of the United Nations, with the symbol A/AC.291/22/Rev.1, was published in the United Nations Official Document System (ODS) and on the Committee website on 20 December 2023.
4. Delegations are thus strongly encouraged to focus on improving the RDTC with the primary objective of reaching consensus, and to abstain from reintroducing previously expressed positions that do not enjoy broad support, or from introducing proposals on new language or concepts which have not been discussed up to this point, as well as to

exercise flexibility and make efforts to find compromises to the greatest extent possible.

II. On the methodology

1. The conduct of the text-based negotiations at plenary meetings

5. Under the guidance of the Chair, the Plenary will begin its consideration of the RDTC and will first address articles 3, 5, 17, 24, 35 and 36 as well as the Preamble, which were not updated in the revised draft text of the convention and/or were subject of informal consultations in the intersessional period, to allow delegations the opportunity to present any developments or compromise solutions resulting from the informal discussions, and so that all delegations are abreast of the stage of negotiations. In view of the limited time available to the Committee to finalize its work, general statements or repetition of positions are strongly discouraged. Delegations may wish to avail themselves of the possibility of sending statements of positions, if needed, to the Secretariat at cybercrimeAHC@un.org, for publication on the webpage of the concluding session. Thereafter, the Chair plans to allocate those key provisions to an open-ended informal meeting, to be chaired by the Committee Chair herself (see paragraphs 13-17).
6. The Chair will also briefly address the co-facilitated group on article 2 on the use of terms, which will continue its informal meetings during the first week of the concluding session, as agreed by the Committee at its sixth session.
7. The Plenary will then consider the remaining provisions by groups, as follows: 1. General provisions, criminalization and jurisdiction, 2. Procedural measures and law enforcement, and international cooperation; and 3. Preventive measures, technical assistance and information exchange, mechanism of implementation and final provisions. Each group will be assigned to a Vice-Chair of the Ad Hoc Committee who will lead discussions at Plenary, as well as smaller “informal-informal” meetings with interested delegations if needed (see paragraph 21).
8. Due to the demanding timeline of the concluding session, and in line with the objective of the session, the draft text of the convention will be projected on a screen to support discussions, but suggestions for amendments will not be reflected on the document in real time unless there is agreement by the Ad Hoc Committee on the proposed amendment. Thus, amendments should only be proposed with the aim of finding compromise solutions, bearing in mind the views expressed by delegations in previous sessions.
9. Furthermore, delegations should avoid making observations on translation, as this issue will be addressed by the Consistency Group, with the support of the Secretariat. It would be appreciated if delegations could transmit such comments by email to the Secretariat at cybercrimeAHC@un.org.
10. In order to ensure that the Committee fulfils its mandate within the given time, the Ad Hoc Committee will be expected to consider the RDTC in its entirety – including any consideration of outcomes of the open-ended informal meetings – during the first

week of the concluding session to allow for further action during the second week, including a draft resolution to which the text of the draft convention will be annexed for consideration and adoption by the General Assembly at its seventy-eighth session. With this goal in mind, it is foreseen that the Plenary will hold four-night meetings on the first week of the concluding session beginning on 29 January 2024 (see schedules on pages 4 and 5). Given that the Secretariat has not been able to confirm the availability of interpretation services or online component for night meetings, meetings held after 6 p.m. will, in principle, be held in an informal setting in English and in person only, with no change of room. The resources available as of this date only allow for such open-ended informal meetings to be held in person and online during the day.

11. All efforts should be made for consensus on all provisions to be timely reached. **If consensus on all provisions is not reached by the middle of the second week, the Chair of the Ad Hoc Committee will consult with the Bureau and then with the Plenary on the way forward.**

Interventions by multi-stakeholders

12. As per the modalities for their participation, the Chair will allow interventions by multi-stakeholders on the RDTCC, bearing in mind the limited time available. As time is of the essence, considering the Committee's negotiation work and in order to give all participants the same opportunity, each multi-stakeholder intervention will be for a maximum duration of 3 minutes. Multi-stakeholders are encouraged to submit their statements in writing to the Committee, through the Secretariat at cybercrimeAHC@un.org, in order to provide further detail on their perspectives.

2. Open-ended informal meetings

13. As mentioned, the Chair and the co-facilitators on the use of terms will convene separate open-ended informal meetings to further discuss the key provisions referred to in paragraphs 5 and 6. Such meetings will run in parallel with plenary meetings on a continuous basis during the day. A medium-sized room (conference room 11) was reserved for the open-ended informal meetings, and the Secretariat continues to work to identify a room that can accommodate the full membership. As of this date, funding allows for open-ended informal meetings to be held in a hybrid format during normal operation hours (10 a.m. to 6 p.m.). Delegations are encouraged to limit the size of their delegations in those meetings and make use of the hybrid format especially if the room is full. The Secretariat will seek to provide handheld microphones for delegates in conference room 11 who wish to take the floor but are seated where no microphone is available. In addition, no more than one open-ended informal meeting will be held in parallel to the Plenary at any given time.
14. The Secretariat will support the Chair and the co-facilitators in the conduct of these meetings and will make available on the website of the concluding session any documentation, as needed, for the reference of delegations.
15. To advance discussions on divergent views on specific provisions, make best use of time and facilitate consensus, delegations are encouraged to actively meet in the

margins of the open-ended informal meetings, and to share the outcome of such discussions in the open-ended informal meetings as soon as possible.

16. The outcome of all discussions at open-ended informal meetings will be brought back to the Plenary with a view to reaching agreement. In line with paragraph 10 of the present document, the Ad Hoc Committee is expected to consider the compromise solutions for the provisions sent to open-ended informal consultations at the end of the first week of the concluding session.

17. Information on the time slot for open-ended informal meetings will be uploaded to the website of the concluding session and announced in plenary meetings.

4. Role of the Bureau

18. In line with General Assembly resolution 75/282, the Chair will convene regular Bureau meetings to assess progress in the negotiations and seek advice on future actions to help reach consensus on all issues. The Bureau will be briefed by the Chair and the Vice-Chairs on any progress made and outcomes of the work of open-ended informal meetings and Plenary, respectively. The Bureau will further be briefed by the co-facilitators on the use of terms.

5. Consistency group

19. The Consistency Group will continue reviewing and ensuring consistency of articles that are agreed upon *ad referendum* by the Ad Hoc Committee in all six official languages of the United Nations during the concluding session. As in the previous session, the Chair of the Ad Hoc Committee may also invite, as necessary, the Consistency Group to address the Plenary on specific issues that may require further consideration by the Ad Hoc Committee.

6. Indicative schedules of the concluding session

20. Overview of daily meetings of the concluding session

<i>Time</i>	<i>Meeting</i>	
9:00-10:00	Bilateral consultations, consultations among Member States Consistency Group	
10:00-13:00	Plenary meetings (<i>Conference room 3</i>)	Open-ended informal meetings (<i>Conference room 11</i>)
13:00-15:00	Bilateral consultations, consultations among Member States Bureau meeting (as necessary)	
15:00-18:00	Plenary meetings (<i>Conference room 3</i>)	Open-ended informal meetings (<i>Conference room 11</i>)
19:00-22:00	Plenary (informal) meetings (<i>Conference room 3</i>) <i>Alternatively:</i> bilateral or informal-informal consultations, consultations among Member States	

21. Indicative schedule for the Plenary (*conference room 3*) during the first week of the concluding session, considering the current availability of resources:¹

	Monday	Tuesday	Wednesday	Thursday	Friday
10:00-13:00	Opening of the concluding session, consideration of agenda items 1 and 2 of the annotated provisional agenda and introduction of agenda item 3, as follows: presentation of the revisions to the draft text of the convention; announcement on article 2; presentation of the new proposal by the coordinator on article 36; discussion of possible approaches to bridge views on human rights safeguards (articles 5 and 24); consideration of the preamble	General provisions, criminalization and jurisdiction (<i>Vice-Chair Nigeria</i>)	Preventive measures, technical assistance and information exchange, and mechanism of implementation (<i>Vice-Chair Japan</i>)	Continuation of consideration of the RDTC	Continuation of consideration of the RDTC
15:00-18:00	Discussion of possible approaches to bridge the views on the general scope and the scope of international cooperation (articles 3 and 35). Discussion of approaches to bridge views on the proposal of additional crimes, and the need for maintaining article 17 of the RDTC; consideration of the preamble ²	Procedural measures and law enforcement, and international cooperation (<i>Vice-Chair Australia</i>)	Continuation of consideration of the RDTC	Continuation of consideration of the RDTC	Continuation of consideration of the RDTC. Wrap-up of the week by the Chair
19:00-22:00	<i>Informal</i> : continuation of discussion on the preamble (Chair)	<i>Informal</i> : General provisions, criminalization and jurisdiction (<i>Vice-Chair Nigeria</i>)	<i>Informal</i> : Procedural measures and law enforcement, and international cooperation (<i>Vice-Chair Australia</i>)	<i>Informal</i> : Preventive measures, technical assistance and information exchange, and mechanism of implementation (<i>Vice-Chair Japan</i>)	<i>No meeting</i>

¹ The schedule for the Plenary remains indicative in nature and provides only the first round of consideration of the chapters of the RDTC at the first week, in line with the proposed methodology. The remaining meeting slots at the first week will be allocated depending on the progress of the first round. In principle, night meetings are foreseen for Monday through Thursday of the first week and, should interpretation services continue to be unavailable, such meetings would be conducted informally, with agreement subject to returning the issues to the Plenary, in a formal setting. Updated versions of the schedule will be made available on the website of the concluding session during the session based on the progress of work and any change in the availability of resources.

² The first open-ended informal meeting on the use of terms will be held in parallel to the plenary at 15hs of 29 January in *conference room 11*. Further schedule of open-ended informal meetings will be made available at the website of the concluding session.

7. Submission of the approved text of the convention to the General Assembly

22. Under agenda item 4 of the annotated provisional agenda of the concluding session, the Ad Hoc Committee is expected to discuss a draft resolution to which the text of the draft convention will be annexed, for consideration and adoption by the General Assembly at its seventy-eighth session. Both the text of the draft convention and of the draft resolution would be attached to the report of the concluding session, which would be transmitted to the General Assembly for its action.
