Excellencies, Distinguished Delegates, thank you for the opportunity for ICC United Kingdom to speak today on the Technical Assistance chapter.

Our comments elaborate on our previous submissions and interventions, particularly our submission for this session, which should be available on the meeting’s webpage soon we understand. We also associate ourselves with the statements being made on this issue by the International Chamber of Commerce, and Microsoft.

ICC United Kingdom believes that the Convention’s commitments in this area are of fundamental importance as many states do not presently have sufficient capacity to effectively tackle transboundary cybercrime. As so many delegations have said, the Convention cannot succeed if its Parties do not have the means to effectively implement it in practice, and that will require redoubling efforts globally as otherwise criminals will simply migrate their activities to jurisdictions where they are less likely to face negative consequences for their actions.

A universal minimum capacity at the national level is required to effectively tackle this truly global issue in a range of key areas. We see many elements of these capacities listed in submissions for this session. We suggest the Committee dedicate one of its forthcoming intercessional meetings to quantify what the minimum national elements of law, policy, and human and institutional capacity are in order to effectively cooperate on transboundary cybercrime interdiction. These discussions should capture the expertise and experience of international organisations and stakeholders as well as member-states. The results of those deliberations can then inform the drafting of this section of the Convention within an overarching framework of international human rights law.

The proposal of Brazil, earlier today, that member-states voluntarily provide details of what areas relevant to the Convention they need assistance with, is in our view a great idea. We would propose - we hope as a friendly amendment - that IGOs including UNODC, INTERPOL, and the Council of Europe prepare submissions based on their experience providing technical assistance explaining what they see as the necessary minimum legal, policy, and institutional capacities for parties to this Convention to effectively implement it and leverage it on a day-to-day basis. We would also propose that other stakeholders who provide capacity building or technical
assistance to provide submissions on what needs they see requests for and what programmes they offer, respectively.

Last, but not least, in brief, we agree with the many other delegations that:

- The UNTOC provisions, and those of UNCAC, in this area are a good starting place for this chapter;
- The Convention should not seek to prescribe how or by whom assistance should be provided, or create new institutions or coordinating functions. It would be far more productive - and likely to lead to consensus - to focus on what the objectives of technical assistance should be in terms of practical outcomes, as we’ve discussed above;
- Measures should be technology neutral to stand the test of time, reflect respect for international human rights law, data protection, and fundamental freedoms, and be demand-driven.

Madame Chair, within three minutes, as we said on the previous agenda item, we are unable to address the guiding questions you’ve provided in the thoughtful manner they deserve so we shall submit comments in writing.

Thank you again.