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## Third Committee

### Summary record of the 50th meeting

Held at Headquarters, New York, on Monday, 18 November 2019, at 3 p.m.

*Chair:* Mr. Braun ..... (Luxembourg)

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The meeting was called to order at 3.05 p.m.

**Agenda item 70: Promotion and protection of human rights** (continued)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (continued) (A/C.3/74/L.41, A/C.3/74/L.42, A/C.3/74/L.43 and A/C.3/74/L.47/Rev.1)

*Draft resolution A/C.3/74/L.41: Enhancement of international cooperation in the field of human rights*

1. **The Chair** said that the draft resolution had no programme budget implications.

2. **Ms. Rodríguez Abascal** (Cuba), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, said that it was recognized in the draft resolution that the strengthening of international cooperation was essential to fully achieve the goals of the United Nations, including the effective promotion and protection of all human rights. It was further recognized that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue in order to strengthen the capacity of States Members to fulfil their human rights obligations for the benefit of all people.

3. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: China, El Salvador, Palau and Russian Federation.

4. *Draft resolution A/C.3/74/L.41 was adopted.*

5. **Ms. Korac** (United States of America) said that her delegation supported increased international cooperation to further protect and promote human rights. However, it disassociated itself from the fifth preambular paragraph because it inappropriately asserted that the enhancement of international cooperation was essential for the effective promotion and protection of human rights. While international cooperation was a useful tool, States had the primary responsibility for the promotion and protection of human rights. States' human rights obligations were not contingent on international cooperation, and the absence of such cooperation could not be invoked to justify a failure to honour those obligations. Similarly, a lack of development could not be invoked to justify any abridgment of human rights. With regard to other references in the draft resolution, the delegation had addressed its concerns in a detailed statement delivered at the Committee's 44th meeting (see A/C.3/74/SR.44).

*Draft resolution A/C.3/74/L.42: Human rights and unilateral coercive measures*

6. **The Chair** said that the draft resolution had no programme budget implications.

7. **Ms. Rodríguez Abascal** (Cuba), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries, said that the Movement was opposed to all unilateral coercive measures, especially when taken to exert political and economic pressure and when used against developing countries. The delegation of Cuba, as Coordinator of the Working Group on Human Rights of the Movement of Non-Aligned Countries, asked Member States to reject the use of such measures by voting in favour of the draft resolution.

8. **Mr. Mahmassani** (Secretary of the Committee) said that China and the Russian Federation had become sponsors of the draft resolution.

9. **Ms. Marin Sevilla** (Bolivarian Republic of Venezuela) said that it was important to denounce the illegal and immoral practice of imposing unilateral coercive measures against developing countries in an attempt to destabilize legally elected Governments. Unilateral coercive measures, which were adopted outside the framework of the Security Council, violated the Charter of the United Nations and threatened stability, world peace and the human rights of peoples who were victims of such criminal actions.

10. Like many countries that had been subject to those measures, Venezuela suffered from the consequences of an economic and financial embargo, a global campaign of disinformation, the instrumentalization of humanitarian aid for political purposes and military threats from the United States, which had led to the confiscation of property and funds in the United States and other countries. Those criminal actions, which were motivated by the desire of the President of the United States to gain control over the natural resources of her country, had worsened an already difficult social and economic situation. Her delegation would therefore vote in favour of the draft resolution.

11. **Ms. Korac** (United States of America), speaking in explanation of vote before the voting, said that her delegation would vote against the draft resolution, as it had no basis in international law and did not advance the cause of human rights. It was a well-known and long-standing principle that States had the responsibility to protect and promote human rights and fundamental freedoms. The text of the draft resolution was a direct challenge to the sovereign right of States to freely conduct their economic relations and to protect their legitimate national interests, including with respect to

national security. Furthermore, the text undermined the ability of the international community to respond to offences against international norms. Unilateral and multilateral sanctions were a legitimate, non-violent means to achieve foreign policy and other objectives.

12. *At the request of the representative of the United States, a recorded vote was taken on draft resolution A/C.3/74/L.42.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands, New Zealand, North Macedonia, Norway, Poland, Portugal, Republic

of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

None.

13. *Draft resolution A/C.3/74/L.42 was adopted by 126 votes to 55.*

14. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that, at a time when there was a need for multilateral solutions to international problems, the increasing application and promulgation of unilateral coercive measures was posing a serious threat to global stability. The application of national laws with extraterritorial effects against principles of international law was unlawful and contravened the sovereignty of States. The adoption of unilateral coercive measures to achieve political gains led to the collective and indiscriminate punishment of civilians and was therefore inexcusable. Any measure that hindered access of the civilian population to medical services, education and food should be unequivocally condemned. The main difference between the use of unilateral coercive measures and conventional war was that the former constituted a form of punishment aimed mainly at women, the sick, older persons, the poor and refugees. No excuse could justify civilians becoming hostages to political rivalries.

*Draft resolution A/C.3/74/L.43: Promotion of equitable geographical distribution in the membership of the human rights treaty bodies*

15. **The Chair** said that the draft resolution had no programme budget implications.

16. **Ms. Rodríguez Abascal** (Cuba) introduced the draft resolution on behalf of the Movement of Non-Aligned Countries.

17. **Mr. Mahmassani** (Secretary of the Committee) said that China and the Russian Federation had become sponsors of the draft resolution.

18. **Mr. Tanner** (Finland), speaking on behalf of the European Union and its member States in explanation of vote before the voting, said that it was important to promote equitable geographical distribution in the membership of the human rights bodies. However, the human rights treaties already contained provisions on the composition of their treaty bodies, some of which made a reference to the need to ensure equitable geographical distribution, while others did not. It was

not up to the General Assembly to modify those provisions.

19. Experts were elected to the treaty bodies in their personal capacity, rather than as representatives of States or regional groups. Decisions on who should be elected should therefore be based on the criteria set out in the relevant treaty and on the merits of the candidate. The European Union opposed the idea of a quota system. In its resolution [68/268](#), the General Assembly reaffirmed that the independence and impartiality of members of the human rights treaty bodies was essential for the performance of their duties, yet that important point was not included in the draft resolution. For those reasons, the European Union would vote against the draft resolution.

20. **Ms. Korac** (United States of America) said that her Government had concerns with the general premise of the draft resolution, as well as with specific aspects of the text. Accordingly, her delegation requested that a recorded vote be taken and would vote against the draft resolution.

21. *At the request of the representative of the United States, a recorded vote was taken on draft resolution [A/C.3/74/L.43](#).*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri

Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Brazil.

22. *Draft resolution [A/C.3/74/L.43](#) was adopted by 130 votes to 52, with 1 abstention.*

*Draft resolution [A/C.3/74/L.47/Rev.1: Human rights and cultural diversity](#)*

23. **The Chair** said that the draft resolution had no programme budget implications.

24. **Ms. Rodríguez Abascal** (Cuba) introduced the draft resolution on behalf of the Movement of Non-Aligned Countries.

25. **Ms. Korac** (United States of America) said that her delegation was concerned that the concept of cultural diversity as set out in the draft resolution could be misused to legitimize human rights abuses. Efforts to promote cultural diversity should not infringe on the enjoyment of human rights. By raising the concept of cultural diversity to the level of an essential objective, the draft resolution misrepresented the relationship between cultural diversity and international human rights law. Furthermore, her delegation did not agree that the United Nations Educational, Scientific and Cultural Organization should support initiatives aimed at promoting intercultural dialogue on human rights and did not support the request for the preparation of a report on the implementation of the draft resolution. Accordingly, her delegation requested that a recorded

vote be taken and would vote against the draft resolution.

26. *At the request of the representative of the United States, a recorded vote was taken on draft resolution A/C.3/74/L.47/Rev.1.*

*In favour:*

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eswatini, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands, New Zealand, North Macedonia, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain,

Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

27. *Draft resolution A/C.3/74/L.47/Rev.1 was adopted by 131 votes to 55.*

*Statements made in exercise of the right of reply*

28. **Ms. Mehdiyeva** (Azerbaijan) said that her delegation wished to respond to the statement made previously by the representative of Armenia on draft resolution [A/C.3/74/L.40/Rev.1](#). In particular, the remarks made on the twenty-second preambular paragraph of that draft resolution, which was merely a technical update recalling the Eighteenth Summit of Heads of State and Government of Non-Aligned Countries held in Baku on 25 and 26 October 2019, were a vivid illustration of the unconstructive and distorted reasoning of that delegation, which repeatedly resorted to confrontation and attempted to mislead the international community by putting forward senseless arguments crafted for a domestic audience. The only abusive narrative expressed during discussions on the draft resolution was in fact by the delegation of Armenia.

29. In the outcome document of the Summit, the Heads of State and Government of the Non-Aligned Countries had emphasized the inadmissibility of the acquisition of territory by force and had reaffirmed that no State should recognize as lawful the situation resulting from the occupation of the territories of Azerbaijan nor render aid or assistance to maintain that situation, including by carrying out economic activities in those territories. They also encouraged the parties to continue to seek a negotiated settlement to the conflict, taking into account the territorial integrity, sovereignty and international recognized borders of the Republic of Azerbaijan. She thanked the members of the Non-Aligned Movement for their principled position and stressed that those paragraphs were a factual reflection of the ongoing policy of aggression and territorial claims by Armenia against Azerbaijan. That policy was a threat to peace and security in the region and one of the main causes of the dire economic situation facing her country.

30. **Ms. Stepanyan** (Armenia) said that the statement made by the representative of Azerbaijan was another example of false accusations aimed at misleading and distorting the facts. The attempts made by Azerbaijan to misuse its presidency of the Non-Aligned Movement were deplorable. The people of Nagorno-Karabakh had exercised their right to self-determination in full conformity with the existing legal system at the time and

international norms, and the Nagorno-Karabakh conflict was a result of the outright denial of the universally recognized fundamental human right to self-determination. The use of force against the peaceful aspiration of people to exercise their right to self-determination only legitimized such aspirations and deprived the aggressor of any claim to exercise sovereignty over them.

31. The authorities of Azerbaijan, past and present, who had perpetrated mass atrocities against Armenians in Azerbaijan and Nagorno-Karabakh, had consistently conducted policies of intolerance and hatred, including through public glorification of convicted murderers of Armenians who had repeatedly attempted military aggression against Nagorno-Karabakh and bore the direct and immediate responsibility for creating existential risks for the people of Nagorno-Karabakh. The authorities had demonstrated a lack of commitment to the peace process conducted under the auspices of the Co-Chairs of the Minsk Group, the only internationally mandated format for the settlement of the conflict in Nagorno-Karabakh. Armenia firmly supported the inalienable rights of the people of Nagorno-Karabakh to freely determine their political status without limitations and coercion and to freely pursue their economic, social and cultural development. Armenia remained the sole security guarantor of the people of Nagorno-Karabakh.

32. **Ms. Mehdiyeva** (Azerbaijan) said that the statement made by the representative of Armenia was full of falsifications, distortions and misinterpretations, and demonstrated the unwillingness of Armenia to engage in a constructive quest for peace in the region. The situation that Armenia unsuccessfully tried to present as the exercise of the right to self-determination by the Armenian inhabitants of the Nagorno-Karabakh region of Azerbaijan had nothing in common with the principle of self-determination set out in the Charter of the United Nations, the Final Act of the Conference on Security and Cooperation in Europe of 1975 and other international documents. It was well-established that the right to self-determination was recognized as applicable to the peoples of non-self-governing territories and to the people subjected to alien subjugation, domination and exploitation, including those under foreign military occupation. The Armenian ethnic minority group living in the Nagorno-Karabakh region of Azerbaijan did not fit into any of those categories of peoples. Armenia clearly demonstrated who was responsible for undermining regional peace, security and stability by disregarding the resolutions of the Security Council and the General Assembly; continuing to unlawfully occupy the territory of Azerbaijan; deliberately denying the rights of more than 1 million refugees and internally

displaced persons from Azerbaijan to return to their homes; pursuing racist ideologies; and misinterpreting fundamental norms and principles of international law.

33. **Ms. Stepanyan** (Armenia) said that the Government of Azerbaijan failed to recognize the fundamental differences between the real situation of its own country and that of Nagorno-Karabakh, which had a democratically elected Government, a vocal opposition and a vibrant civil society. Unlike Azerbaijan, Nagorno-Karabakh was open to engagement with international institutions. In that regard, Azerbaijan was attempting to hinder access to Nagorno-Karabakh by international organizations, human rights defenders, the media and non-governmental organizations, in a clear demonstration by Azerbaijan that its groundless accusations were merely propaganda. Azerbaijan also continued to dismiss numerous calls resulting from independent investigations and reports by international human rights institutions, experts and monitoring bodies, think tanks, civil society and media organizations, which showcased the deplorable situation of human rights and fundamental freedoms in Azerbaijan, including systematic and endemic corruption; widespread impunity; torture and extrajudicial killings by police and other law enforcement agencies; regular dissemination of intolerance and hatred towards Armenian people at the highest level; a lack of transparency at the governance level; and the prosecution and silencing of any voice of opposition.

**Agenda item 107: Countering the use of information and communications technologies for criminal purposes** (*continued*) ([A/C.3/74/L.11/Rev.1](#) and [A/C.3/74/L.70](#))

*Draft resolution A/C.3/74/L.11/Rev.1: Countering the use of information and communications technologies for criminal purposes (continued)*

34. **The Chair** drew the attention of the Committee to the statement of programme budget implications set out in document [A/C.3/74/L.70](#).

35. **Mr. Kuzmin** (Russian Federation), introducing the draft resolution, said that, given the lack of a universal instrument for countering the use of information and communications technologies (ICTs) for criminal purposes, it was increasingly challenging to address that issue at the international level. In 2018, the General Assembly had adopted resolution [73/187](#), which had marked the beginning of inclusive international dialogue on the issue. Pursuant to that resolution, the Secretary-General had prepared a report

(A/74/130) bringing together the views of Member States on the challenges faced by them in that area. The report had shown that, although that type of crime was transnational in nature, the relevant legislation of States was not harmonized.

36. There was a clear need to deepen international cooperation among States in that area and to universalize the issue. That could be achieved through a United Nations convention on countering the use of ICTs for criminal purposes that took into consideration the interests of all countries and was based on the principles of the sovereign equality of States and non-interference in their internal affairs. Such an instrument could help to unify the legislation of States, create channels for quick and effective mutual assistance through law enforcement bodies and lead to the development of a common standard that could provide the impetus for the provision of assistance to developing countries by both donors and the United Nations.

37. Through the draft resolution, the authors had sought to create a platform within the General Assembly for dialogue on such a convention, namely, an open-ended ad hoc intergovernmental committee of experts. Such an approach had been taken in the elaboration of the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime. The draft resolution directly provided that the ad hoc committee should take into consideration existing international and regional instruments, including the Council of Europe Convention on Cybercrime. Regional instruments and the future United Nations convention should mutually complement and strengthen each other in other areas, such as counter-terrorism. The substantive work of the ad hoc committee on the elaboration of the convention would begin in 2021.

38. The era of agreements being made among clubs of countries should give way to a democratic negotiations process that was open, inclusive and transparent. Although the implementation of the draft resolution would cost less than \$200,000, provision had been made for donor funding. The Russian Federation was prepared to provide support, including for the participation of developing countries.

39. **Mr. Mahmassani** (Secretary of the Committee) said that the following delegations had become sponsors of the draft resolution: Armenia, Central African Republic, Congo, Jamaica, India, Jamaica, Saint Vincent and the Grenadines, South Africa and Turkmenistan. He then noted that the following

delegations also wished to become sponsors: Cameroon, Eswatini, Guinea, Nauru, Niger and Uganda.

40. **Mr. Madriz Fornos** (Nicaragua) said that the General Assembly should address issues related to ICTs in the context of international security in a manner that ensured that the needs of developing and developed countries were met in a transparent and inclusive manner. Without an international instrument to regulate ICTs, their misuse in the new digital era could jeopardize international peace and security.

41. Given the transnational nature of cybercrime, States could not counter the use of ICTs for criminal purposes on their own, and regional measures had proved insufficient. His Government would therefore support the establishment of an instrument to counter cybercrime under the auspices of the United Nations, based on the principles of sovereign equality and non-interference in the internal affairs of States. His delegation would vote in favour of the draft resolution.

42. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that his delegation supported the adoption of the draft resolution, aware of the importance of applying international standards to regulate the use of ICTs for criminal purposes, and in particular to protect vulnerable people from human trafficking, terrorism, hate speech and neo-Nazism. His delegation also supported the creation of an open-ended intergovernmental committee of experts with proper geographical representation within the United Nations, the purpose of which would be to draft an international convention to counter the use of ICTs for criminal purposes.

43. **Mr. Liu Yang** (China) said that there was an urgent need for international cooperation and a joint response to the global threat of cybercrime. China supported the development of an international convention on countering cybercrime under the auspices of the United Nations that would be conducive to filling legal gaps in international cooperation and addressing the needs and concerns of all countries, in particular developing countries. China would therefore vote in favour of the draft resolution.

44. **Mr. Varankov** (Belarus) said that, although States had already been working for some time to combat cybercrime at the bilateral and regional levels, there was still no dedicated universal instrument to serve as the basis for cooperation in investigating and countering the use of ICTs for criminal purposes. His delegation was therefore grateful to the delegation of the Russian Federation for its efforts to initiate negotiations within the United Nations that would lead to the elaboration and adoption of a much-needed convention. As the

world stood on the cusp of the fourth industrial revolution, it was only by working together that the ills of the contemporary information society, such as cybercrime, could be overcome.

45. **Mr. Sadnovic** (Indonesia) said that it was alarming that the damages inflicted by cybercriminals in 2018 alone had amounted to \$1.5 trillion. In that context, it was worth questioning whether the existing mechanisms had been able to respond adequately to the scourge of cybercrime. An international instrument created under the auspices of the United Nations, with equal participation of all Member States, would receive robust support. The process to create that instrument should be open, inclusive and gather the concerns of all States; take into account the recommendations and best practices of relevant initiatives in that field, including at the national and regional levels; avoid politicization and focus on the efforts to tackle the common threat of cybercrime and protect public interests; and strengthen the capacity of national authorities to address the use of ICTs for criminal purposes.

46. **Mr. Mack** (United States of America) said that his country was disappointed at the decision of the Russian Federation and its sponsors to press forward with the draft resolution. The adoption of the draft resolution would undermine international cooperation to combat cybercrime at a time when enhanced coordination was essential. Despite intense debate, there had been no consensus among Member States on the need or value of drafting a new treaty. Undertaking work on such an important issue through a divisive and non-inclusive process only served to stifle global efforts to combat cybercrime.

47. The draft resolution was not based on empirical information, and the existing open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime was already tackling the question of whether a new treaty on that issue would be useful. The expert group was still due to discuss the topic of international cooperation. The draft resolution was premature and would undermine the work of the expert group before it had completed its work plan for 2018–2021 and offered its recommendations to Member States. It was inappropriate to make a political decision on a new treaty before the cybercrime experts had given their advice.

48. The draft resolution bypassed the expert-driven, consensus-based process. In that context, and despite promises of a “democratic process”, it could be assumed that treaty negotiations would proceed in the same confrontational and opaque manner. Any such treaty

would be no more than a stack of paper without the endorsement of those Member States that were most frequently the recipients of requests for electronic evidence and international cooperation in cybercrime cases, including the United States.

49. Member States should give the expert group time to complete its work, conduct a stocktaking exercise in 2021 and present its conclusions and recommendations to the Commission on Crime Prevention and Criminal Justice. The Third Committee had recently endorsed that process when it approved by consensus the draft resolution on international cooperation to combat cybercrime (A/C.3/74/L.5).

50. The United States would therefore vote against the draft resolution and urged all other Member States to do the same.

51. **Mr. Tanner** (Finland), speaking on behalf of the European Union and its member States, the candidate countries of the Republic of North Macedonia, Montenegro and Albania, the stabilization process country and potential candidate Bosnia and Herzegovina, as well as Ukraine and Georgia, said that those delegations supported a free, stable and secure cyberspace, in which the rule of law, including human rights and fundamental freedoms, fully applied with a view to promoting the social well-being, economic growth, prosperity and integrity of free and democratic societies. They therefore strongly supported the Convention on Cybercrime and the United Nations Convention against Transnational Organized Crime. The work of the intergovernmental expert group on cybercrime, the Commission on Crime Prevention and Criminal Justice, the United Nations Office on Drugs and Crime and the Committee of the Convention on Cybercrime was paramount for international dialogue and cooperation in tackling cybercrime and ensured that concrete progress was made in criminal investigations around the world. The European Union was funding a range of capacity-building programmes on cybercrime in developing countries.

52. The European Union had participated constructively in the informal consultations that had taken place. Although there had been consensus on the need to step up collective efforts to build capacity to fight cybercrime, States had not agreed on the need for a new international instrument. Moreover, no preparatory work had been undertaken at the General Assembly or in the subsidiary bodies recommending the establishment of a working committee on a new convention. Without the necessary preparation and consensus, the process to negotiate a new international

instrument would be highly divisive and hinder effective cooperation.

53. The proposal to establish the negotiation process in New York did not take fully into account the highly technical nature of cybercrime and the complexity of legislative and regulatory work. In addition, such a process would lead to a duplication of resources and discussions, which were already taking place in expert bodies based in Vienna. In draft resolution [A/C.3/74/L.5](#), the Commission on Crime Prevention and Criminal Justice recognized the intergovernmental expert group on cybercrime as an important platform for addressing issues related to cybercrime. The intergovernmental expert group should remain the main United Nations instrument on the topic of cybercrime at least until the conclusion of its work plan for 2018–2021. For those reasons, the European Union would vote against the draft resolution and called on all other Member States to do the same.

54. **Mr. Leuprecht** (Canada), speaking also on behalf of Australia, Iceland, Liechtenstein, New Zealand and Norway, said that, while those delegations agreed on the importance of the global need to combat cybercrime, they questioned the need to draft an international treaty on cybercrime when global tools to address the issue already existed. Along with the United Nations Convention Against Transnational Organized Crime, the Convention on Cybercrime was a standard by which States modernized their cybercrime laws and represented an important baseline for international cooperation in the Internet age, proving to be compatible with diverse legal and institutional settings.

55. In accordance with draft resolution [A/C.3/74/L.5](#), the mandate of the intergovernmental expert group on cybercrime included examining options to strengthen existing responses and to propose new national or international responses to cybercrime. Under the auspices of the Commission on Crime Prevention and Criminal Justice, the intergovernmental expert group would present its recommendations in 2021. Given the resources invested in the intergovernmental expert group, the important work it had already carried out and the imminence of its recommendations, it would be premature and duplicative for the General Assembly to adopt the draft resolution.

56. **Mr. Horne** (Australia), speaking in explanation of vote before the voting, said that the Indo-Pacific region enjoyed the world's most rapid rate of online connectivity, which was making a significant contribution to economic growth and efforts to eradicate poverty. However, that growth also presented

opportunities for cybercriminals, who were targeting the region disproportionately.

57. His delegation had approached the discussions on the draft resolution in a spirit of commitment to fostering consensus and had put forward a number of proposals aimed at finding solutions that would accommodate all Member States. However, given the division in the international community regarding the need for a new multilateral treaty, States would benefit from a considered effort to better understand the issues and create a joint international response. The General Assembly and the Economic and Social Council had already given a mandate for discussions on cybercrime to take place under the Commission on Crime Prevention and Criminal Justice, its intergovernmental expert group and other forums. An expensive new committee would only serve to distract stakeholders from the common effort to address cybercrime, and duplicate work that was already being carried out by the intergovernmental expert group.

58. Australia could not support a draft resolution that would undermine consensus, lead to a cyberspace that was less open, less free and less secure and diminish existing global efforts that were delivering results. The draft resolution would divert resources from capacity-building and operational efforts, which would present new opportunities for cybercriminals to undermine the security and stability of States.

59. In support of the existing international framework, which was helping States to work in greater partnership than ever before to address the growing threat of cybercrime, Australia would vote against the resolution.

60. *A recorded vote was taken on draft resolution [A/C.3/74/L.11/Rev.1](#).*

*In favour:*

Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Belarus, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, China, Comoros, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mongolia, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the

Grenadines, Senegal, Serbia, Seychelles, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Belize, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Brazil, Costa Rica, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Ecuador, El Salvador, Fiji, Ghana, Grenada, Guatemala, Guyana, Haiti, Mauritius, Mexico, Morocco, Palau, Papua New Guinea, Peru, Philippines, Samoa, Saudi Arabia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uruguay, Zambia.

61. *Draft resolution A/C.3/74/L.11/Rev.1 was adopted by 88 votes to 58, with 34 abstentions.*

62. **Mr. Zavala Porrás** (Costa Rica) said that his delegation had abstained from the vote. It recognized the need to tackle the use of ICTs for criminal purposes through international and judicial mechanisms, while protecting fundamental freedoms and human rights, including the right to privacy. Costa Rica supported international legal bodies, including the United Nations Convention against Transnational Organized Crime and the Convention on Cybercrime, which had assisted States in strengthening national capacities.

63. Costa Rica was working to harmonize its domestic legislation to counter cybercrime with the Convention on Cybercrime. The use of ICTs for criminal purposes had been discussed at the United Nations, including in the framework of the Commission on Crime Prevention and Criminal Justice, which had reaffirmed the need to

bolster existing instruments. The Commission on Crime Prevention and Criminal Justice and the intergovernmental expert group were the specialized, legitimate platforms chosen by Member States to discuss cybercrime. It was important to avoid duplications and to enable the intergovernmental expert group to conclude its work. In addition, consensus had not been reached regarding sensitive concepts such as cyberterrorism, cyberwarfare and the responsibilities of States to protect and prioritize human rights and fundamental freedoms in tackling the issue of cybercrime.

64. **Ms. Suzuki** (Japan) said that the intergovernmental expert group on cybercrime was already discussing approaches to cybercrime and was scheduled to present its recommendations to the Commission on Crime Prevention and Criminal Justice in 2021. It was deeply regrettable that such little effort had been made to reach consensus and to adequately address the concerns raised by Member States during the negotiation process. The process of establishing an ad hoc intergovernmental committee of experts envisaged in the draft resolution was also a cause for concern. The convening of a three-day session to agree on an outline and modalities for its activities, as stated in paragraph 3 of the draft resolution, seemed impracticable, and her delegation feared that due consideration would not be given to the opinions of all Member States, as had been the case during the negotiation of the draft resolution. Her delegation had therefore voted against the draft resolution.

65. **Ms. Kim Jisoo** (Republic of Korea) said that it was necessary to strengthen international cooperation and national efforts to tackle cybercrime. However, it was premature to create a new international convention on cybercrime given that there had not been sufficient discussion to reach consensus on its value or necessity, nor had there been preparatory works in that regard. The draft resolution ran the risk of duplicating existing instruments and ongoing processes in the field of cybercrime, including by the intergovernmental expert group. Her delegation had therefore voted against the draft resolution.

66. **Mr. Solari** (Peru) said that the international community required an international legal framework that took into account the work already done in the area of cybercrime and gave due consideration to freedom of expression and privacy. However, his delegation had abstained from the vote given that it was premature to create a committee with the mandate indicated in the draft resolution and it would be preferable to allow the independent expert group to conclude its exhaustive study on cybercrime.

67. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that, while ICTs created huge potential, their misuse for criminal purposes had become a source of potential risk for the security of individuals and the stability of States. The draft resolution served to draw the attention of the international community to the need not only to effectively combat cybercrime, including by providing technical assistance to developing countries, but also to improve national legislation and to build the capacity of national authorities in order to deal with the issue. His delegation welcomed the idea of establishing a comprehensive international convention on countering the use of ICTs for criminal purposes through an open, transparent and inclusive intergovernmental process.

*The meeting rose at 4.40 p.m.*