

## Working document of the informal open-ended meeting on Group 4

Status: 1 September 30 August 2023

### Article 3. Scope of application

1. This Convention shall apply, in accordance with its terms, to the [prevention ~~(delete: Israel)~~ ~~(retain: Indonesia)~~, ~~[suppression, (Russian Federation, Nicaragua, Syria, Venezuela, DPRK, Belarus, Eritrea) (delete: United States, Liechtenstein, United Kingdom, Caricom, Ecuador, Rep. of Korea, Japan, EU and mS, Norway, Australia)]~~ investigation and prosecution of the offences established in accordance with ~~[articles 6 to 16 (delete: China, India, Nigeria, Yemen, Russian Federation, Venezuela, Pakistan, Syria, Iran, Namibia, DPRK, Nicaragua, Eritrea)]~~ ~~[of and serious crime as defined in (Egypt, Côte d'Ivoire, Ghana, Algeria, El Salvador, India)]~~ this Convention, including the freezing, seizure, confiscation and return of the proceeds of such offences ~~[as well as technical assistance and international cooperation (Senegal)].~~ ~~[Retain original: EU and its member States, Argentina, Algeria, New Zealand, Norway, Caricom, Chile, Dom. Rep, Albania, Rep. of Korea, Switzerland, Liechtenstein, El Salvador, Peru, Ecuador, Morocco, US, Japan, Australia, Singapore, Philippines].~~

[Alt1. This Convention shall apply, in accordance with its terms, to the prevention, investigation and prosecution, as well as freezing, seizure, confiscation and return of the proceeds of the offences established in accordance with this Convention. (Brazil, Pakistan, Peru, Viet Nam, Iran, Paraguay, Indonesia, Syria, China, Nigeria, Venezuela, Angola, Malaysia, Algeria, South Africa, Egypt, Namibia, Tanzania) (Delete: EU and mS, US, Switzerland, Albania, Australia, UK)]

[Alt2. ~~(Co-Chair's proposal)~~ This Convention shall apply, in accordance with its terms, to the prevention, investigation and prosecution of the criminal offences established in accordance with this Convention including the freezing, seizure, confiscation and return of the proceeds from such offences. (India, Malaysia, Algeria)]

2. This Convention shall also apply to the collecting, ~~[obtaining, preserving and sharing (delete: United States, Japan, Canada, United Kingdom, EU and member States. Retain original: Iran, Russian Fed. Caricom, China, Venezuela)]~~ of ~~[information or (India, China, Iran, Russian Fed.) (delete: US, UK)]~~ evidence in electronic form ~~[on any offences (Russia, Venezuela) alt: of serious crimes (United States, Georgia, Canada, Israel, United Kingdom, Iran, Australia) of any offence (India, Morocco, Russian Fed.)],~~ ~~[as provided for in the relevant articles of this Convention (delete: India, Iran, Russian Fed.)] [including in article 17 (Egypt, Viet Nam, Russian Federation, Algeria, DPRK)]~~ ~~[for offences established in accordance with articles 6 to 16 of this Convention (Singapore)].~~ ~~[Retain original para: Nigeria] [Retain original: EU and its member States, Lebanon, Guatemala, CARICOM, Liechtenstein, Canada, Kenya, Chile, Ghana, Malaysia, Colombia, Peru, Rep. of Korea, Switzerland, Ecuador, Albania, Tanzania, Indonesia, Türkiye, Thailand, New Zealand, Norway, Caricom, Pakistan, Australia, Israel] [and taking into account domestic laws (Yemen, Eritrea)]~~

Retain original: Argentina, Algeria

[2 alt. *Co-Chair's proposal*] This Convention shall also apply to the collecting, obtaining, preserving and sharing of evidence in electronic form of offences established in accordance with this Convention and of criminal offences with a penalty of three years or more including, when applicable, criminal offences established with applicable United Nations conventions and protocols, when committed through the use of [a computer system] [an information and communications technologies device](India, Malaysia, Algeria)]

[3. Nothing in this Convention or its interpretation or application by States shall permit or facilitate repression or suppression of political activity, expression, conscience, opinion, belief, assembly or association; or permit or facilitate discrimination [or persecution based on personal characteristics (delete: Nigeria)]. (Canada, New Zealand, Norway, EU and mS, Switzerland, US, Australia, Liechtenstein, Albania, UK, Chile). [Delete para (Iran, Russian Fed., China, India, Malaysia, Pakistan, Caricom)]. [The exercise of the rights provided for in this Convention carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by the law and are necessary: (a) for respect of the rights or reputations of others (b) for the protection of national security or public order or public health or morals. (Egypt, Iraq, Malaysia, Iran – as separate provision) (delete: US, Canada, EU and mS, New Zealand, Pakistan, Caricom)]

[3 alt. Nothing in this Convention and its interpretation or application by States shall undermine international cooperation in criminal matters or permit discrimination against the legal system of States (China, Russian Fed., Iran) (Delete: Canada, EU and mS, India, New Zealand, US, Pakistan).]

[Art 16 bis. Prohibition of Incitement to Violence

Each State Party shall adopt legislative and other measures as may be necessary to establish as criminal offences under its domestic law, the dissemination or advocacy of national, racial or religious hatred, threat and insult that constitute incitement to discrimination, hostility or violence or otherwise making available racist and xenophobic material through [an information or communications technology system [alt: a computer system (Azerbaijan)]:

Person for the reason that they belong to a group, distinguished by race, colour, descent or national or ethnic origin as well as religion if used as a pretext for any of these factors, or

(ii) A group of persons which is distinguished by any of these characteristics. (Pakistan, Russian Federation, Iran, Turkiye, Venezuela, Malaysia, China, Egypt, Saudi Arabia, Syria, Indonesia, Bahrain, Azerbaijan, Iraq, Qatar, Malaysia) (delete: Caricom, US, EU & mS, New Zealand, Switzerland, Norway, Georgia, Canada, UK, Liechtenstein, Colombia, Japan, Albania, Australia, Chile, Dom. Rep., Israel)]

#### *Article 17. Offences relating to other international treaties*

1. States Parties shall [adopt such legislative and other measures as may be necessary to (delete: Japan)] ensure that [criminal (US, EU and its mS, Japan, Australia, Israel)] offences established in accordance with applicable international–United Nations [delete: Russian Fed., Belarus; alt: international instruments (Russian Fed.)] conventions and protocols to which they are parties [also apply alt: are also established as criminal offences under its domestic law (Egypt, Iran, Nicaragua, Iraq) (retain original: United States, Australia)] [alt: apply as an aggravated form (Cuba)] when committed through the use of [a

computer system] [an information and communications technology device].  
~~[delete article: Costa Rica, Dominican Rep., Lebanon, Pakistan, Morocco, Rep. of Korea, Syria. Retain original: Egypt, Argentina]~~ [Retain article: Nigeria, South Africa, Tanzania]

~~[2. Each State Party may reserve the right to make a specific reservation in which international convention the first paragraph of this article is not applicable. Each State Party shall consider restricting such reservation to enable the broadest application. (Paraguay)]~~

[Alt1: States Parties shall ensure that [criminal (US, EU and its mS, Japan, Albania, Australia, Israel)] offences established in accordance with [applicable United Nations conventions and protocols (alt: international instruments (Russian Fed.)) to which they are parties are [punishable also alt.1: also considered as criminal offences under domestic law (Brazil, Egypt); alt.2: criminalized (Syria)] when committed through the use of [a computer system] [an ICT device]. (EU and its member States, Lebanon, United States, Guatemala, Viet Nam, Japan, Mexico, Georgia, Liechtenstein, Canada, Israel, Senegal, Chile, Ghana, Colombia, Peru, Singapore, Switzerland, Ecuador, United Kingdom, Türkiye, Norway, New Zealand, Caricom, Malaysia, Australia, Algeria, El Salvador, Albania)]

[Alt2: States Parties shall adopt such legislative and other measures as may be necessary to ensure that offences other than those stipulated in article 6 to article X of this Convention, established in accordance with applicable [United Nations conventions and protocols (alt: international instruments (Russian Fed)), [or under domestic law (delete: Malaysia)], when committed [primarily (delete: Iran)] through the use of an information and communications [technology device alt: technologies (Russian Fed., Venezuela, Syria, Belarus)] [also constitute criminal offences [under this chapter alt: to which this Convention applies] (Russian Fed., Venezuela, Syria, Belarus)]. (China, Russian Fed., Iran, Syria, Venezuela) (delete: EU and its mS, Australia)]

[Alt3. Nothing in this article shall be interpreted as establishing offences under this Convention. (Caricom, Australia, UK, New Zealand)]

[3. Where State Parties decide to establish any offence in accordance with applicable [international conventions and protocols] [United Nations conventions and protocols], those State parties may use this Convention as a basis for international cooperation for the purpose of investigations, prosecution and judicial proceedings or the collection of evidence in electronic form. (Caricom) (delete: US, UK, EU and mS, New Zealand)]

[4. This Convention shall not preclude a State Party from establishing as an offence any other unlawful act committed intentionally by means of information and communications technologies that causes significant damage. (Russian Fed.) delete (US, Australia, EU and mS)]

17bis. Each State Party shall adopt in accordance with its domestic law such legislative and other measures as may be necessary to establish as criminal offences, when committed by means of information and communications technologies, the commission of terrorist acts, the incitement, recruitment or other involvement in terrorist activities, the advocacy and justification of terrorism or the allocation or provision of funds for its financing, training for terrorist acts, the facilitation of communication between terrorist organizations and their members, including the establishment, publication or use of a website

or the provision of logistical support for perpetrators of terrorist acts and the dissemination of methods for making explosives employed in particular in terrorist acts [, and the spreading of strife, sedition, hatred or racism (Russian Fed.)] (Egypt, Russian Fed., Turkiye, Nicaragua, DPRK, Belarus) (delete: Switzerland, EU and mS, US, Norway, New Zealand, Georgia, Canada, Albania, Australia, Chile, Dom. Rep., Rep. of Korea, Singapore, Israel)

[17ter. Incitement to subversive or armed activities

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law a call issued by means of information and communications technologies for subversive or armed activities directed towards the violent overthrow of the regime of another State. (Russian Fed., Nicaragua, Egypt, Eritrea, DPRK)] (delete: Switzerland, EU and mS, US, Norway)

[17quater. Extremism-related offences

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the distribution of materials that call for illegal acts motivated by political, ideological, social, racial, ethnic or religious hatred, the advocacy and justification of such acts and the provision of access to such materials by means of [a computer system] [information and communications technology system/device]. (Russian Fed., Nicaragua, Egypt, Eritrea, DPRK, Nigeria)] (delete: Switzerland, EU and mS, US, Norway)]

[17quinquies. Denial, approval, justification or rehabilitation of genocide or crimes against peace and humanity

Each State Party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the [computer-related] [information and communications technology-related] intentional dissemination of materials that deny, approve, justify or rehabilitate actions that amount to genocide or crimes against peace and humanity, established by the Judgment of the International Military Tribunal formed under the London Agreement of 8 August 1945. (Russian Fed., Nicaragua) (delete: Switzerland, EU and mS, US, Norway)]

[17sexies. Terrorism-related offences

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed by means of information and communications technologies, the commission of terrorist acts, the incitement, recruitment or other involvement in terrorist activities, the advocacy and justification of terrorism or the collection or provision of funds for its financing, training for terrorist acts, the facilitation of communication between terrorist organizations and their members, including the establishment, publication or use of a website or the provision of logistical support for perpetrators of terrorist acts, the dissemination of methods for making explosives employed in particular in terrorist acts, and the spreading of strife, sedition, hatred or racism. (Russian Fed., Nicaragua, Egypt, Eritrea, DPRK, Nigeria) (delete: Switzerland, EU and mS, US, Norway)]

[17septies. Offences related to the distribution of narcotic drugs and psychotropic substances

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, illicit trafficking in narcotic drugs and psychotropic substances and materials

necessary for their manufacture through the use of [an information and communications technology system/device] [a computer system]. (Russian Fed., Nicaragua) (delete: Switzerland, EU and mS, US, Norway)]

[17octies. Offences related to arms trafficking

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, illicit trafficking in arms, ammunition, explosive devices and explosive substances by means of information and communications technologies. (Russian Fed., Nicaragua, Egypt, Eritrea) (delete: Switzerland, EU and mS, US, Norway)]

[17novies. Illegal distribution of counterfeit medicines and medical products

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, the intentional and illegal distribution of counterfeit medicines and medical products by means of information and communication technologies. (Russian Fed., Nicaragua, Egypt, DPRK) (delete: Switzerland, EU and mS, US, Norway)]

[Delete 17 ter to novies: Norway, NZ, Canada, UK, Albania, Australia, Chile, Dom. Rep., Georgia, Rep. of Korea, Singapore, Israel, EU and mS]

[Re-locate art. 17 before art. 6 (Mexico)] [Re-locate at the end of the chapter: Austria, Canada, Japan, Dom. Rep.]

[Delete 17 and relocate **substance** to Art 35(1) (**Co-Chair's proposal**) (Rep of Korea, India, Malaysia, Algeria)]

#### *Article 23. Scope of procedural measures*

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish the powers and procedures provided for in this chapter for the purpose of [detection, prevention, suppression and (Russian Fed., Venezuela, Syria, Nicaragua, Belarus, DPRK, Eritrea, Belarus) (delete: Dom. Rep., Georgia, US, Caricom, Norway, New Zealand, Rep. of Korea, UK, Canada, EU and mS, Switzerland, Albania, Australia)] [specific: United States, Georgia, Norway, Liechtenstein, Canada, Israel, Ghana, Switzerland, United Kingdom, EU and mS, Japan, Australia, New Zealand, Rep. of Korea, Albania, Caricom, Philippines, India.- Delete: Iran, China, Russia Fed.] criminal investigations or proceedings.

Retain original: Algeria, Caricom, South Africa, Pakistan, Tanzania, Malaysia, Egypt, Indonesia, Viet Nam, Iraq, Zambia

[Alt1. (**Co-Chair's proposal**) Each State Party shall adopt such legislation and other measures as may be necessary to establish its powers and procedures provided for in this Chapter for the purpose of [specific] criminal investigations or proceedings. **two chairs** (delete: Russian Fed.)]

2. Except as provided otherwise in this Convention, each State Party shall apply the powers and procedures referred to in paragraph 1 of this article to:

(a) The criminal offences established in accordance with [articles 6 to 16 (delete: China, India, Syria, Nigeria, Pakistan, Venezuela, Iran, Russian Fed., Viet Nam, DPRK, Retain: Morocco, Japan, Caricom)] of this Convention [and serious crimes as defined by this Convention (Egypt, Pakistan, Nigeria, India, Iran)]; [Retain original: EU and its member States, Lebanon, United States, Georgia, Norway, Liechtenstein, Canada, Kenya, Morocco, Rep. of

Korea, Switzerland, Tanzania, Argentina, Australia, Philippines] [merge sub-  
paras (a) and (b): Yemen]

Retain original: Algeria, Caricom, South Africa, New Zealand, Rep. of Korea,  
Tanzania, UK, Malaysia, Japan, Chile

[2(a) alt. (Co-Chair's proposal) The criminal offences established in accordance  
with this Convention. (India, Malaysia, Algeria)]

[2(a) bis. Serious crime as defined by this Convention (Iran)]

(b) Other [criminal (delete: Russian Federation, Nicaragua, Belarus.  
Retain original: United States, Cote d'Ivoire, Senegal, United Kingdom,  
Argentina, Caricom, Australia, Canada, New Zealand, Norway, Albania)]  
offences committed by means of [a computer system] [an information and  
communications technology device] [as established in accordance with article  
17 and [x] this Convention (Iran)]; and [delete subparagraph: EU and mS,  
Lebanon, Georgia, Singapore, Norway, Liechtenstein, Canada, Malaysia,  
Switzerland, Albania, Chile, Dom. Rep., New Zealand, Australia]

Retain original: Algeria, Caricom, South Africa, Egypt, China, Tanzania, UK,  
Japan, Indonesia, Venezuela, Viet Nam, Zambia

(c) The collection [obtaining, preservation and sharing (India, Iran,  
Algeria, Pakistan, Russian Fed., Iraq, Viet Nam, Egypt, Venezuela)] of evidence  
[including (Russian Federation, Nicaragua, Venezuela, Belarus)] in electronic  
form of ([any delete: Iran] [criminal delete: Russian Federation, Iran, Belarus,  
Retain original: United States, Liechtenstein, Switzerland] offence [of  
paragraphs (a) and (b) (Iran)] (delete arts 6 to 16: Syria, Venezuela) [offences  
established in accordance with this Convention (Kenya)]. [Retain original: EU  
and its member States, Lebanon, CARICOM, Canada, Morocco, Colombia, Rep.  
of Korea, Albania, Tanzania, Indonesia, Argentina, Australia, Switzerland]

Retain original: Algeria, Caricom, South Africa, Chile, Dom. Rep., Tanzania,  
Malaysia, Japan, EU and mS, Zambia

3. (a) Each State Party may reserve the right to apply the measures referred  
to in article 29 only to offences or categories of offences specified in the reservation,  
provided that the range of such offences or categories of offences is not more  
restricted than the range of offences to which it applies the measures referred to  
in article 30. Each State Party shall consider restricting such a reservation to  
enable the broadest application of the measure referred to in article 29;

(b) Where a State Party, owing to limitations in its legislation in force at  
the time of the adoption of the present Convention, is not able to apply the  
measures referred to in articles 29 and 30 to communications being transmitted  
within a [computer system] [information and communications technology  
device] of a service provider, which:

- (i) Is being operated for the benefit of a closed group of users; and
- (ii) Does not employ public communications networks and is not  
connected with another [computer system] [information and  
communications technology device], whether public or private;

that State Party may reserve the right not to apply these measures to such  
communications. Each State Party shall consider restricting such a reservation  
to enable the broadest application of the measures referred to in articles 29 and  
30. [delete paragraph: Singapore, Malaysia]

Retain original: Argentina, Caricom, Pakistan

*Article 35. General principles of international cooperation*

1. States Parties shall cooperate with each other in accordance with the provisions of this Convention, as well as other applicable international [legal (China, India, Russian Fed., Iran, Eritrea) (delete: Caricom, US)] [binding (Iran)] instruments on international cooperation in criminal matters, and domestic laws, for the purpose of

(a) [detection, [prevention (Egypt Iran, India, Venezuela, Pakistan, Russian Fed.)], suppression (Russian Fed., Nicaragua, DPRK, Belarus)] investigations, prosecutions and judicial proceedings concerning offences established in accordance with [articles [6 to 16] of (delete: CARICOM, Pakistan, China, India, Nigeria, Yemen, Russian Federation, Venezuela, Syria, Iran, Nicaragua. Retain: Morocco, US, Canada, EU and mS, UK, New Zealand, El Salvador, Australia, Switzerland, Singapore, Turkiye, Colombia, Japan)] this Convention [delete rest of para: Norway] [and serious crimes defined in this Convention (India)] [While States Parties engaging themselves in international cooperation under this Convention may also cooperate among themselves for the purpose of investigations, prosecutions and judicial proceeding concerning offences described in article 17, if they so agree among themselves. (China, Eritrea, Venezuela)] or for

[(a)alt. (Co-Chair's proposal) Investigations, prosecutions and judicial proceedings concerning offences established in accordance with this Convention (India, Malaysia)]

(b) or for the collection, [obtaining, preservation and sharing (delete: Japan, El Salvador, Canada, US, UK) (retain: Iran, Russian Fed., India)] of evidence in electronic form [of offences established in accordance with articles 6 to 16 of this Convention (delete: CARICOM, Pakistan, China, India, Nigeria, Yemen, Russian Federation, Venezuela, Syria, Iran, Nicaragua, DPRK. Retain: Morocco, US, Canada, EU and mS, UK, New Zealand, El Salvador, Australia, Switzerland, Singapore, Turkiye, Colombia, Japan)] [delete rest of para. (Norway)], [as well as of serious crime [as defined in article 2 (h)] (EU and its member States, United States, Australia, India, Japan.) (Delete: Malaysia, Syria, Thailand)], [(including and: Egypt) [offences established in accordance with applicable United Nations conventions and protocols to which they are party, when committed through the use of [computer system][information and communications technologies devices] (Rep of Korea)] those offences covered by article 17 of this Convention when applicable delete: Costa Rica, EU and its member States, Lebanon, Pakistan, Georgia, China, Singapore, Norway, Liechtenstein, Canada, India, Morocco, Rep. of Korea, Switzerland, Albania, Australia, India] [and where applicable removable or making inaccessible the criminal content (Iran, Russian Federation, Nicaragua. Delete: Liechtenstein, Malaysia)] [which may include those offences covered by article 17 of this Convention when applicable (United Kingdom)] [of a criminal offence (CARICOM). (Delete: Canada, United Kingdom)] [of any offence: (Morocco, Russian Fed.)] [and other offences with a maximum penalty of at least three years (Argentina)] [While States Parties engaging themselves in international cooperation under this Convention may also cooperate among themselves for the purpose of investigations, prosecutions and judicial proceeding concerning offences described in article 17, if they so agree among themselves. (China, Eritrea, Venezuela)].

**Commented [DFAT1]:** China has advised that this paragraph is misplaced and should appear after paragraph (b)

**Commented [DFAT2]:** China has advised that this paragraph is misplaced and should appear after paragraph (b)

[b)alt. **Co-Chair's proposal** the collection, obtaining, preservation and sharing of evidence in electronic form of offences established in accordance with this Convention as well as criminal offences with a penalty of three years or more including, when applicable, offences established in accordance with applicable United Nations conventions and protocols to which they are a party, when committed through the use of [a computer system][an information and communications technologies device] (India, Malaysia, Algeria)]

1bis. [States Parties shall consider assisting ~~Member States view the possibility of assisting~~ (Brazil)] each other through legal assistance on criminal and civil matters linked with unlawful actions in the area of use of information and communications technologies as necessary and in line with the requirements of their national legislation (Russian Federation, Syria, Belarus) (Delete: EU and its member States, Lebanon, United States, Japan, Liechtenstein, Canada, New Zealand, Australia, Switzerland, Norway, Georgia, Rep. of Korea, Albania)] [Retain original: Senegal, Malaysia, Argentina]

1ter. [Member States [States Parties (Iran)] [being requested can alt: may (Iran)] refuse such requests for [assistance alt: cooperation (Iran)] when they may harm its sovereignty, its security, its public order, or any other significant public interest. (Russian Federation, Iran, Viet Nam, Laos, Syria, Turkiye, Belarus) (Delete: EU and mS, United States, Japan, Liechtenstein, Malaysia, Rep. of Korea, Australia, Canada, Albania)]

[1alt. States Parties shall afford one another the widest measures of cooperation and assistance with the provisions of this Convention as well as other applicable international legal instruments on international cooperation in criminal matters and the domestic laws, for the purposes of this Convention (China, Russian Fed.) (Delete: Australia, EU and mS, New Zealand, US)]

2. In matters of international cooperation, whenever dual criminality is considered a requirement, it shall be deemed fulfilled irrespective of whether the laws of the requested State Party place the offence within the same category of offence or denominate the offence by the same terminology as the requesting State Party, if the conduct underlying the offence for which assistance is sought is a criminal offence under the laws of both States Parties.

[2 bis. States Parties shall desist and refrain from promulgating and applying unilateral coercive measures which contravene the purposes of the present convention and also hinder international cooperation in countering the use of information and communications technologies for criminal purposes. (Iran, Venezuela, Syria, Russian Fed., DPRK, Eritrea) (Delete: United States, EU and its member States, Australia, India, Canada, Switzerland, Norway, Albania, Chile, Dom. Rep., Rep. of Korea)]

[Each State Party shall, as may be necessary, further cooperate with [service providers/private sector] in order to effectively provide cooperation aiming to ensure the implementation of this Convention (Mexico: move to article 59)]

[2 ter. Nothing in this Convention shall be interpreted as imposing an obligation to cooperate if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, language, religion, nationality, ethnic origin or political opinions, or that compliance with the request would cause prejudice to that person's position for any one of these reasons. (New Zealand, Vanuatu, Norway, Liechtenstein, Colombia, Canada,



[Argentina, US, Brazil, El Salvador, UK, Malaysia, Caricom, Chile, Dom. Rep. (move to art. 40, para.21)], Switzerland, EU and mS, Mexico, Australia. (Delete: ~~Brazil~~, Tanzania, India, Russian Fed., Iran, Pakistan, China, Nigeria, Rep. of Korea)]

Retain original: Algeria, Caricom, Pakistan

*Article 61. Relation with protocols [agreed at informals]*

1. This Convention may be supplemented by one or more protocols.
2. In order to become a Party to a protocol, a State or a regional economic integration organization must also be a Party to this Convention.
3. A State Party to this Convention is not bound by a protocol unless it becomes a Party to the protocol in accordance with the provisions thereof.
4. Any protocol to this Convention shall be interpreted together with this Convention, taking into account the purpose of that protocol.