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Official Records

President: Mr. Bozkir (Turkey)

In the absence of the President, Mr. Arriola Ramírez (Paraguay), Vice-President, took the Chair.

The meeting was called to order at 3.20 p.m.

Agenda item 112 (continued)

Countering the use of information and communications technologies for criminal purposes

Draft resolution A/75/L.87/Rev.1

Draft amendments A/75/L.90, A/75/L.91 and A/75/L.92

The Acting President: I now give the floor to the representative of the Russian Federation to introduce draft resolution A/75/L.87/Rev.1.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): Russia has submitted a draft resolution, A/75/L.87/Rev.1, entitled “Countering the use of information and communications technologies for criminal purposes”, which was the outcome of an agreement reached during the just-concluded organizational meeting of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes. It was drafted by the elected Chair of the Committee and finalized by the delegations that had proposed draft outcome documents for the organizational session, namely, Russia and the United States. Those delegations not only worked in their national capacities, but also represented groups of countries. As a result, by the end of the Ad Hoc Committee’s deliberations, a draft

resolution was presented which had the support of the overwhelming majority of members. It is precisely the text of that draft resolution that the General Assembly is seeing now as draft resolution A/75/L.87/Rev.1.

Many months of work in Vienna preceded the drafting of the draft resolution, where all the issues regarding the organization of work were discussed in detail and various proposals were submitted. The draft resolution that we are introducing is therefore the outcome of the work of the Ad Hoc Committee’s organizational session. It is a very balanced and subtle compromise text. In that regard, we hope that the United States, which took an active part in trying to strike the right balance, as well as States members of the European Union that stated during the organizational session that they were ready to accept the agreements reached, will support this compromise draft resolution.

The draft envisions the Ad Hoc Committee holding meetings both in Vienna and New York. Most of the meetings will be held in Vienna, and the crucial closing session will take place in New York. At that session, it is proposed that the text of a draft convention be adopted. Draft resolution A/75/L.87/Rev.1 also envisions the need to finance the participation of delegations that are not represented in Vienna in the work of the Ad Hoc Committee, as well as all delegations from developing countries.

The draft also enshrines the need to strive for consensus, which is particularly important in developing a legally binding convention. At the same time, the draft resolution stresses that the work of the

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Ad Hoc Committee will be governed by the rules and procedures of the General Assembly, which means that no single delegation or a small group of delegations will be able to block the process. In the development of a universal and truly necessary convention — one that is much needed by the international community — that process will be democratic and inclusive. The draft resolution also contains a provision on the participation of observers, based on the established procedures in the General Assembly.

After the conclusion of the Ad Hoc Committee's organizational session, its Chair conducted additional bilateral consultations, and she came to the conclusion that the draft submitted to the General Assembly based on the agreement between the United States and Russia was the best possible compromise. A letter to that effect dated 24 May was circulated to delegations.

We call on everyone to support draft resolution A/75/L.87/Rev.1 and thereby ensure the launch as soon as possible of work of the Ad Hoc Committee on the crucial topic of countering the very serious threat of the use of information and communication technologies for criminal purposes. Through that package deal, we will confirm that the international community is united in its goal to develop an effective instrument in this area.

We would like to stress once again that Russia is not introducing today the text that was its initial proposal. We made serious changes in our position, precisely in order to ensure broad support for the work of the Ad Hoc Committee, so that the drafting of the convention would not start with the feeling that some delegations had won while others had lost. This draft resolution is designed to ensure a constructive launch of the work of the Ad Hoc Committee. As the months of discussions in Vienna and New York have demonstrated, further work on the text is not likely to bring us any closer to consensus; rather it will take us further and further away from the compromise we have reached.

A number of delegations have introduced amendments to the draft resolution. We call on these delegations to withdraw their amendments and adopt A/75/L.87/Rev.1 by consensus, so that we can start the substantive work on the text of the convention.

The Acting President: I now give the floor to the representative of Brazil to introduce the draft amendment contained in document A/75/L.90.

Mr. De Souza Monteiro (Brazil): Cybercrime, by its nature, is an illicit act that can take place in many countries at the same time. It is a crime that is often difficult to track, as it has no physical borders. To make it even more challenging, the responsibility for preventing and combating cybercrimes lies with national jurisdictions. It is therefore essential that coordination and cooperation between national entities be favoured and enhanced.

We share optimism that the future universal convention will be able to provide a legal basis for this process. In order to achieve a convention that strengthens technical assistance, improves national capacities and is truly universal, transparency and inclusiveness are key components. Without transparency among Member States and within the Bureau, the process may be undermined by mistrust. Without inclusiveness, the views of the broader membership may not be adequately reflected in the text, and the outcome treaty risks losing practical effectiveness, becoming a mere historical political exercise.

My delegation believes that the draft resolution upon which we are called to take action today (A/75/L.87/Rev.1) lacks those two key components. In our view, an inclusive and transparent process would have meant that during the in-person session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, held earlier this month, all Member States would have had the chance to negotiate the modalities of the draft convention. Instead, we were asked to abruptly take action on a proposal that was negotiated behind closed doors under the assumption that the outcome would represent the aspirations of the broader membership. It clearly did not.

And again, today, we are asked to stand behind a draft resolution that was submitted without previous warning, without consultations and with very little time to react to it. We believe that this approach contradicts the principle stated on operative paragraph 5 of the draft resolution: “to exhaust all efforts to adopt substantive decisions by consensus during the negotiations of the Convention”.

In the absence of informal consultations with the broader membership, Brazil has decided to submit the draft amendment contained in A/75/L.90, which provides for adopting substantive decisions by a two-

thirds majority of all Members instead of a simple majority. This is to ensure that in voting scenarios, a significant part of the membership will be represented. This draft amendment follows the precedents related to protecting biodiversity in areas beyond national jurisdiction and to the United Nations Convention Against Transnational Organized Crime, where substantive decisions on relevant matters are adopted under such a rule.

We believe that a two-thirds majority is a balanced proposal that addresses the opposing arguments expressed by different delegations during the last in-person session of the Ad Hoc Committee. First, it prevents a single delegation from having a veto power over the entire process. Secondly, the proposal is mindful of the challenge to reach consensus at all times and is meant to prevent progress from being stalled. We would strive for consensus, but a vote that identifies a clear majority would also produce a valid outcome.

Brazil firmly believes that an inclusive process that leads to a widely adopted convention is simply not possible when the right of objection is denied to up to 49 per cent of the Member States. A convention approved in these terms may lack the necessary support and legitimacy and would possibly represent a lost opportunity for a meaningful treaty that tackles a pressing issue of our time.

We therefore kindly ask for all the delegations to vote in favour of the adoption of the draft amendment contained in document A/75/L.90.

The Acting President: I now give the floor to the representative of Haiti, speaking on behalf of the Caribbean Community, to introduce the draft amendment contained in document A/75/L.91.

Mr. Rodrigue (Haiti): On behalf of the 14 States members of the Caribbean Community (CARICOM), I have the honour to introduce draft amendment A/75/L.91 to the draft resolution A/75/L.87/Rev.1, entitled “Countering the use of information and communications technologies for criminal purposes”, under consideration by the General Assembly today.

Cybercrime is a global problem affecting all States without discrimination. It requires a truly global response. In particular, developing countries such as our own often lack balanced legal frameworks, proper networks and effective security, which are, indeed, the capabilities required to counter the challenge of

cybercrime. It is therefore of critical importance that the views of developing countries on the specific challenges we encounter contribute to a future convention that would be universal, accessible and reliable in nature. To that end, we must ensure going forward that all negotiations involve the participation of all States equally and allow for the development of a broader expertise among all delegations.

We propose, in document A/75/L.91, amendments to operative paragraphs 5, 6 and 13 of A/75/L.87/Rev.1, the aim of which is to ensure the effective participation of developing countries, especially those without resident representation in Vienna, such as our own. Accordingly, with respect to operative paragraph 5 of L.87/Rev.1, we propose changing the venue of the substantive sessions of the Ad Hoc Committee to include three alternating negotiating sessions in New York, and three negotiating sessions in Vienna. With respect to operative paragraph 6, we propose the deletion of the phrase “agreed ad referendum in Vienna”, in order to bring the paragraph in line with our proposed amendment to operative paragraph 5. With respect to operative paragraph 13, we propose strengthening the language on funding for developing countries, particularly those developing countries without resident representation in Vienna.

CARICOM believes that these proposed amendments will make draft resolution A/75/L.87/Rev.1 more inclusive and democratic and will ensure the broadest possible participation in the work of the Committee. We thank those delegations that have lent their valuable support by co-sponsoring the draft amendment contained in A/75/L.91, and we encourage all delegations that wish to co-sponsor our initiative to do so. Should a vote be requested, we call upon all delegations to support CARICOM’s position by voting in favour of draft amendment A/75/L.91.

Finally, CARICOM would like to introduce a motion under rule 91 of the rules of procedure of the General Assembly to give priority consideration to draft amendment A/75/L.91.

The Acting President: I now give the floor to the representative of the United Kingdom of Great Britain and Northern Ireland to introduce the draft amendment contained in document A/75/L.92.

Mr. Roscoe (United Kingdom): May I begin for thanking you, Mr. Acting President, for taking the chair this afternoon for this meeting. It is good to see you on the podium, Sir.

The United Kingdom of Great Britain and Northern Ireland wants a cybercrime treaty that enjoys the widest possible support, builds on existing international cooperation, actually works and generates tangible and realistic measures to tackle the rising and pervasive threat of cybercrime. We — all of us — need a process that delivers on this outcome, which means that all States Members of the United Nations, relevant multi-stakeholders and experts should have the opportunity to share views in an open and transparent manner.

That is the rationale behind the United Kingdom's amendment to paragraph 9. I think that we all understand that taking the fight to cybercrime is a battle that cannot be won by Governments alone. It is primarily individuals and businesses that are most affected. We need to hear from and learn from other stakeholders to create solutions that work for everyone.

We were therefore a little surprised to find the outdated language in the Russian text that is before us today. The General Assembly agreed as recently as 23 February to return to the consensus approach used for meetings in 2001, 2006 and 2011. So, we want to emphasize that all States Members of the United Nations and relevant multi-stakeholders should have an opportunity to share views in an open and transparent manner as this process proceeds.

The problem that we have with the draft as it currently stands — with paragraph 9 in this text — is that it offers any one Member State a veto over additional organizations with expertise in the field of cybercrime that may attend the sessions of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes. I am sure that my Russian colleague, who has just spoken out against States having a veto, will understand why we are pursuing this logic.

It is therefore really important in this meeting that we allow the Ad Hoc Committee to have the broadest possible expertise from stakeholders. We should ensure that those nominated by the Secretariat can be blocked not by any one Member State, but rather by a decision of the Ad Hoc Committee as a whole, and it is for that which our new language before the Assembly today provides. This language does not remove oversight, but instead gives the decision-making power back to the Ad

Hoc Committee membership. I urge the Assembly to vote in favour of this amendment.

The Acting President: The representative of Haiti, on behalf of the Caribbean Community, has moved within the terms of rule 91 of the rules of procedure that priority be given to the consideration of draft amendment A/75/L.91.

Does any member wish to speak on the motion by the representative of Haiti on behalf of the Caribbean Community?

Ms. Nemroff (United States of America): It is a pleasure to see you, Mr. Vice-President, up on the podium today.

I would like to seek clarification because the way we read that rule is that if two, three or however many proposals submitted on the same question, it is the one that was submitted first that is acted upon first. However, in this case, the proposals are on very different issues. In fact, the proposal from the Caribbean Community group is, as I understand it, related to the venue for discussions of a new legal instrument. However, the proposal that Brazil and other sponsors — including the United States, I might add — have put forward pertains to a very different issue, which is: Once a document is produced out of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, how will it be adopted? What are the modalities for adopting it in the General Assembly itself? These are two very, very different stages of the process and two very different questions, and we would like to put ourselves in the hands of the acting President to give us some clarity on your understanding of the similarities between these two matters if in fact there are any.

Mr. Roscoe (United Kingdom): I confess, I do not really understand the logic of the proposal made by the representative of Haiti. Having said that, I thought his statement on the substance was an excellent statement but, to our mind, we have three amendments here that were submitted in sequence; we see the numbers on the documents, which tell us the sequence in which they were submitted, so it is not clear what the motivation is for the use of rule 91 under these circumstances or why you, Mr. Vice-President, would favour the Caribbean Community-Haitian amendment over the existing sequence.

Certainly, if we are looking at which of the amendments is furthest from the original text, I would argue that the Brazilian amendment is the furthest amendment from the text, because in a way the Haitian amendment is simply changing the balance between Vienna and New York, whereas the Brazilian amendment is producing an entirely different mode for the consideration of the work of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes. Therefore, I would urge you, Mr. Vice-President, not to accept this motion and just allow us to move on with the voting.

Mr. Vaultier Mathias (Portugal): I like to add my voice, on behalf of the States members of the European Union, to the comments just made by my colleagues from the United States and the United Kingdom, in the sense that we would like to have clarity in terms of this procedure and do not see any merit in terms of changing the sequence of the amendments. We would like to see the voting on the amendments take place in the order in which they were presented.

Mr. Ruidíaz Pérez (Chile) (*spoke in Spanish*): We are very happy to see you, Sir, in the chair.

Regarding the question before us, having listened carefully to the motions and explanations put forth, we must state that my delegation is in favour of maintaining the order in which the amendments were submitted, in accordance with rule 91. Since the nature of each proposed amendment is different, the order in which they were submitted should be maintained. We trust that you will take the right decision.

The Acting President: I now give the floor to the representative of the Secretariat.

Mr. Nakano (Department for General Assembly and Conference Management): Through the Acting President, let me advise that if the motion made by the representative of Haiti is unopposed or is carried as the result of a recorded vote, the effect would be that the order of action on the three amendments — A/75/L.90, A/75/L.91 and A/75/L.92 — would be changed as follows: the normal procedure, which follows the order of submission of draft amendments — in this case, A/75/L.90, A/75/L.91 and A/75/L.92 — would be substituted with action being taken first on A/75/L.91 followed by action on A/75/L.90, and then finally by action on A/75/L.92. The change would therefore be

switching the order of A/75/L.90 and A/75/L.91. The latter would be the effect of the motion if it is carried. However, if any delegation wishes to request a recorded vote on the motion, then such a request should be clearly indicated by a delegation taking the floor.

The Acting President: I now give the floor to the representative of Haiti.

Mr. Rodrigue (Haiti) (*spoke in French*): I must say that we are a bit disappointed that some delegations have certain objections to our motion, with the result that the amendment proposed by the Caribbean Community (CARICOM) (A/75/L.91) would not be considered first. We thought we would make this motion because the amendment proposed by CARICOM is the one that is the simplest and, shall we say, the furthest from the original text. We would therefore like our colleagues to reconsider their opposition to our motion and see that it is carried, so that we can move forward more quickly, as the other amendments will certainly require a great deal of consideration and debate. Once again, I appeal to the understanding of my colleagues so that our motion is carried.

The Acting President: I give the floor to the representative of the United Kingdom.

Mr. Roscoe (United Kingdom): If my colleague from Haiti wishes to proceed expeditiously, the quickest way to do it would be to simply vote on the amendments as they have been submitted. I think people in this Hall will know that we Brits are quite keen on orderly queueing, and we are clearly standing on a line in this context. We have a Brazilian amendment (A/75/L.90) that was put down first, we have a Caribbean Community/Haitian amendment (A/75/L.91) put down second, and we have a United Kingdom amendment (A/75/L.92) — and we are very happy to wait to come in third. But I think the Haitian motion is going to slow us down rather than speed us up, and I would, conversely, urge our Haitian colleague to withdraw his motion and allow us to proceed with the action on these amendments.

The Acting President: I now give the floor to the representative of the United States.

Ms. Nemroff (United States of America): I am sorry to have to take the floor again, but we would also ask our colleague from Haiti to withdraw his motion. I think that there are differences of opinion over which amendment is furthest from the text in accordance with rule 90, and the Secretariat had already put the

amendments in order, having interpreted the rule, and we should respect that.

The Acting President: I now give the floor to the representative of Canada.

Mr. Arbeiter (Canada): Following the rules of procedure rigorously has not been a hallmark for this process to date, to, I think, our collective chagrin. I do not think anyone is fully satisfied with how this process has been run so far. We are hopeful that we can get it back on track, and we are equally hopeful that the Haitian delegation and the Caribbean Community will consider, as a sign of good faith, allowing us to proceed in the order that the draft amendments A/75/L.90, A/75/L.91 and A/75/L.92 were submitted in order to allow us to get back on track as quickly as possible. Doing so does not take away from the substance of the draft amendment Haiti has submitted or from the consideration of the draft amendment by the Ad Hoc Committee, but it does allow us to respect the order in which the draft amendments were submitted.

The Acting President (*spoke in Spanish*): I would like to ask the Haitian delegation whether it is in a position to withdraw the proposal it has made.

Mr. Rodrigue (Haiti) (*spoke in French*): The Caribbean Community (CARICOM) wishes to show its good faith. We wish to proceed with this meeting, which was really very important for us. Even though we strongly believe that it is our right, on the one hand, to make the motion we have made, and, on the other hand, to submit draft amendments that, for us, are very important, we will, on behalf of CARICOM, show our good faith and cooperation and withdraw the motion.

The Acting President: Haiti has withdrawn its motion, so we are getting back on track. I very much thank the representative of Haiti.

We shall now proceed to consider draft resolution A/75/L.87/Rev.1 and the draft amendments contained in A/75/L.90, A/75/L.91 and A/75/L.92.

In this connection, I give the floor to the representative of the Secretariat.

Mr. Nakano (Department for General Assembly and Conference Management): I have two oral statements to make, one in relation to draft resolution A/75/L.87/Rev.1 and the other in relation to the same draft resolution, if it is amended by A/75/L.91.

This first oral statement is made in accordance with rule 153 of the rules of procedure of the General Assembly. Under the terms of draft resolution, A/75/L.87/Rev.1, the General Assembly would decide that the United Nations Office on Drugs and Crime (UNODC) shall continue to serve as the secretariat of the Ad Hoc Committee; that the Ad Hoc Committee shall convene at least six sessions of 10 days each, to commence in January 2022, and conclude its work in order to provide a draft convention to the General Assembly at its seventy-eighth session; that the Ad Hoc Committee shall hold its six negotiating sessions in Vienna and shall be guided by the rules of procedure of the General Assembly, while exhausting all efforts to adopt substantive decisions by consensus; that the Ad Hoc Committee shall conduct a concluding session in New York for the purposes of adopting the draft convention agreed upon at the referendum in Vienna; and invite to the substantive sessions of the Ad Hoc Committee, as appropriate, representatives of interested global and regional intergovernmental organizations, including representatives of the United Nations bodies, specialized agencies and funds, as well as representatives of functional commissions of the Economic and Social Council as observers.

The activities referred to in the draft resolution relate to programme 1, General Assembly and Economic and Social Council affairs and conference management, and programme 13, International drug control, crime and terrorism prevention and criminal justice, and to section 2, General Assembly and Economic and Social Council affairs and conference management (A/76/6/Sect. 2), section 16, International drug control, crime and terrorism prevention and criminal justice (A/76/6/Sect. 16).

Pursuant to the request contained in paragraph 2 of A/75/L.87/Rev.1, it is envisaged that the United Nations Office on Drugs and Crime would serve as the secretariat of the Ad Hoc Committee. It is expected that the UNODC would provide substantive and administrative support to the Ad Hoc Committee, including preparation of the parliamentary and other documents for the negotiating sessions mentioned in paragraphs 4, 5 and 6.

In order to deliver the substantive and administrative services to the Ad Hoc Committee, the following general temporary assistance resources, located in Vienna, would be required: one Crime Prevention and Criminal Justice Officer position at the P-4 level for

24 months, January 2022 to December 2023, to act as the main substantive focal point and coordinator within the United Nations Secretariat for matters related to the mandate of the Open-ended Intergovernmental Ad Hoc Committee; one Crime Prevention and Criminal Justice Officer/Cybercrime Expert position at the P-3 level for 24 months, January 2022 to December 2023, to provide substantive cyberinformation technology services, cybercrime expertise and policy advice to the Committee and ensure that consistent policy advice is provided across all United Nations cyberprocesses; one Associate Crime Prevention and Criminal Justice Officer position at the P-2 level for 21 months, from January 2022 to September 2023, to assist in substantive and technological support to the Ad Hoc Committee, including in relation to legal advice on matters related to the mandate of the Committee; one Meeting Assistant position at the GS (OL) for 21 months, from January 2022 to September 2023, to handle a wide range of administrative duties and processes, including necessary support in terms of conference servicing, including, inter alia, setting meeting dates, coordinating the preparedness of conference services and preparing invitations to meetings and the registry of participants; and one Documentation Assistant position at the GS (OL) level for 24 months, from January 2022 to December 2023, to handle a wide range of administrative duties and processes, including formatting meeting documents and so forth, to ensure the smooth functioning of the Ad Hoc Committee.

In addition, it is considered that for servicing the negotiating sessions, overtime would be required for 200 hours for each negotiating meeting, resulting in a total of 1,200 hour, and 80 hours for the concluding session for the adoption of the draft convention. It is expected that all the meeting sessions will be public and will therefore be webcast.

Pursuant to paragraphs 4 and 5 of draft resolution A/75/L.87/Rev.1, the negotiating sessions are expected to last for 10 working days with interpretation in the six official languages of the United Nations. Pursuant to paragraph 6 of the draft resolution, the concluding session in New York is expected for three working days with interpretation in the six official languages. In addition, the requirement for translation of documents in all six languages would constitute, for the first session, pre-session documents estimated to total 85,600 words and post-session documents estimated to total 64,200 words; for the second through fifth

sessions, pre-session documents estimated to total 74,900 words and post-session documents estimated to total 42,800 words, for each session; for the sixth session, pre-session documents estimated to total 85,600 words and post-session documents estimated to total 42,800 words; and for the concluding session, a pre-session document estimated at 10,700 words and a post-session document estimated at 10,700 words.

It is considered that additional resources would be required to cover the travel of five staff members from Vienna to New York for one three-day session. The requested services would be provided on the assumption that the timeline for the submission and processing of documentation as well as the dates for the sessions are determined in consultation between the Ad Hoc Committee, the Secretariat and the Department for General Assembly and Conference Management in New York and the Conference Management Service of the United Nations Office in Vienna.

Detailed costs of the additional conference-servicing requirements are provided in table 1 of the document to be posted in the *United Nations Journal* under the e-statements link for today's meeting. Detailed costs for additional new non-conference-servicing requirements are provided in table 2 of the same document. A summary of the additional requirements for 2022 and 2023 are provided in table 3 of the document.

Pursuant to paragraph 13 of the draft resolution, it is envisaged that extrabudgetary resources would be required to ensure the active engagement of developing countries in the work of the Ad Hoc Committee, including by covering travel costs and daily subsistence allowances. The resources requirements would depend on the actual number of participants. No provisions have been made in the proposed programme budget for 2022 for the implementation of the activities requested in operative paragraphs 2, 4, 5 and 6 of the draft resolution.

Accordingly, adoption of draft resolution A/75/L.87/Rev.1 would give rise to budgetary implications of \$3,516,800 under the proposed programme budget for 2022. Should the General Assembly adopt draft resolution A/75/L.87/Rev.1, the Secretariat would present a revised estimates report to the main part of the seventy-sixth session of the General Assembly, detailing the additional requirements needed under the proposed programme budget for 2022. The resource requirements related to requested activities that are

envisaged to take place in 2023 would be presented in the context of proposed programme budget for 2023.

I now turn to the second oral statement, which concerns the draft resolution A/75/L.87/Rev.1, if it is amended by A/75/L.91.

The statement is made in accordance with rule 153 of the rules of procedure of the General Assembly. Under the terms of draft resolution A/75/L.87/Rev.1, as amended by A/75/L.91, the General Assembly would

“Decide that United Nations Office on Drugs and Crime (UNODC) shall continue to serve as the secretariat of the Ad Hoc Committee

“Decide that the Ad Hoc Committee shall convene at least six sessions of 10 days each to commence in January 2022 and conclude its work in order to provide a draft convention to the General Assembly at its seventy-eighth session,

“Decide also that the Ad Hoc Committee shall hold the first, third, and sixth negotiating sessions in New York and the second, fourth and fifth sessions in Vienna

“Shall be guided by the rules of procedure of the General Assembly, while exhausting all efforts to adopt substantive decisions by consensus;

“Further decide that the Ad Hoc Committee shall conduct a concluding session in New York for the purpose of adopting the drafted convention;

“Decide to invite to the substantive sessions of Ad Hoc Committee, as appropriate, representatives of interested global and regional intergovernmental organization, including representatives of the United Nations bodies, specialized agencies and funds, as well as representatives of functional commissions of the Economic and Social Council as well as observers”.

The activities referred to in the draft resolution related to programme 1 General Assembly and Economic and Social Council Affairs and Conference management and Programme 13 International drug control, crime and terrorism prevention and criminal justice, and to Section 2 General Assembly and Economic and Social Council Affairs and Conference Management and Section 16. International drug control, crime and terrorism prevention and criminal justice of the proposed programme budget for 2022, as presented in A/76/6, Section 2 and A/76/6, Section 16.

Pursuant to the request contained in operative paragraph 2, it is envisaged that the UNODC would serve as the secretariat of the Ad Hoc Committee.

It is expected that the UNODC would provide substantive and administrative servicing for the Ad Hoc Committee, including preparation of the parliamentary and other documents for the negotiating sessions, and as also mentioned in operative paragraphs 4, 5 and 6. In order to deliver the substantive and administrative services to the Ad Hoc Committee, general temporary assistance resources would be required both in Vienna and New York.

In addition, it is considered that for servicing the negotiating sessions, overtime would be required for each negotiating meeting and for the concluding session for the adoption of the draft convention. It is expected that all the meeting sessions will be public and therefore will be webcast.

Pursuant to operative paragraphs 4 and 5 of draft resolution A/75/L.87/Rev.1, as amended by A/75/L.91, the negotiating sessions — three in New York and three in Vienna — are expected for 10 working days each with interpretation in the six official languages of the United Nations. Pursuant to operative paragraph 6 of the draft resolution, the concluding session in New York is expected for three working days with interpretation in the six official languages. In addition, the requirements for the translation of documents in all six languages would constitute, for the first session, pre-session documents estimated to total 85,600 words and post-session documents estimated to total 64,200 words; for the second through fifth sessions, pre-session documents estimated to total 74,900 words and post-session documents estimated to total 42,800 words for each session; for the sixth session, pre-session documents estimated to total 85,600 words and post-session documents estimated to total 42,800 words; and for the concluding session a pre-session document estimated at 10,700 words and a post-session document estimated at 10,700 words.

It is considered that additional resources would be required to cover the travel of staff for the UNODC staff members from Vienna to New York to support the negotiating sessions and concluding session to be held in New York. The requested services would be provided on the assumption that the timeline of submission and processing of documentation as well as the dates for the sessions are determined in consultation between

the Ad Hoc Committee secretariat and the Department for General Assembly and Conference Management in New York and the Conference Management Service of the United Nations Office in Vienna.

Pursuant to operative paragraph 13 of the draft resolution, it is envisaged that extrabudgetary resources would be required to ensure active engagement of developing countries in the work of the Ad Hoc Committee, including by covering travel costs and daily subsistence allowances. The resource requirements would depend on the actual number of participants. No provision has been made to the proposed programme budget for 2022 for the implementation of the activities requested in operative paragraphs 2, 4, 5 and 6 of the draft resolution. Accordingly, adoption of draft resolution A/75/L.87/Rev.1, as amended by A/75/L.91, would give rise to budgetary implications of between \$3.6 million and \$3.9 million under the proposed programme budget for 2022 and between \$2 million and \$2.3 million under the proposed programme budget for 2023.

Should the General Assembly adopt draft resolution A/75/L.87/Rev.1, as amended by A/75/L.91, the Secretariat would present a revised estimates report to the main part of the seventy-sixth session of the General Assembly, detailing the additional requirements needed under the proposed programme budget for 2021.

The resource requirements related to the requested activities that are envisaged to take place in 2023 would be presented in the context of the proposed programme budget for 2023.

The statements I have just read out were distributed through the Plenary Place on the e-delegate portal and will be made available in the *United Nations Journal* under the e-statements link for today's meeting.

The Acting President: I thank the representative of the Secretariat.

Before we proceed to take a decision on draft resolution A/75/L.87/Rev.1 and the draft amendments A/75/L.90, A/75/L.91 and A/75/L.92, delegations wishing to make a statement in the explanation of vote before the vote on the draft resolution and/or the draft amendments are invited to do so now in one intervention.

Before giving the floor for explanations of vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Vaultier Matias (Portugal): I have the honour to speak on behalf of the European Union (EU) and its member States.

Let me start by noting that the European Union and its member States initially voted against resolution 74/247 due to their concern about the lack of shared understanding on the legal scope and nature of a new international instrument would result in unproductive negotiations, risking to create further polarization among States and lead to the establishment of lower standards — de facto worsening the digital and economic divide and preventing effective cooperation to fight against cybercrime.

However, given the outcome of that vote in 2019, we have clearly proven ourselves open and constructive throughout the process, acting in good faith and in a manner coherent with our long-standing commitment to reaching consensus and supporting multilateralism. In that spirit of consensus, we expressed our readiness to support the compromise draft presented to the organizational session meeting on 12 May 2021 in order to allow a consensus-based process. It is no surprise that this compromise text was different from what we would have considered an ideal outcome.

During the final meeting of the organizational session, however, we also noted the strong wish of several delegations that felt they had not been given the opportunity to present their views to the United Nations community to further discuss the compromise draft in informal meetings. We regret that such an exchange of views, central to effective multilateralism, has not taken place.

Even though the draft resolution submitted by the Russian Federation largely reflects, in substance, the compromise proposals discussed during the organization sessions of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, the minor changes made to the compromise do not take into account any of the concerns that the European Union and its member States, as well as others, have repeatedly put forward. We find the unilateral decision of putting a modified text directly to the vote of the General Assembly very troubling, especially in the light of the ongoing efforts of the Chair of the Ad Hoc Committee — supported by the Bureau — to seek a compromise through bilateral

and regional consultations, as well as through further informal discussions.

We consider that the decision of taking action on the draft resolution in the General Assembly in such a premature way, ignoring the efforts of the Chair, shows little respect for multilateralism. Not awaiting the outcome of the Chair's consultation and informal sessions provides us with little confidence in how the spirit of consensus will be practiced throughout the process.

We have engaged in this process with the assumption that all efforts to reach consensus need to be exhausted before reverting to a vote. What we see is that from the outset there is a tendency by some to sacrifice consensus before we have exhausted all efforts. We are wary of where this approach could lead us when the negotiations deal with substance. This confirms our fears of a divisive outcome of this important process to fight cybercrime.

We would have preferred to hold informal meetings in order to make sure that all voices are heard and to give the Chair the chance to propose a consensual outcome. The main objective of the EU and its member States remains for the Ad Hoc Committee to adopt decisions on substance by consensus.

Nevertheless, if the main sponsor insists on action today, the EU and its member States will support the amendment put forward by Brazil to strengthen the modalities by a two-thirds majority clause on decision-making if all efforts to reach consensus are exhausted. This approach should guarantee that all voices are heard, that the outcome will gain the broadest possible support and that States are confident that the outcome will be effective in tackling cybercrime. It will also prevent the process from being blocked by one or a few States. For those reasons, the European Union and its member States will vote in favour of amending the current text by including a two-thirds majority clause on decision-making, and we call on others to do the same.

Taking all of that into account, if a vote is to be called today on the entire resolution, even though the EU and its member States consider that the draft resulting from the organizational sessions of the Ad Hoc Committee would have been acceptable in a spirit of compromise, today because of the unilateral action undermining multilateralism, the EU would not be in a position to vote in favour of the draft text under

consideration and, if no further changes are introduced, would have to abstain in the voting.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): We would like to call on delegations to vote against the amendments to draft resolutions A/75/L.90 and A/75/L.92, presented, respectively, by Brazil and the United Kingdom, because they are not constructive. They are aimed at undermining the process of developing a convention.

Brazil's amendment sets forth the requirement of a two-thirds majority in order to reach decisions in the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes. That means that a small group of States, for example the group that just spoke, is basically able to block the work of the Committee. Furthermore, the amendment grants a special role to the Bureau of the Ad Hoc Committee in decision-making. This is unprecedented. That special role also includes the procedure concerning biological diversity beyond areas of national jurisdiction, to which the representative of Brazil made reference.

The text of the Russian Federation, however, simply envisions the rules of procedure of the General Assembly to be applicable. What does that mean, concretely? It means that decisions can be adopted by consensus, by simple majority and by two-thirds majority — depending on the specific matter in question. We are all well informed on how the rules of procedure of the General Assembly operate. Furthermore, in our compromise draft, we specifically stress the need to take all necessary measures to reach consensus.

I would also like to mention that elements in the Brazilian amendment were initially promoted by delegations that were against the idea of establishing an Ad Hoc Committee and voted against creating it. I therefore have to assume that the amendment submitted is not meant to improve the modalities of work of the Ad Hoc Committee, it is meant to complicate the process of developing a convention.

With regard to the amendment presented by the United Kingdom, the draft resolution we have submitted (A/75/L.87/Rev.1) contains language adopted by consensus by the General Assembly on the participation of non-governmental organizations (NGOs) — adopted by consensus for the last time. The amendment of the United Kingdom proposes a new

procedure. In fact, it proposes a de facto vote on the issue of participation by NGOs. I therefore return the criticism of Russia by the representative of the United Kingdom. It is quite surprising that delegations that initially stressed the need for the Ad Hoc Committee to adopt decisions by consensus is now de facto proposing a voting procedure for the participation of observers in Committee sessions.

As for the amendment presented on behalf of the Caribbean Community (A/75/L.91), we note that it is similar, in many ways, to the initial version of the draft resolution, which the Russian Federation circulated in the Ad Hoc Committee. Therefore, that amendment deserves universal support.

Mr. Zellenrath (Netherlands): The Netherlands aligns itself with the statement just made by the observer of the European Union (EU) on behalf of its member States, and we would like to add some remarks in our national capacity.

As the observer of the EU stated, we have consistently been engaging in this process in a constructive manner, acting in good faith and open to different points of view. In that spirit, we were ready to support the draft text (A/75/L.87) presented to the organizational session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on 12 May. In our national statement, delivered during that session, we underlined one component that is essential for any outcome — inclusivity.

When we speak of an inclusive process, as many of us have done here today, we understand that to mean that all States Members of the United Nations have had their voices heard and have been taken seriously — whether on concerns regarding decision-making processes, multi-stakeholder participation or the venue. It is therefore unfortunate to note that the process leading us to this vote here today has not been inclusive.

Unilaterally submitting a draft resolution in the General Assembly on such short notice, without consulting the initial co-sponsor of the text and while informal efforts at reaching a consensus outcome under the guidance of the Chair were still ongoing, is not an inclusive process. Another case in point is the fact that this draft resolution (A/75/L.87/Rev.1) is now being rushed through the General Assembly, when it actually proposes to wait for more than half a year, until

January 2022, to have substantive negotiations in the Ad Hoc Committee.

Many delegations, including mine, hold the view that elaborating a convention on cybercrime is an important and sensitive process that requires careful consideration by experts in order to produce an outcome that enjoys the broadest support possible. That is why we will support the amendment put forward by Brazil (A/75/L.90) to ensure that substantive decisions of the Ad Hoc Committee are taken by a two-thirds majority, which — and I say this to my Russian colleague — is 120 Member States, not 27 Member States. Having a two-thirds majority ensures that the whole membership has to be heard and that our commitment to reach the broadest possible support is taken seriously. That is key for my delegation.

Mr. Wislocki (Austria): Austria fully aligns itself with the statement delivered by the representative of Portugal on behalf of the European Union.

Austria attaches great importance to further enhanced cooperation in the area of cybercrime. Throughout the process of the consultations on the modalities of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, we have continuously advocated for a transparent, inclusive and consensus-based approach so that all voices could be heard. Our hope was to avoid polarization and to start the process on the positive spirit of consensus.

During the last meeting of the Ad Hoc Committee organizational session, on 12 May, several delegations voiced the concern that the proposed compromise reached by the United States and Russia lacked transparency and inclusivity, and that they therefore could not accept it.

Austria welcomed the decision reached jointly by the Chair of the Ad Hoc Committee and other members of the Bureau — and we are grateful for their work — to continue a process of consultations with all Member States in order to find a way to reach full agreement on these modalities. We are very disappointed that the Chair's efforts are being undercut by forcing action today in the General Assembly. We have lost the opportunity to properly discuss the various concerns of Member States and to start this important process in the spirit of effective multilateralism. We believe that we need modalities, including procedures for decision-making,

in order to ensure an inclusive process and that the final outcome — the convention — can be supported by all Member States.

Austria and many other Member States therefore fully support the proposal to hold all substantive negotiation sessions at the seat of the United Nations Office on Drugs and Crime, in Vienna, and to conduct those negotiations in the spirit of consensus. We further support the proposal that all substantive decisions should be taken by a two-thirds majority and the proposal to strengthen multi-stakeholder participation.

Let me conclude by saying that we regret that the issue of deciding the venue for this process has been a divisive element. Vienna has been the venue for numerous treaty negotiations, and their results have enjoyed universal agreement. The division of labour at the United Nations Headquarters has worked well thus far, and we should continue to follow the United Nations rule — that negotiations take place at the seat of the responsible United Nations office. There is no hierarchy among United Nations seats. As host country, we will do our utmost to ensure that experts from all interested delegations can actively participate in the process.

Mr. Roscoe (United Kingdom): May I begin by thanking the representatives of the delegations of Brazil and Haiti for their excellent explanations on their own amendments (A/75/L.90 and A/75/L.91) and, in particular, Haiti, for so graciously moving on the question of rule 91.

I will not set out the United Kingdom's long-standing position on cybercrime, but I will say — because others have questioned this — that the United Kingdom wants a cybercrime treaty that enjoys the widest-possible support, builds on existing international cooperation and works to generate tangible and realistic measures to tackle this rising and pervasive threat.

Before I begin, there were a few points made by my Russian colleague that I thought were worth responding to, because it seemed to me that his description of events at the organizational session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes was not entirely accurate. Perhaps what he set out for us was how his delegation hoped the process might proceed, but it was certainly not what happened or what those of us who were present experienced.

The draft resolution before us (A/75/L.87/Rev.1) is not the result or the outcome of negotiations of the Ad Hoc Committee; it is the outcome of bilateral negotiations between Russia and the United States, which resulted in a text that the United States is now itself seeking to amend. After it was submitted and after significant delays to the work of the Committee, the text received significant criticism from across the Committee due to some of the issues that were missing.

The proposed amendments to the draft resolution that are before us today (A/75/L.90; A/75/L.91; and A/75/L.92) are the result of those omissions, so that I think for the Russian delegation to declare to the General Assembly that the text it is proposing had an overwhelming majority of support in the room is risible. The only majority I heard were the voices expressing their concern at the text, which again brings us here today with those amendments. If Russia were looking for a constructive launch, as it claims it is, then that was not the way to go about it.

We are also surprised, as my colleagues from the European Union (EU) have said, that we are being asked to consider the draft resolution at such short notice and to the detriment of further discussions. I think we first heard on Monday that the draft resolution was being submitted and it is now Wednesday.

We understood that attempts were going to be made to hold further informal discussions after the organizational session of the Ad Hoc Committee ended without consensus — indeed, the Chair committed to convening further informal discussions on outstanding concerns. Instead of allowing those informal discussions to run their course, Russia has forced a vote at short notice on activity that will not begin until 2022. Why the hurry, I wonder?

We are concerned by the way that Russia has sought to bypass the Chair and Vice-Chairs of the Ad Hoc Committee by forcing the issue to the General Assembly before the Ad Hoc Committee informal process had been allowed to run its course. Those are not the actions of a delegation committed to consensus or the kind of dynamics needed in a treaty negotiation. Those are not the actions of a partner who wants to see an inclusive cybercrime treaty that enjoys the widest possible support.

With regard to the action before us today, the United Kingdom listened very carefully at the organizational session of the Ad Hoc Committee, where it seemed clear

that some States were trying to force through a text that did not meet the needs of several other Member States. The United Kingdom is therefore pleased to propose amendment A/75/L.92 to draft resolution A/75/L.87/Rev.1 and to co-sponsor amendment A/75/L.90 and hopes to be able to support amendment A/75/L.91. We believe that there are important points of principle at stake here.

I will now turn to our views on the amendment proposed by Haiti on behalf of the Caribbean Community (CARICOM) (A/75/L.91) and the amendment to paragraph 5 of the draft resolution proposed by Brazil (A/75/L.90), which has been co-sponsored by several Member States.

The amendment to paragraph 5 of the draft resolution proposed by Brazil seems very straightforward to us. All delegations to the Ad Hoc Committee expressed their commitment to consensus. That is of course encouraging, but the commitment contained in the Russian text is a qualified one. The language allows for complex issues to be adopted by simple majority in the event that all efforts to adopt substantive decisions by consensus have been exhausted. It seems perverse to us that on such a complex issue, the failure to reach consensus should result in a default to simple majority voting.

The Ad Hoc Committee has been tasked with producing a universal and inclusive treaty. We want to give any future treaty the best chance of universal adoption by ensuring that the views of as many Member States as possible are reflected. We will therefore vote in favour of amendment A/75/L.90 and encourage others to do so.

As I think my colleague from the European Union pointed out, either this morning or this afternoon Russia suggested that somehow a minority of States would be able to block the draft resolution or that the EU might be able to block the Committee's work or a treaty in due course. That is not the case. It would require more than 65 States to achieve one third of the membership and prevent a two-thirds majority.

Before we vote on the amendment proposed by Haiti (A/75/L.91) to secure a more equitable split between meetings in New York and Vienna, I would like to say, on behalf of the United Kingdom, that the amendment proposed feels eminently sensible to us. We know that some missions are not represented in Vienna and have all of their expertise here in New York.

We should of course listen to the concerns of those delegations and ensure the greatest level of engagement from the greatest number of missions. We therefore intend to vote in favour of the Haitian amendment. However, I hope that those of us who vote in favour of the CARICOM amendment will see the support that we offer as a compromise that can be taken by the Assembly as a package.

In the spirit of flexibility on the issues of decision-making by a two-thirds majority and of Vienna versus New York, I think we should try to come together as the General Assembly to vote in favour of both those proposed amendments. That will allow all parties to leave this meeting satisfied that the decisions made by the Ad Hoc Committee will be made by the largest possible number of States short of consensus and that where we negotiate, the treaty will allow the largest possible number of States to engage with the negotiations.

Finally, the United Kingdom is very grateful for the support we have received from the United Nations Office on Drugs and Crime in its role as the secretariat of the Ad Hoc Committee and for helping us to get to where we are today. We look forward to full and productive negotiations in due course.

Mr. Poveda Brito (Bolivarian Republic of Venezuela) (*spoke in Spanish*): Venezuela would like to reiterate its commitment to fighting cybercrime in all its manifestations.

We believe that it is necessary to start the substantive work of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes as soon as possible. That is why Venezuela supports the adoption of draft resolution A/75/L.87/Rev.1, as we are convinced that those discussions were taken from a balanced and equitable approach and that maximum efforts were made to achieve consensus, as reflected in the draft resolution.

We have been holding exhaustive discussions for more than one year in New York, Vienna and other forums. Making headway in the process is an important element of our efforts in the fight against cybercrime, which constitutes a debate that the entire international community demands from States Members of the United Nations.

Likewise, Venezuela understands the observations and proposals raised by certain States, as well as the importance of ensuring the effective participation of all countries at all stages of the process. We are therefore prepared to support any initiative that will guarantee and strengthen their participation.

We also believe that the rules of procedure of the General Assembly provide the framework that should govern the work of the Ad Hoc Committee, as they guarantee the democratic forums proper to the spirit of our Organization. That has been the case for previous negotiation processes for other United Nations conventions, which have yielded positive results in the context of compromise and constructive intent.

We are grateful to the sponsors and other delegations for their work and we reiterate Venezuela's commitment to contributing positively to the next phases of the process.

Mr. Liu Yang (China) (*spoke in Chinese*): China thanks the Russian Federation for submitting draft resolution A/75/L.87/Rev.1, on organizational matters of an international convention on countering cybercrimes.

Based on the compromise text discussed by all parties during the organizational session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, in mid-May, the draft resolution covers all key organizational issues, including the timeline and road map for future negotiations, decision-making procedures, multi-stakeholder participation and funding for developing countries' participation in the negotiation process. It also reflects the general consensus of Member States.

The compromise draft resolution is not the result of a few short days of consultations but reflects the results of long-standing discussions among countries and country groups. Before the organizational session, held from 10 to 12 May, the United Nations Office on Drugs and Crime also organized a series of consultations in Vienna. The compromise text can be said to reflect the consensus that can be achieved through such consultations and it is therefore a hard-earned result.

The draft resolution submitted for approval by the General Assembly aims to conclude a broadly acceptable, practical, effective and comprehensive international convention on countering cybercrime

within the United Nations framework, with broad participation. It is also in line with the overall interests of the international community.

China supports the draft resolution and will vote in favour of it. We hope that other countries will do the same as part of a joint effort to advance the important process of negotiations for and the conclusion of a global convention.

China notes that several countries have proposed amendments (A/75/L.90; A/75/L.91; and A/75/L.92) to the draft resolution. We have studied these amendments in a most inclusive spirit and wish to state our position as follows.

First, regarding the decision-making procedure, China believes that the text of the draft resolution proposed by Russia reflects a balanced compromise that accommodates the concerns of all parties in a reasonable manner. It is conducive to promoting the participation of all parties in future negotiations on the convention in good faith and a cooperative spirit.

The amendment put forward by a number of countries (A/75/L.90) disrupts that balance and is not conducive to full cooperation and consensus-building among all parties. Furthermore, the rules of procedure of the General Assembly contain provisions on making decisions on important issues by a two-thirds majority. The relevant provisions of the draft resolution already cover all the reasonable elements of the proposed amendment; therefore, they can be relied on.

In view of the above, China will vote against amendment A/75/L.90 on the decision-making procedure.

We hope that, while negotiations on a convention should be guided by the rules of procedure of the General Assembly, we should exhaust all efforts to conclude the convention by consensus.

Secondly, regarding the participation of non-governmental organizations (NGOs), it is China's view that the draft resolution proposed by the Russian Federation reflects an open approach to the matter. It allows NGOs that enjoy consultative status with the Economic and Social Council to participate in the sessions of the Ad Hoc Committee after registering with its secretariat. It also allows other relevant NGOs to participate in the sessions of the Ad Hoc Committee as observers, following consideration by Member States on a non-objection basis.

All of those elements are consistent with the established practice of the United Nations. In recent years, for example, that modality was adopted to address the participation of NGOs in an appropriate and reasonable manner in the negotiations on resolution 72/243 on the Nelson Mandela Peace Summit; resolution 73/292 on the United Nations Ocean Conference; resolution 73/303 on the commemoration of the twenty-fifth anniversary of the International Conference on Population and Development; resolution 74/269 on the scope, modalities, format and organization of the summit on biodiversity; and resolution 74/276 on the special session of the General Assembly against corruption.

The amendment to the draft resolution proposed by a certain country (A/75/L.92) fundamentally weakens the role of Member States in their consideration on a non-objection basis, disrupting the balance and practical arrangements. It therefore does not help to reflect the nature of the negotiation process as an intergovernmental process led by Member States.

In view of the above, China will vote against proposed amendment A/75/L.92 on the participation of NGOs.

Thirdly, regarding the venue of negotiating sessions, China's position has been consistent and clear. Effectively countering cybercrime requires the participation and cooperation of all Member States. Negotiations on an international convention should strive to ensure the equal and full participation of all Member States. A negotiation process that ensures wide participation will help promote the final adoption of the convention by all parties by consensus.

In that regard, China will provide appropriate financial assistance to the best of its ability to developing countries, in particular to those that do not have representation in Vienna, for their participation in the Ad Hoc Committee sessions. We hope that other countries will also take positive measures to fund the effective participation of developing countries in the negotiation process.

Mr. Ruidíaz Pérez (Chile) (*spoke in Spanish*): Before turning to the topic of discussion, I would like to briefly focus on the reasons why we are here today.

The year 2020 was an unprecedented one in terms of data loss, infiltrations and the number of cyberattacks against Governments, businesses, hospitals and individuals. In addition, the sophistication

of cybercrime threats has increased due to emerging technologies such as automatic learning and artificial intelligence, in particular due to the greater tactical skills of hackers and non-State actors. In day-to-day life, a regular computer is threatened by some form of cyberattack every 39 seconds. There is no doubt that cybercrime is now a global threat that States must work together in order to counter.

In that connection, Chile believes that a new universal convention to counter the use of information and communications technologies for criminal purposes must be based on a broad consensus in a spirit of cooperation and strengthened multilateralism in order to deal with that emerging threat.

The inclusion of various perspectives in the development of draft resolution A/75/L.87/Rev.1 is even more critical given that inclusivity in the digital sphere is severely lacking. Statistics indicate that of the 7.8 billion people on our planet, only 4.9 billion have access to the Internet. It is imperative that the existing gaps should not be replicated but rather bridged as part of the process we are considering.

Moreover, we attach great importance to the implementation of resolution 74/247. Efforts such as the creation of a new legally binding instrument to complement existing international treaties require a more global approach that also maximizes their effectiveness in a concrete manner. The consensus process creates positive attitudes and a sense of ownership, which facilitate support for and the implementation of formal agreements.

From the very beginning, Chile has encouraged and supported the development of a process with those features. We have taken various actions with other delegations, in particular over the past few days, to ensure that the work of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes leads to the adoption of modalities that guarantee the right process in the future.

Regrettably, the various views and positions of Member States were not taken into account. We believe that the work of the Ad Hoc Committee should reflect a substantive agreement that is beneficial to all parties. If not, there is a risk that the entire process of negotiations to elaborate a legal instrument will be marked by a biased and unilateral negotiations process.

The principles of inclusivity and transparency are essential to current and future negotiations on the instrument. Due to absence of informal consultations with members, which would have allowed for a common agreement to be reached, Chile supports amendment A/75/L.90 proposed by Brazil, which allows for a balanced process based on a two-thirds majority that ensures the representation of the majority of Member States.

The negotiation of the international legally binding instrument on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction and the United Nations Convention against Transnational Organized Crime are examples of processes in which the substantive rules of procedure are followed when relevant issues are under consideration.

In addition, the proposed addresses another issue that is very important to my delegation — empowering the Bureau in the process to help the Chair decide when all efforts to reach consensus have been exhausted. In so doing, the balanced representation of all regions is taken into account before a draft text on an issue is put to the vote.

Chile reiterates its commitment to the process of elaborating a convention, which we hope will be conducted in the spirit of multilateralism and cooperation.

Ms. Wagner (Switzerland): I have the honour to read out this statement on behalf of Liechtenstein and my own country, Switzerland.

We deeply regret that open, inclusive and transparent consultations were not held to find consensus on the modalities of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes. Instead, we are asked to take a decision on draft resolution A/75/L.87/Rev.1 submitted by an individual Member State. Such an approach undermines multilateralism. In addition, we regret the fact that the draft resolution does not reflect positions raised by delegations from the very beginning of the consultation process.

We would like to reiterate that there is a need to secure the broadest and strongest possible support whenever international law is developed. While the spirit of consensus is the ideal approach towards adopting a successful and universally acceptable

instrument against cybercrimes, we are of the view that proposed amendment A/75/L.90, which concerns decision-making on substantive matters by a two-thirds majority, presents the best compromise between those arguing for consensus-based decision-making and those who favour a simple majority.

It goes without saying that we expect the Chair and the Bureau to exhaust all efforts to adopt substantive decisions by consensus, as also reflected in the proposed amendment. We also expect that the substantive work of the Ad Hoc Committee will be undertaken in an open and inclusive manner, allowing all Member States to participate on an equal footing.

The work of the Ad Hoc Committee is not undertaken in a vacuum. It has to build on existing international instruments, such as universal and regional human rights treaties, as well as existing cybercrime instruments such as the Budapest Convention. In addition, the substantial work done at the national, regional and international levels should inform our discussions.

In my national capacity and as repeatedly mentioned, given the complexity of the subject, Switzerland continues to fully support that all the substantive work of the Ad Hoc Committee be undertaken in Vienna, as it is the United Nations expert hub related to the topic. Indeed, many successful United Nations instruments on international crime have been negotiated there.

Finally, Liechtenstein and Switzerland again underline the importance of broad and meaningful multi-stakeholder participation. In that regard, we regret that the language in the draft resolution is not more inclusive. We therefore welcome proposed amendment A/75/L.92, which we strongly support.

Ms. Henderson (Australia): Australia is dismayed at the speed and lack of transparency with which draft resolution A/75/L.87/Rev. 1 has been brought before the General Assembly for its consideration. That approach has made it impossible for many States to take the time to adequately consider and respond to the proposal and runs counter to the principles of constructive multilateral engagement. The work of the organizational session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, a subsidiary body duly mandated by the Assembly in resolution 74/247, is not only unfinished but never really got the chance to begin.

The description by my colleague from the Russian Federation of what happened during the Ad Hoc Committee is very different to what actually played out in the room and misrepresents events.

Despite three days of meetings, member States were prevented from engaging substantively on the Ad Hoc Committee's proposed modalities until the very last session of the meeting. When a number of States raised concerns about the proposed modalities, it quickly became clear that there was insufficient time to work through all the outstanding issues. Member States therefore agreed to conduct further informal negotiations to reach consensus on the proposed modalities. Just this week, the Chair of the Ad Hoc Committee wrote to Member States indicating her availability to receive further views on the proposal.

By bringing the draft resolution into the General Assembly at the same time as the Chair of the Committee was establishing further informal negotiations among Member States, the main sponsor showed a blatant disregard for the ongoing work of the Ad Hoc Committee. That cavalier approach to the responsibilities and functions of a subsidiary committee of the General Assembly is concerning and reflects a troubling lack of respect for the mandates established by the Assembly.

Although not an initial supporter of the process, Australia has sought to engage constructively in the work of the Ad Hoc Committee, nominated successfully for a position as a Vice-Chair and participating actively in discussions on potential modalities for the Committee's work. We recognize that the work of the Ad Hoc Committee is of critical importance. It has the potential to set a new international benchmark for how we, as States, engage with the growing threat of cybercrime. It represents an extraordinary opportunity to bring States together to find common ground and enhance our shared capacity.

Yet, the main sponsor of the text appears to be focused on forcing through decisions without adequate consultation and without consideration for the views of a wide range of Member States.

Australia is participating in the debate on draft resolution A/75/L.87/Rev.1 and we will seek to support any amendments that reflect our concerns and that we consider will improve the modalities for the Ad Hoc Committee's work and provide greater certainty of achieving a universal outcome on cybercrime.

But we must register in the strongest terms our disappointment in the way that the issue has been handled by the main sponsor, which runs counter to the kind of good-faith, constructive engagement that is so essential to the success of international cooperation. The Ad Hoc Committee should have been given the time to resolve those issues properly, in line with its mandate and under the guidance of its elected Chair.

I would like to offer Australia's position on amendment A/75/L.90 proposed by Brazil, which Australia strongly supports. If there is one thing that all States have agreed on in the discussion so far, it is that cybercrime is an issue of critical importance. In that case, it is only natural that we should ensure decisions on the treaty to govern that important issue are subject to the same thresholds the Assembly reserves for important questions.

A two-thirds voting requirement is a common standard in many multilateral negotiations, in particular those that will lead to a binding international instrument. For example, the United Nations Convention on Transnational and Organized Crime, one of the most successful international instruments, which covers many issues similar to those that the Ad Hoc Committee will consider in its work, uses the two-thirds majority standard. Furthermore, empowering the Bureau to determine when efforts at consensus have been exhausted means all regional groups will have a voice rather than leaving it solely in the hands of the Chair to make a call.

We are pleased that Member States agree that consensus should be the guiding principle for the decisions of the Ad Hoc Committee, but we are aware that there are strongly held and divergent views among Member States on those issues. Had the lead-up to this process being characterized by a constructive dialogue and a concerted good-faith attempt by the main sponsor to find consensus among Member States, we may not have felt the need for that sort of safeguard.

But regrettably, that has not been the case. The rushed approach, without consultation, taken by the main sponsor in the process reinforces our belief that a two-thirds majority voting mechanism is the only way to ensure that the interests and views of all States are taken into account and that States' legitimate positions are not trampled in the rush to push through outcomes without consultation.

Australia will vote in favour of proposed amendment A/75/L.90 and encourages other delegations to do the same.

With regard to amendment A/75/L.92 concerning paragraph 9 proposed by the United Kingdom, I would simply like to point out that the procedure it would establish is not a new one, as our colleagues of the Russian Federation would suggest. Rather, that mechanism was adopted by consensus in 2001, 2006 and 2011. Indeed, it is a procedure we used in the Assembly only this past Monday in deciding civil society access for the HIV/AIDS meeting. It did not involve a vote; it simply prevented any one State from blocking external expertise.

Mr. Baror (Israel): Our position throughout the whole process has been that the process must be as inclusive as possible, as we wish to reach an outcome that would gain broad support, which is a crucial element for an international convention. In that regard, we strongly supported having the adoption mechanism based on consensus. However, realizing that is not achievable and in the spirit of compromise and cooperation, we are willing to support the two-thirds adoption mechanism.

As has been said by many, a two-thirds adoption mechanism does not allow any single Member State or even a small group of States to block the process but rather encourages all Member States to take into account the concerns of others and ensures an inclusive process. I dare say that any issue that is disputed by more than one third of the States Members of the United Nations cannot be dismissed as we try to conclude an international convention. For that reason, we will support amendment A/75/L.90 proposed by Brazil.

Ms. Nemroff (United States of America): The United States does not support draft resolution A/75/L.87/Rev.1, which is before us today, and will vote against it as currently proposed.

The United States also wishes to thank all delegations that have proposed amendments for consideration by the General Assembly. Whatever the outcome of the voting on them today, we would like to say that we have listened to delegations. We feel that all the amendments are constructive.

The United States does not support efforts to circumvent dialogue with other member States or rush a vote on a draft resolution when informal consultations were being scheduled by the Chair and the Bureau of

the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes. That rushed process and the circumvention of a General Assembly subsidiary body undermines the Chair and the Bureau and the mandate of the body itself. That is why we did not sponsor the draft resolution before us today and we do not support it.

The draft resolution was hastily brought to the floor by its main sponsor, in the hope of garnering a quick adoption by a divisive vote and avoiding the need to respond to the legitimate concerns of many Member States — developed and developing countries from all regions. It is an infelicitous and unstable way to commence a multi-year treaty negotiation process when all Member States at least say that consensus is their goal.

The United States has been clear that it supports a process that is balanced, inclusive, consensus-based and works towards a universally acceptable treaty. The draft resolution before us today — hastily submitted without consultation, in fact with 48 hours' notice to all delegations — falls well short of that standard. The actions by the main sponsor this week have only confirmed our concerns that consensus is not the true goal and narrow, divisive voting will be the norm. That is not something that the United States can support.

With regard to the two-thirds majority, we are surprised by any resistance to the proposed amendment to restore a two-thirds majority provision. That is a standard provision in the development of many new legal instruments by the United Nations, including many crime-related treaties. Some of them have been mentioned and there are more that we could name. There is good reason for the inclusion of the two-thirds majority provision. It builds confidence among Member States. It builds confidence in the process. It gives a stronger foundation for Member States to reach for the full-consensus adoption of an instrument. Failing that, it gives that fail-safe; it gives that support. We therefore urge Member States to support it.

We also wish to thank the British delegation for proposing amendment A/75/L.92 on civil society participation. I am glad that our colleague from Australia mentioned the proceedings on Monday that used those exact modalities in this very Hall. That process was conducted by consensus and was transparent and

constructive. We urge that it be mirrored in this process. It will be so important to have non-governmental, civil society, academic and private sector input to the work of the Ad Hoc Committee.

Mr. Cocoru (Romania): I take the floor to explain Romania's vote on amendment A/75/L.90 proposed by Brazil.

My delegation fully aligns itself with the explanation of vote made by the representative of Portugal on behalf of the European Union and its Member States.

I will make the following statement in my national capacity.

Since the convening of the organizational session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, many things have happened. More importantly, many absolutely necessary things have not. We have had grass-roots objections from Member States in the Ad Hoc Committee, which were by all standards in favour of inclusivity and against disregarding the role of the plenary. However, that was followed by a complete disregard for inclusivity, no informal consultations and no chance to express any of our views on the issue.

We are left with the proposed amendments to draft resolution A/75/L.87/Rev.1, which has been pushed through without any regard for any due process and with an abysmal disrespect for multilateralism and the members of the Assembly. Our collective attitude as an Assembly today will determine whether or not that will be allowed to pass and, more important, whether or not we are collectively prepared to stand in defence of respect for United Nations processes in general.

In Romania's previous intervention on this topic in the Ad Hoc Committee, I posed a rhetorical question — if the fear of a veto is the concern of those who promote the application of a simple majority in our negotiations, would denying 49 per cent of members the right to object really be the solution? If those fears persist — if the fear of a veto is something that preoccupies colleagues — we note that there is a huge distance from a consensus to a simple majority, from the ideal to the lowest common denominator. That lowest common denominator does nothing more than maintain our negotiations at the level of a simple

political exercise, which is unacceptable when doing hard law.

As other colleagues have also mentioned, a two-thirds majority solution both alleviates the concerns of colleagues who referred to the veto and safeguards the spirit that needs to be preserved within negotiations on a global convention. Any concerns that could be manifested by one third of the States Members of the United Nations could never be seen as a veto but as a safeguard for the global character of what is agreed and a guarantee for its implementation.

I have heard promoters of the simple majority telling us that they wish to preserve the rules of procedure of the General Assembly, when it is exactly those rules of procedure that mandate subsidiary bodies to adopt their own methods to take action on decisions, particularly when agreeing on global conventions. Again, there is a reason why the General Assembly has specific rules of procedure. It is because it does not negotiate global conventions directly but mandates subsidiary bodies to do so, while granting them the specific right to decide on their own working methods.

In that regard, if certain colleagues continue to push for the applicability of the rules of procedure of the General Assembly when a two-thirds majority has been offered, then they truly reveal nothing more than the intention not to agree on a global convention and continue to make a mockery of our multilateral system by promoting their own political interests as a global convention negotiation.

I believe that the Assembly can see through that. I trust that the rational character and integrity of the members of the Assembly will see through that. The two-thirds majority is a compromise solution aimed at guaranteeing an actual convention. This is why my delegation will vote in favour of proposed amendment A/75/L.90.

Mr. Paredes Campaña (Colombia) (*spoke in Spanish*): Colombia stresses the need for understanding based on the principles of multilateralism in addressing matters within the United Nations. In that regard, Colombia reaffirms the importance that it attaches to building genuine and inclusive consensus, based on the participations of all States concerned. Our vision is based on the higher purpose of achieving results in a balanced manner that satisfy all Member States. We are concerned that we are meeting in circumstances today that do correspond with that purpose.

The dialogue that was supposed to lead to an agreement on the modalities that will govern the work of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes has been curtailed and we have been directed to take action in the absence of adequate, inclusive and participatory consultations.

We believe that in order for a convention to be universal, which we hope will be the case, we must enjoy the greatest possible consensus. The Palermo Protocols to the United Nations Convention against Transnational Organized Crime were negotiated in that way in Vienna. They are a clear example of the good-faith search for universal ratification.

In that regard, Colombia expresses its disagreement with the process, which lacks inclusion, transparency and dialogue, and the fact that we have been pressured to take action without delegations' specific interests having been consulted to allow them to make specific concrete proposals on draft resolution A/75/L.87/Rev.1. We would like to note that dialogue among small groups of countries to address substantive issues cannot be allowed to become the norm and set a precedent in long-term negotiation processes. We are convinced that had there been adequate time and inclusive, transparent and participatory consultations, today's situation could have been avoided.

Colombia has always advocated that decisions during the negotiations process be arrived at by consensus, precisely because of what we are witnessing today. Efforts have been made to gauge the ability to achieve such a consensus and groups of nations have been excluded from the discussions in an unproductive manner so as to impose a text arguing for a delicate balance achieved among very few countries.

Accordingly, as they were aware of the impossibility of reaching an agreement on adopting substantive decisions by consensus, a number of Latin American countries have proposed amendment A/75/L.90 to the draft resolution, which provides that all decisions of the Ad Hoc Committee on substantive matters that are not agreed by consensus would be taken by a two-thirds majority of the representatives present. The amendment was proposed by Brazil and we thank the delegations that have kindly co-sponsored it. It is based on the legitimacy provided by broad representation in decision-making. We therefore encourage all

delegations to vote in favour of proposed amendment A/75/L.90.

Mr. Arbeiter (Canada): I have been sitting here and reflecting on why we have so many amendments today. I have listened carefully to all the interventions that have been made before the voting and I have come to two conclusions.

The first conclusion is that Member States care very deeply about this issue and that is a good thing. The second conclusion that I came to is that the extent to which Member States care about this issue has not been respected throughout the process. In fact, the only instance of respect that I can cite is the graciousness of our Haitian colleague, who clearly listened to what the representatives of Member States said.

That leads me to a couple of other conclusions. It is difficult for my own Government — and I suspect for others — to have good faith in a process that is based on a simple majority when we lack confidence that that respect will be taken into account in how the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes continues to work.

That is why I want to be very clear, transparent and respectful of colleagues here. We would very much like this process to start but we will not be able to support draft resolution A/75/L.87/Rev.1 if draft amendment A/75/L.90 thereto on a two-thirds majority, which was proposed by Brazil, is not adopted. That is because we want to respect the views of all of the members of the Ad Hoc Committee.

We also feel very strongly about the inclusion of civil society and other stakeholders in the process to inform our deliberations. That is owing once again to the fact that we respect their views. We do not feel that we have a monopoly on good ideas or expertise. If we truly want the most effective convention that is forward-looking and takes all stakeholders' considerations into account, I believe that it behoves us to build that into the process. That is why we would be supportive of that, as well.

In conclusion, I thank everyone today for participating, listening to one another and considering how to build up a process that allows us to achieve our common objective and better respect the different places that we are coming from with regard to this issue.

Mr. Al Khalil (Syrian Arab Republic) (*spoke in Arabic*): The Syrian Arab Republic believes that the instruments of criminal law currently used at the international and regional levels are insufficient to counter the use of illegitimate information and communications technologies (ICT) for criminal and terrorist purposes.

In that context, there is currently no international convention, with the exception of the Convention on Cybercrime of the European Council, which does not include the use of information and communications technologies in terrorist acts. Accordingly, in order to promote measures to counter the use of ICT for criminal purposes, my country's delegation urges Member States to vote in favour of draft resolution A/75/L.87/Rev.1, "Countering the use of information and communications technologies for criminal purposes", which was submitted by the Russian Federation and Equatorial Guinea.

In our view, the draft resolution represents a sound, realistic and legal basis for moving forward in establishing an agreement among Member States on ways to counter cybercrime based on ICT. We can establish an international binding legal instrument on international cooperation in this area, which would be in the common interest of Member States.

Draft resolution A/75/L.87/Rev.1, which was submitted by Russia and Equatorial Guinea, contains in a balanced way all the elements that were discussed during the informal consultations held prior to the convening of the organizational session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes in New York from 10 to 12 May. The draft resolution is a careful compromise solution proposed by the two sponsors of the two draft resolutions.

In response to Brazil's proposed amendment A/75/L.90, which provides for a two-thirds majority to adopt decisions in the Ad Hoc Committee, I would say that the rules of procedure of the General Assembly must be taken into consideration given that the Ad Hoc Committee is a subsidiary body of the General Assembly. The Committee should follow the same rules of procedures as the Assembly.

For that reason, we must adopt paragraph 5 of the draft resolution, which stipulates that the Ad Hoc Committee should be guided by the rules of procedure

of the General Assembly in its work. That would allow the Committee to address every item on its agenda in line with the rules of procedure, including the manner in which decisions are taken, whether by a simple majority or by a two-thirds majority of the Member States present.

With regard to amendment A/75/L.91 proposed by the States members of the Caribbean Community, the Syrian Arab Republic endorses and welcomes the draft amendment and we will vote in favour of it.

Concerning amendment A/75/L.92 proposed by the United Kingdom, we and many other countries reject it because it aims to establish a practice that is inconsistent with the practices of the General Assembly.

Mr. Jiménez (Nicaragua) (*spoke in Spanish*): Information and technology have demonstrated their great potential to benefit our countries, as well as to increase the sophistication of cybercrimes committed by their perpetrators. The United Nations cannot idly stand by in facing the challenge. That is why we advocate developing and negotiating a convention on cybercrime.

Our delegation will vote in favour of draft resolution A/75/L.87/Rev.1, which we believe was broadly discussed and negotiated with the membership and enjoys the balance necessary for starting the work of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes as soon as possible. We are complying with the General Assembly resolution 74/247. We regret that, as usual, perfection is the enemy of good intentions. For that reason within the United Nations, we have lost much time, as we always strive for perfection in our negotiations, leading us into an endless labyrinth.

With regard to amendment A/75/L.91 to draft resolution A/75/L.87/Rev.1, proposed by the States members of the Caribbean Community, our delegation supports inclusivity and participation on an equal footing in this process, in particular with regard to developing countries. We will therefore vote in favour of the proposed amendment.

With regard to proposed amendment A/75/L.90 on the decision-making process, we believe that the issue is already covered under the rules of procedure of the General Assembly, which we must always

uphold, and which must prevail in in all General Assembly negotiations processes. We cannot reinvent or renegotiate those decision-making rules, which are clearly stipulated and have historically produced excellent results in the Assembly. Accordingly, we believe that draft amendment A/75/L.90 is unnecessary and will vote against it.

With regard to proposed amendment A/75/L.92, we agree on the importance of the participation of social, civil society and non-governmental organizations (NGOs). However, we believe that draft resolution A/75/L.87 conveys a spirit of openness, based on the existing practice according to which NGOs enjoying consultative status can participate under the non-objection clause. It would therefore set a bad precedent to adopt draft amendment A/75/L.92 and my delegation will vote against it.

Mr. Murillo Quesada (Costa Rica): Allow me to divide my intervention into four parts.

The process has been far from clear. As of 12 May, we were presented with a text (A/75/L.87/Rev.1) to be adopted without proper and necessary discussions. Many delegations, including my own, expressed their views, initiating a very interesting debate, which was ended owing to logistics and content restrictions.

Subsequently, it was my delegation's understanding that informal meetings were to be convened the following week to continue the negotiations. In a letter dated 24 May, there was an indication that the preference was to hold new bilateral negotiations, but then suddenly — allow me to stress that word — we realized that draft resolution A/75/L.87 had been submitted on 12 May for adoption by the General Assembly. To be honest, we did not know what to think.

Secondly, multilateralism, together with international law, is at the front line for a country like Costa Rica. We want to stress the fact that we would have preferred to have any appropriate consultation process — the one that was understood at the end of the 12 May session. Therefore, in order to support open, transparent and inclusive consultations, we co-sponsored amendments A/75/L.90, A/75/L.91 and A/75/L.92 to draft resolution A/75/L.87/Rev.1 as proposed today, not only because we believe in inclusivity and the content of the draft amendments, but also in the spirit of multilateralism, in which everyone has a voice and the right to be heard.

Thirdly, as stated, since the informal meetings, Costa Rica considers that reaching a consensus is always ideal and that, if that is impossible, the second-best alternative is the rule of the two-thirds majority. To our understanding, it provides better chances for the universality of the convention by engaging more Member States. As many other representatives have said, the same system has been used in other international instruments.

We are very thankful to the Brazilian delegation for presenting amendment A/75/L.90.

My delegation also understands and supports the call of the States members of the Caribbean Community (CARICOM) to convene some of the meetings in New York for the valid reasons already given in past negotiating sessions. We will therefore support amendment A/75/L.91. I also want to thank CARICOM and the Permanent Representative of Haiti for addressing the question of rule 91 of the rules of procedure of the General Assembly.

As agreed in resolution 75/260, adopted here in the General Assembly Hall in February, Costa Rica agrees with the United Kingdom and many other Member States that consider of paramount importance the inclusion of non-governmental organizations, civil society, academia and the private sector in that Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, especially in the matter of civil crimes in which it is well documented that the sphere of activities is not only in the hands of Member States.

Finally, Costa Rica wishes to call on the entire membership, particularly those that are not satisfied with the development of events but are very concerned about the outcomes, to consider the three amendments as support for the values of multilateralism.

Mrs. Karlsen (Norway): While we may have a diversity of views, we must ensure that we have a shared sense of purpose. Furthermore, we must continue to build on the expertise and capacities that we have accumulated over the many years that cybercrime has been a topic of United Nations discussions. That is why we have continued to believe that we must ensure an inclusive, open and transparent process, establishing a sense of ownership and commitment by all Member States, ideally based on the principle of consensus. We would therefore have liked to have seen informal

consultations taking place in order to be able to hear all voices. That is why we are unable to accept the proposal as it now stands without amendments.

If all efforts to reach consensus have been exhausted, Norway supports the proposal to strengthen the outcome by voting by a two-thirds majority, as put forward by Brazil (A/75/L.90). That amendment provides the needed clarity to the process.

Furthermore, we wish to highlight the multi-stakeholder nature of cyberspace and the importance of including the views of all stakeholders in that process, including civil society and the private sector. We support rules of procedure that enable the broad participation of all stakeholders to ensure the inclusiveness and transparency of the process. That is why we strongly support the proposal of the United Kingdom (A/75/L.92).

Regarding the proposal put forward by the Caribbean Community (A/75/L.91), we listened carefully to the call for more negotiations to take place in New York. In a spirit of compromise, we are willing to accept that some meetings take place in New York on the condition that decisions be taken on the basis of a two-thirds majority.

Finally, we would like to echo the point made by the representative of the United Kingdom with regard to looking at all three proposed amendments as a package.

Mrs. Bonilla Alarcón (Guatemala) (*spoke in Spanish*): Guatemala joined in co-sponsoring the amendment proposed by the representative of Brazil on behalf of a number of States (A/75/L.90). Allow me to mention some considerations that are of relevance and concern to my delegation.

Draft resolution A/75/L.87/Rev.1 takes into account many interesting details that my delegation can support. We are concerned that the draft resolution was submitted without the support of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, established by resolution 74/247. Taking also into account the fact that the draft resolution was not discussed or agreed as a whole by the membership, my delegation supports the draft amendment proposed by Brazil, which favours a two-thirds majority in decision-taking.

Guatemala, which respects the rule of law and, through its Constitution, protects and safeguards human rights and the integrity of all its inhabitants, believes that the prevention of crime in the area under our consideration is of the utmost importance. Within the open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime and the General Assembly, States Members of the United Nations have acknowledged cybercrime as a common transnational challenge that does not recognize borders and that requires broader and more comprehensive international cooperation to combat such crime.

While there are different approaches and views regarding the development of a legal framework to prevent and combat cybercrime, we believe that the process for the implementation of resolution 74/247, on countering the use of information and communications technologies for criminal purposes, is very important and should be transparent, open and inclusive. An undertaking such as the establishment of a new legal instrument to strengthen such an international framework requires a more comprehensive approach that reflects the various views and positions of Member States, while, at the same time, enhancing its effectiveness.

Mr. Tito (Kiribati): Kiribati is very anxious to see this new international treaty coming into effect as soon as possible. However, I know that, when we talk about the United Nations process, it may take 10 or 20 years, but I hope that it could be less than that.

Cybercrime has in fact affected my Government. Six years ago, some \$0.5 million was sent from Kiribati to another country where a ship was being built. That money never reached that company. I will not mention which company and which country, but I am now tasked to try and be part of the United Nations, where I should find where that money landed up. For a small country, \$0.5 million is very serious. The Government therefore is now very careful, and it takes more time to send money out.

I am just talking about the mischievousness. I know that this is not about the substance. Kiribati is therefore highly committed to seeing such a measure become a reality — the new law to really counter people. I know it is not many people but some individuals who are so smart to have acquired the knowledge of science and technology to such a point that none of us can catch them. Maybe a few people will catch a few people. In

my country we train in information technology and so on. We ask them: Can you catch such guys? They say: No, it is beyond us. They are somewhere out in the system, in the world. That money has gone somewhere.

For us, this instrument is therefore very important. I am now very confused because I can see so many viewpoints not coming together. It looks as if we are moving apart. Let us hope that we come together.

Let me impart a little wisdom from my society, where we never vote. In my society, we do not vote. We can stay on and on for days and days when something is so serious. We keep on talking as a village until we come together, and we clap happily together and celebrate that decision. In my society, when something is so serious, the sun, the moon and the tide can wait. But I know that in other systems, in the United Nations system, Member States believe in time. Time is like a tap. The time is up. We must vote.

I am only sharing my own passion in these negotiations. We want a treaty to result that will be applauded and celebrated by every human being on the planet, not just the big or the powerful countries, but everyone, because, as I said, we are already affected by technology and knowledge that are not available to us. We are now trying to catch up, but the knowledge and technology have been built and stored by the industrial countries — indeed, by very powerful and very knowledgeable people out there somewhere. They will continue to attack us — not just our Government resources, but individuals as well. I can tell stories about many individuals who have wanted to commit suicide just because somebody got into their systems and started doing things. I would therefore support the Russian draft resolution and all amendments that were submitted to improve it.

I would like to offer additional wisdom from the women of Kiribati. Do members see my necktie? It is woven together from different threads. When Kiribati women do not agree on which thread to use in making a necktie, they bring all their threads, put them together in a pattern, and everybody is happy. I hope that we can weave all these beautiful proposals together. It will not be anything angelic, of course, since we are all human. Is it even possible?

I am new in this Assembly; I have been here only four years. Is it possible to put a hold on the process, have another meeting, call the people who

are in conflict now and give them time to weave the different elements?

I support the Russian draft resolution as well as the Brazilian, Caribbean and United Kingdom amendments. That is my thinking. I do not have experts to advise me, but I have been making laws for 30 years. That is what we do in our parliament. If there are conflicting elements, we try to weave the different elements into a draft law that is going to be crafted and eventually amended.

I speak today from that perspective. I hope that what I am saying makes sense. I hope that we can find a way forward. That is the position of Kiribati in relation to this issue.

Mr. González Behmaras (Cuba) (*spoke in Spanish*): My delegation would like to make a few comments in view of the very interesting debate that has taken place over the last few days on this issue, as well as during the Ad Hoc Committee organizational session held between 10 and 12 May in New York.

I must say that in these explanations of vote today we have been replicating a substantive debate on what we had been discussing in Vienna and New York, which gave some of us the opportunity to follow this process for a longer period of time. We have before us a text that is not the preference of either side of the debate but was the result of a fragile compromise reached in the organizational session of the Ad Hoc Committee. That fragile compromise, I would reiterate, does not meet expectations of either side of the discussion, which is often the case with compromises. However, in the view of our delegation, the draft resolution before us — A/75/L.87/Rev.1 — is the best possible alternative, taking into account the draft amendment proposed by the Caribbean Community (CARICOM) (A/75/L.91).

In the view of our delegation, as we have repeatedly stated, the draft amendment proposed by CARICOM addressed the only outstanding issue in that fragile compromise. My delegation therefore calls upon the Assembly to vote in favour of the draft amendment submitted by CARICOM, which my delegation has co-sponsored, and to vote against the rest of the draft amendments (A/75/L.90 and A/75/L.92), in particular with regard to the two-thirds amendment, which unnecessary and an obstacle to the commencement of the work of this body.

I should recall that, under the rules of procedure of the General Assembly, the possibility of requesting a two-thirds majority vote is part of our working rules. Therefore, to state expressly, at an early stage of the work of this body, which we are trying to push forward, would imply an unnecessary effort, since we are already saying that the rules of procedure are fully applicable, including the possibility of taking decisions by two thirds. Therefore, it seems to us that this is a discussion that is unfortunately trying to delay the start of the process of substantive discussion. Accordingly, my delegation cannot support either A/75/L.90 and A/75/L.92, which are the two draft amendments other than the one proposed by CARICOM.

The Acting President: We have heard the last speaker in explanation of vote before the voting.

Before proceeding further, I would like to inform the Assembly that the draft resolution A/75/L.87/Rev.1 and the draft amendments A/75/L.90, A/75/L.91 and A/75/L.92 have closed for e-sponsorship.

I now give the floor to the representative of the Secretariat.

Mr. Nakano (Department for General Assembly and Conference Management): I will address the additional sponsors of all four L. documents one by one.

First, with respect to A/75/L.87/Rev.1, in addition to those delegations listed in the document, the following countries have become sponsors of the draft resolution: Cameroon, Gabon and Eritrea.

With respect to A/75/L.90, I should like to announce that, since the submission of the draft amendment, and in addition to the delegations listed in the document, the following countries have also become sponsors of the draft amendment: Canada, Chile, Colombia, Costa Rica, Dominican Republic, Guatemala, Honduras, Iceland, Israel, Japan, Norway, Republic of Korea, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

With respect to A/75/L.91, I should like to announce that, since the submission of the draft amendment, and in addition to the delegations listed in the document, the following countries have also become sponsors of the draft amendment: the Plurinational State of Bolivia, Cameroon, Comoros, Costa Rica, Cuba, Eritrea, Gabon, Gambia, Indonesia, Morocco, Nicaragua and Pakistan. With respect to draft amendment A/75/L.92, and in addition to the delegations listed on that document,

the following countries have also become co-sponsors of the draft amendment: Australia, Brazil, Canada, Chile, Costa Rica, Honduras, Iceland, Israel, Norway, the Republic of Korea, Sierra Leone, Ukraine and the United States of America.

The Acting President: Before we proceed to take a decision on draft resolution A/75/L.87/Rev.1, in accordance with rule 90 of the rules of procedure, the Assembly shall first take a decision on draft amendments A/75/L.90, A/75/L.91 and A/75/L.92, one by one.

We first turn to draft amendment A/75/L.90. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Barbados, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nigeria, North Macedonia, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay

Against:

Algeria, Angola, Armenia, Azerbaijan, Belarus, Bolivia (Plurinational State of), Burkina Faso, Burundi, Cambodia, China, Cuba, Democratic People's Republic of Korea, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Guinea, India, Jamaica, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Mauritania, Mauritius, Mongolia, Namibia, Nicaragua, Pakistan, Russian Federation, Saint Lucia, Saint Vincent and the

Grenadines, Senegal, Serbia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Venezuela (Bolivarian Republic of), Zimbabwe

Abstaining:

Bahamas, Bahrain, Bangladesh, Belize, Botswana, Brunei Darussalam, Chad, Comoros, Djibouti, Gambia, Ghana, Indonesia, Jordan, Kazakhstan, Kuwait, Lebanon, Libya, Maldives, Mali, Mozambique, Nepal, Niger, Oman, Qatar, Rwanda, Saudi Arabia, Singapore, Togo, United Arab Emirates, Viet Nam, Yemen, Zambia

Draft amendment A/75/L.90 was adopted by 88 votes to 42, with 32 abstentions.

The Acting President: The Assembly will now take a decision on draft amendment A/75/L.91.

May I take it that the Assembly wishes to adopt draft amendment A/75/L.91?

Draft amendment A/75/L.91 was adopted.

The Acting President: The Assembly will now take a decision on draft amendment A/75/L.92. A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Barbados, Belgium, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Jordan, Kiribati, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Nigeria, North Macedonia, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Samoa, San Marino, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Algeria, Angola, Belarus, Bolivia (Plurinational State of), Burkina Faso, Burundi, China, Cuba, Democratic People's Republic of Korea, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Guinea, Jamaica, Kyrgyzstan, Libya, Mauritania, Mauritius, Nicaragua, Pakistan, Russian Federation, Saint Lucia, Senegal, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Turkey, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe

Abstaining:

Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Belize, Bosnia and Herzegovina, Brunei Darussalam, Cambodia, Chad, Comoros, Côte d'Ivoire, Djibouti, Dominica, Gambia, Ghana, Guyana, Indonesia, Iraq, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Madagascar, Malaysia, Mali, Mongolia, Mozambique, Namibia, Nepal, Niger, Oman, Philippines, Rwanda, Saudi Arabia, Singapore, South Africa, Sudan, Togo, Trinidad and Tobago, United Arab Emirates, Uruguay, Yemen, Zambia

Draft amendment A/75/L.92 was adopted by 82 votes to 33, with 43 abstentions.

[Subsequently, the delegation of Saint Kitts and Nevis informed the Secretariat that it had intended not to participate.]

The Acting President: Since the draft amendments contained in documents A/75/L.90, A/75/L.91 and A/75/L.92 have been adopted, we shall proceed to take a decision on draft resolution A/75/L.87/Rev.1, as amended.

The Assembly will now take a decision on draft resolution A/75/L.87/Rev.1, entitled "Countering the use of information and communications technologies for criminal purposes", as amended.

May I take it that the Assembly decides to adopt draft resolution A/75/L.87/Rev.1, as amended?

Draft resolution A/75/L.87/Rev.1, as amended, was adopted (resolution 75/282).

The Acting President: Before giving the floor in explanation of vote after the voting, may I remind delegations that explanations are limited to 10 minutes and should be made by delegations from their seats.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): We are grateful to the General Assembly for the adoption of draft resolution A/75/L.87/Rev.1. We have taken an important step forward towards a common goal — developing a universal convention — and we hope that the elaboration of a joint decision to counter cybercrime under the auspices of the United Nations will lay the groundwork for transparent and effective international cooperation in fighting that threat.

At the same time, we regret that the rules and procedures of the General Assembly have been revised.

The two-thirds-majority decision-making rule will significantly complicate work in the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes. However, we are grateful to all countries for their fruitful work and willingness to find solutions to all controversial matters.

Mr. Mohd Nasir (Malaysia): Malaysia actively participated in the organizational session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, held from 10 to 12 May.

On the decision-making process, we believe that Member States should be striving for consensus within the Ad Hoc Committee in order to produce a truly effective global convention countering cybercrime. The rules of procedure of the General Assembly are a well-established framework that provides clear provisions, such as through rule 83 and rule 85, on how certain matters will be decided by a simple majority or a two-thirds majority, respectively.

As such, I would highlight the fact that if we were to follow the rules of procedure of the General Assembly, we could anticipate, moving forward with the process, that Member States might offer different interpretations and arguments on whether we should subscribe to a simple majority or a two-thirds majority every time we need to make an important substantive decision.

Given our collective experience today, at the recent organizational session in May and during the many prior consultations held in Vienna, we believe that this

process really needs a solid framework and foundation. For that reason, we believe that a two-thirds majority for this process will be very much needed.

If consensus can be considered as a global standard for this process, a two-thirds majority is the second-best option for all Member States. With such a high standard for adoption, a draft convention, with its proposed provisions and articles, would need to possess sufficient substantive merits that at least two thirds of States Members of the United Nations could subscribe to and support.

From that perspective, we believe that there is no other option but to engage in quality deliberations moving forward.

We initially preferred New York for all negotiating sessions, given the presence of all States Members of the United Nations, but, after listening to all comments and arguments, we went ahead and expressed our flexibility.

In conclusion, let us remind ourselves of what brought us here today: that is, to begin an important and unprecedented process to produce an international convention on countering cybercrime. But today, although we have yet to begin the actual substantive deliberations, we can already sense that there are diverging views and positions among Member States. Along with many areas of convergence and divergence, we also have our respective priorities, so the idea is to engage in this open and inclusive process with all States Members of the United Nations in order to have a meeting of minds so that we can understand the issues together and learn from various regions and continents.

Moving forward, we hope that the outlines and modalities for the Ad Hoc Committee that have been adopted will allow us to focus on the substantive deliberations moving forward.

The Acting President: Due to the lateness of the hour, the General Assembly will not be able to hear the remaining speakers in explanation of vote after the voting. We will hear the remaining speakers on a day to be announced.

The General Assembly has thus concluded this stage of its consideration of agenda item 112.

The meeting rose at 6.15 p.m.