

10 March 2023

English only

**Ad Hoc Committee to Elaborate a
Comprehensive International Convention
on Countering the Use of Information and
Communications Technologies for
Criminal Purposes****Fifth session**

Vienna, 11–21 April 2023

**Mechanisms of implementation established under selected
multilateral treaties****Note by the Secretariat***Summary*

The present document has been prepared by the Secretariat at the request of Member States made during the third session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes. It contains an overview of the mechanisms of implementation established in the framework of the drug control and crime-related treaties, of which UNODC serves as the secretariat. The document also provides information on mechanisms of implementation established by other multilateral treaties, for further illustrative reference. It aims at facilitating the deliberations of Member States on an implementation mechanism for the future international convention on countering the use of information and communications technologies for criminal purposes by providing a non-exhaustive summary of implementation mechanisms of selected treaties.

I. Introduction

1. During the third session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, Member States deliberated on proposed provisions of, inter alia, the chapter on the mechanism of implementation of the future convention. The proposals of Member States are in documents [A/AC.291/12](#), [A/AC.291/12/Add.1](#), [A/AC.291/12/Add.2](#), [A/AC.291/12/Add.3](#) and [A/AC.291/12/Add.4](#). Based on those proposals, the Chair of the Ad Hoc Committee developed guiding questions to facilitate the Committee's deliberation at its third session, which are contained in document [A/AC.291/13](#). In its section IV, this document includes the following question:



“39. What is the most acceptable option, from the following, for the drafting of the chapter on the mechanism of implementation:

(a) A structure similar to that established by the United Nations Convention against Transnational Organized Crime or the United Nations Convention against Corruption, namely, the mechanism of a Conference of Parties;

(b) A structure similar to that established for the implementation of the three international drug control conventions, namely, the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, which entrusts the Commission on Narcotic Drugs and the International Narcotics Control Board to follow up on convention implementation? For example, implementation of the convention could be considered by the Commission on Crime Prevention and Criminal Justice and be focused on targeted periodic reviews of implementation, as well as under an annual agenda item for the Commission on Crime Prevention and Criminal Justice;

(c) The establishment of a specific body for the review of the implementation of the convention, either independently or under a Conference of Parties (similar to the structure of the Committee on the Peaceful Uses of Outer Space, which has a Scientific and Technical Subcommittee).”

2. During the discussion at the third session on a mechanism of implementation, some Member States proposed that the Secretariat consolidate relevant information on the above-mentioned implementation mechanism models, as established by the international crime and drug-related treaties to which UNODC serves as secretariat, and other relevant multilateral treaties. This document was accordingly prepared for illustrative purposes. It is not exhaustive and is based on publicly available information.

II. Drug control and crime-related international treaties

A. Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol,¹ Convention on Psychotropic Substances of 1971², and United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988³

1. Bodies related to the implementation of the international drug control conventions

3. The three international drug control conventions attribute responsibilities related to their implementation to the Commission on Narcotic Drugs (CND) and the International Narcotics Control Board (INCB). The World Health Organization (WHO) is also assigned limited responsibilities under those treaties, primarily related to the scope of control of narcotic drugs and psychotropic substances.

4. The CND is a functional commission of the Economic and Social Council (ECOSOC), established in 1946,⁴ which precedes the international drug control conventions. Those conventions entrusted the CND with additional functions. The CND is the principal policy-making body of the United Nations on drug-related matters. It is composed of 53 members elected by the ECOSOC for terms of four

¹ United Nations, *Treaty Series*, vol. 976, p. 105. This treaty as amended has 186 parties (as of February 2023).

² United Nations, *Treaty Series*, vol. 1019, p. 175. This treaty has 184 parties (as of February 2023).

³ United Nations, *Treaty Series*, vol. 1582, p. 95. This treaty has 191 parties (as of February 2023).

⁴ ECOSOC resolution 1946/9(I).

years. However, all other Member States are invited to attend the CND meetings as observers.⁵

5. Subject to rules of procedure of the functional commissions of the ECOSOC, the following entities may participate in meetings of the CND and its subsidiary organs, with varying rights of participation: UN specialized agencies, representatives of intergovernmental organizations accorded permanent observer status by the General Assembly and other intergovernmental organizations designated on a continuing basis by ECOSOC,⁶ and non-governmental organizations with consultative status with ECOSOC.⁷ Non-governmental organizations with consultative status with ECOSOC may be present at the public meetings of the CND.⁸

6. The three international drug control conventions authorize the CND to:

(a) Consider all matters pertaining to the aims of the conventions;⁹

(b) Decide on the change in the scope of control of substances by amending the schedules of the 1961 and 1971 Conventions and the tables of the 1988 Convention;¹⁰

(c) Call the attention of the INCB to any matters which may be relevant for its functions and take such action as it deems appropriate on any matter referred to it by the Board;¹¹

(d) Make recommendations for the implementation of the aims and provisions of the conventions;¹²

(e) Draw the attention of non-parties to decisions and recommendations which it adopts under the 1961 and 1988 Conventions, with a view to their considering to taking action in accordance therewith.¹³

7. In addition, as the principal policy-making body of the United Nations on drug-related matters, the CND has a policy-making role that goes beyond the mandates entrusted to it by the international drug control conventions. For example, it has negotiated all international drug policy commitments and has a standing agenda item on follow-up to them. Further, it reviews and analyses the global drug situation, considering the interrelated issues of prevention of drug abuse, rehabilitation of drug users and illicit supply and trafficking in drugs.¹⁴

8. The INCB is an independent treaty body established by the 1961 Single Convention on Narcotic Drugs, composed of 13 individual experts elected by ECOSOC. The term of office of each member is five years, and re-election is

⁵ See information available at: www.unodc.org/unodc/en/commissions/CND/index.html.

⁶ *Rules of Procedure of the Functional Commissions of the Economic and Social Council (E/5975/Rev.1)*, Rules 71 and 74.

⁷ *Ibid.*, Rules 75 and 76.

⁸ *Ibid.*, Rule 75.

⁹ Article 8, Single Convention on Narcotic Drugs; article 17, Convention on Psychotropic Substances; article 21, United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

¹⁰ Article 3, Single Convention on Narcotic Drugs; article 2, Convention on Psychotropic Substances; article 12, United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; see also information available at: www.unodc.org/unodc/en/commissions/CND/Mandate_Functions/Scheduling.html.

¹¹ Article 8 Single Convention on Narcotic Drugs; article 21 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substance.

¹² Article 8, Single Convention on Narcotic Drugs; article 17 Convention on Psychotropic Substances; article 21 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

¹³ *Ibid.*

¹⁴ See information available at:

www.unodc.org/unodc/en/commissions/CND/Mandate_Functions/index.html.

permitted.¹⁵ The international drug control conventions, inter alia, authorize the INCB to:¹⁶

(a) Monitor treaty implementation, including through regular sessions, annual reports, country visits, bilateral meetings, and the making of recommendations directed at Governments, the CND or the ECOSOC;

(b) Make recommendations to the CND on the scheduling under international control of the substances, which are frequently used in the illicit manufacture of narcotic drugs or psychotropic substances;

(c) Maintain an ongoing dialogue with Governments with a view to facilitating effective national action to attain the aims of the international drug control conventions.

2. Subsidiary bodies

9. The CND has the following subsidiary bodies: the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East,¹⁷ the Heads of National Drug Law Enforcement Agencies (HONLEA) for Africa (HONLAF),¹⁸ Asia and the Pacific (HONLAP),¹⁹ Latin America and the Caribbean (HONLAC),²⁰ and Europe (HONLEUR)²¹. The purpose of these bodies is to strengthen regional and international cooperation, coordinate activities and identify policy and enforcement issues to address the regional dynamics of the world drug problem. The recommendations of the subsidiary bodies are submitted to the CND for its consideration or action.

3. Secretariat

10. The Secretary-General of the United Nations has been entrusted by the international drug control conventions with the function of providing secretariat services to the CND and INCB. The Secretary-General has delegated those functions, as well as those of assisting Member States with treaty implementation, to UNODC.²²

4. Frequency of meetings

11. The CND meets twice every year, in one regular session of five days, and one reconvened session of two days. The reconvened session is generally devoted to the CND's functions as a governing body of UNODC. The CND also holds intersessional meetings, and its subsidiary bodies, such as the Heads of National Law Enforcement Agencies, usually meet annually.

12. The INCB holds three sessions per year, which range from 5 to 15 days each.

5. Review mechanism

13. There is no explicitly established mechanism for the review of the implementation of the three international drug control conventions. As explained in the INCB website, "in discharging its mandate under the international drug control treaties, the Board maintains an ongoing dialogue with Governments through various

¹⁵ See information available at: www.incb.org/incb/en/about/membership.html.

¹⁶ See information available at: www.incb.org/incb/en/about/mandate-functions.html. See inter alia articles 9 to 15 and 19 to 21, Single Convention on Narcotic Drugs; article 16, 18 and 19, Convention on Psychotropic Substances; and articles 12, 22 and 23, United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

¹⁷ See CND resolution 6 (XXV) and ECOSOC resolution 1776(LIV).

¹⁸ See ECOSOC resolution 1985/11.

¹⁹ See ECOSOC resolution 1845(LVI).

²⁰ See ECOSOC resolution 1987/34.

²¹ See ECOSOC resolution 1990/30.

²² See Secretary-General's bulletin on the organization of the United Nations Office on Drugs and Crime: [ST/SGB/2004/6](http://www.unodc.org/documents/secretary-general/ST/SGB/2004/6).

means, such as regular consultations and country missions”.²³ Furthermore, “the Board reviews on a regular basis the drug control situation in various countries and Governments’ overall compliance with the provisions of the international drug control treaties. The review covers various aspects of drug control, including the functioning of national drug control administrations, the adequacy of national drug control legislation and policy, measures taken by Governments to combat drug trafficking and abuse, and Governments’ fulfilment of their reporting obligations under the treaties. The findings of the review, as well as the Board’s recommendations for remedial action, are conveyed to the Governments concerned as part of the ongoing dialogue between the Board and Governments to ensure that the international drug control treaties are fully implemented”.²⁴

14. Finally, “article 14 of the 1961 Convention (and that Convention as amended by the 1972 Protocol) and article 19 of the 1971 Convention set out measures that the INCB may take to ensure the execution of the provisions of those Conventions. Such measures, which consist of increasingly severe steps, are taken into consideration when the Board has reason to believe that the aims of the Conventions are being seriously endangered by the failure of a State to carry out their provisions”.²⁵

B. United Nations Convention against Transnational Organized Crime²⁶ and the Protocols thereto

1. Body related to the implementation of the Convention

15. Article 32 of the United Nations Convention against Transnational Organized Crime (UNTOC) establishes a Conference of the Parties (COP) to improve the capacity of States Parties to combat transnational organized crime and to promote and review the implementation of the Convention.²⁷

16. Any State or regional economic integration organization signatory to UNTOC may participate as observer.²⁸ Furthermore, several entities may apply to the bureau for observer status with a varying extent of participation rights, which shall be accorded unless otherwise decided by the Conference: States and regional economic integration organizations not signatory to the Convention,²⁹ representatives of entities and organizations that have received a standing invitation from the General Assembly to participate as observers in the sessions and work of all international conferences convened under its auspices, representatives of United Nations bodies, specialized agencies and funds, representatives of functional commissions of the ECOSOC,³⁰ relevant non-governmental organizations having consultative status with the ECOSOC³¹ and other relevant non-governmental organizations.³²

²³ See information available at: www.incb.org/incb/en/treaty-compliance/index.html. See also article 9, paragraph 5, Single Convention on Narcotic Drugs.

²⁴ Ibid. See also, inter alia, articles 9 and 12 to 14, Single Convention on Narcotic Drugs; article 19, Convention on Psychotropic Substances; and articles 12, paragraph 13, and 22, United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

²⁵ Ibid.

²⁶ United Nations, *Treaty Series*, vol. 2225, p. 209. This treaty has 191 parties (as of February 2023).

²⁷ For more information on the negotiations of the UNTOC in regard to the choice of a Conference of the Parties within those negotiations, see United Nations, *Travaux Préparatoires of the negotiations for the elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*, 2006, p. 269.

²⁸ Rule 14 of the *Rules of Procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime*, available at: www.unodc.org/documents/treaties/Rules_of_Procedure_corr/15-00000_E_book.pdf.

²⁹ Ibid, Rule 15.

³⁰ Ibid, Rule 16.

³¹ Ibid, Rule 17.

³² Ibid.

17. Pursuant to article 32 of UNTOC, the COP was established with the objectives of, among others:

- (a) Facilitating activities of technical assistance, especially on capacity-building and prevention;
- (b) Facilitating the exchange of information among States Parties on patterns and trends in transnational organized crime and on successful practices for combating it;
- (c) Cooperating with relevant international and regional organizations and non-governmental organizations;
- (d) Reviewing periodically the implementation of the Convention and its Protocols;
- (e) Making recommendations to improve the Convention and its implementation.

2. Subsidiary bodies

18. The UNTOC COP has established the Working Group of Government Experts on Technical Assistance, the Working Group on International Cooperation, as well as three additional working groups relating to its three protocols, namely, the Working Group on Trafficking in Persons, the Working Group on the Smuggling of Migrants, and the Working Group on Firearms. The UNTOC COP has also created a mechanism for the review of the implementation of the Convention and its Protocols.

19. The subsidiary bodies were established to advise and assist the Conference in the implementation of its mandate with regard to the three Protocols, technical assistance and to hold substantive discussions on practical issues pertaining to extradition, mutual legal assistance and international cooperation for the purpose of confiscation, respectively.³³

3. Secretariat

20. The functions of the secretariat are performed by UNODC in accordance with General Assembly resolution 55/25.³⁴

4. Frequency of meetings

21. The UNTOC COP holds a five-day regular session once every two years. The five working groups established by the COP meet on average once per year for two to three days.

5. Review mechanism³⁵

22. The Mechanism for the review of the implementation of UNTOC and its Protocols is a peer-review process that is largely desk-based and conducted online through a specially developed platform. The review process is composed of a general

³³ See information available at: www.unodc.org/unodc/en/organized-crime/intro/COP/working-groups.html.

³⁴ Paragraph 11 of said resolution requested the Secretary-General to designate the Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention, that was superseded by UNODC, to serve as secretariat of the COP.

³⁵ For more information on methods and mechanisms used to review implementation of international instruments in areas related to those covered by the Organized Crime Convention, see document [CTOC/COP/2008/3](#). Also see: *Progress report and lessons learned from the pilot programme to review implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto* (CTOC/COP/2010/CRP.1); *Evaluation of the pilot programme to review implementation of the United Nations Convention against Transnational Organized Crime* (CTOC/COP/2012/CRP.3); and *Food for thought on the establishment of a mechanism to review the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto* (CTOC/COP/2012/CRP.3).

review and country reviews. The general review, which is undertaken in the Plenary of the Conference of the Parties, is based on a report prepared by the Secretariat on trends, patterns and best practices identified in the context of the country reviews. The country reviews are carried out through desk reviews and respective discussions during the five working groups of the Conference of the Parties consistent with their areas of expertise. Each State party is reviewed for each instrument to which it is a party by one State party from the same regional group and another from a different regional group. The review process is divided into four phases, which focus on the implementation of different clusters of articles of the UNTOC and its Protocols.

23. The review is based on a self-assessment questionnaire and the subsequent dialogue between the States party under review and reviewing States parties. At the final stage of the country review process, the reviewing States, in close cooperation with the State party under review and with assistance of the Secretariat, prepare a list of observations indicating any gaps and challenges in the implementation of the provisions under review, best practices, suggestions and any technical assistance needs. The list of observations is made available to the working groups based on their thematic relevance. A short summary of the list is translated into the six official languages of the United Nations and made available for the Conference of the Parties and its working groups.³⁶

C. United Nations Convention against Corruption³⁷

1. Body related to the implementation of the Convention

24. The Conference of the States Parties (COSP) was established under article 63 of the United Nations Convention against Corruption (UNCAC). It supports States parties and signatories in their implementation of the Convention and gives policy guidance to UNODC to develop and implement anti-corruption activities.³⁸

25. Subject to similar provisions as for the COP of UNTOC,³⁹ several other entities may participate as observers with varying degrees of participation rights: signatories,⁴⁰ non-signatories,⁴¹ intergovernmental organizations with standing invitation to participate as observers in the sessions and work of all international conferences convened under its auspices, representatives of United Nations bodies, specialized agencies and funds, representatives of functional commissions of ECOSOC,⁴² non-governmental organizations with consultative status with the ECOSOC⁴³ and other relevant non-governmental organizations.⁴⁴

26. Pursuant to article 63 of UNCAC, among the functions of the COSP aimed at improving the capacity of and cooperation between States Parties to achieve the objectives of the Convention, are the following:

- (a) Facilitating technical assistance on the implementation of the Convention;
- (b) Facilitating the exchange of information among States Parties on patterns and trends in corruption and on successful practices for preventing and combating it and for the return of proceeds of crime;

³⁶ See information available at: www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/home.html.

³⁷ United Nations, *Treaty Series*, vol. 2349, p. 41. This treaty has 189 parties (as of February 2023).

³⁸ See information available at: www.unodc.org/unodc/en/corruption/COSP/conference-of-the-states-parties.html.

³⁹ See above, para 16.

⁴⁰ *Rules of Procedure of the for the Conference of the States Parties to the United Nations Convention against Corruption*, available at: www.unodc.org/pdf/crime/convention_corruption/cosp/07-80230_Ebooke.pdf, Rule 14.

⁴¹ *Ibid*, Rule 15.

⁴² *Ibid*, Rule 16.

⁴³ *Ibid*, Rule 17.

⁴⁴ *Ibid*, Rule 17.

(c) Cooperating with relevant international and regional organizations and mechanisms and non-governmental organizations, and making appropriate use of relevant information produced by other international and regional mechanisms for combating and preventing corruption in order to avoid unnecessary duplication of work;

(d) Reviewing periodically the implementation of the Convention by its States Parties;

(e) Making recommendations to improve the Convention and its implementation;

(f) Taking note of the technical assistance requirements of States Parties with regard to the implementation of the Convention and recommending any action it may deem necessary in that respect.

2. Subsidiary bodies

27. The UNCAC COSP has established the following subsidiary bodies: the Implementation Review Group, the Working Group on Prevention, the Working Group on Asset Recovery and the Expert Meeting on International Cooperation. The Implementation Review Group, an open-ended intergovernmental group of States parties, is responsible for maintaining an overview of the review process on a country-by-country basis, and for considering technical assistance requirements for the effective implementation of the Convention.

3. Secretariat

28. The functions of the Secretariat are performed by UNODC in accordance with paragraph 8 of General Assembly resolution 58/4.

4. Frequency of meetings

29. The COSP holds a five-day regular session once every two years. The Working Group on Prevention, the Working Group on Asset Recovery and the Expert Meeting on International Cooperation hold each one session per year for in average two to three days. The Implementation Review Group holds one session and a maximum of two resumed sessions per year, for two to three days in average.

5. Review mechanism⁴⁵

30. The Implementation Review Mechanism (IRM) is a peer-review process, in which the review of implementation of UNCAC's various chapters is divided into different cycles, as decided by the COSP. Each State party is reviewed by two peers – one from the same regional group – selected by lot at the beginning of each year of the review cycle. Each State party nominates up to 15 governmental experts for the purpose of the review process, who carry out the reviews on behalf of their States parties.

31. A comprehensive self-assessment checklist is used as a tool to facilitate the provision of information on the implementation of the Convention. The reviewing States parties prepare a country review report, including an executive summary of the report, in close cooperation and coordination with the State party under review and assisted by the secretariat. The report identifies successes, good practices and challenges and makes observations for the implementation of the Convention. Where appropriate, the report also includes the identification of technical assistance needs to improve the implementation of the Convention. The executive summaries of all completed country review reports are translated into the six official languages of the

⁴⁵ For more information on the mechanisms used to review the implementation of other anti-corruption regional instruments, as well as review mechanisms used for global instruments in other areas, see documents: [CAC/COSP/2006/5](#), [CAC/COSP/2006/5/Corr.1](#), and [CAC/COSP/2008/10](#).

United Nations and made available as documents of the Implementation Review Group for information purposes only.⁴⁶

32. On the basis of the country review reports, the secretariat compiles the most common and relevant information on successes, good practices, challenges, observations and technical assistance needs and includes them, organized by theme, in a thematic implementation report and regional supplementary addenda, for submission to the Implementation Review Group. The Implementation Review Group is an open-ended intergovernmental group of States parties established with the IRM. It is tasked to oversee the review process in order to identify challenges and good practices as well as to consider technical assistance requirements for ensuring the effective implementation of the Convention. On the basis of its deliberations, the Implementation Review Group submits recommendations and conclusions to the COSP for its consideration and approval.

III. Other selected multilateral treaties

33. The treaties considered in this section were selected to provide an overview of implementation mechanisms established by multilateral treaties that align with one of the three options contained in paragraph 1 of the present document.

A. United Nations Treaties on Outer Space: Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies;⁴⁷ Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space;⁴⁸ Convention on International Liability for Damage Caused by Space Objects;⁴⁹ Convention on Registration of Objects Launched into Outer Space;⁵⁰ and Agreement Governing the Activities of States on the Moon and Other Celestial Bodies⁵¹

1. Bodies related to the implementation of the UN treaties on outer space

34. The Committee on the Peaceful Uses of Outer Space (COPUOS) was established by the General Assembly in 1959 to govern the exploration and use of space for the benefit of all humanity: for peace, security and development.⁵² This Committee has currently 102 members, chosen by the General Assembly.⁵³ Together with its two Subcommittees, the Scientific and Technical Subcommittee and the Legal Subcommittee, COPUOS aims at strengthening the international legal regime governing outer space, resulting in improved conditions for expanding international

⁴⁶ See information available at: www.unodc.org/unodc/en/corruption/implementation-review-mechanism.html.

⁴⁷ United Nations, *Treaty Series*, vol. 610, p. 205. This treaty has 112 parties (as of 1 January 2023). More information is available at: www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/introouterspacetreaty.html.

⁴⁸ United Nations, *Treaty Series*, vol. 672, p. 119. This treaty has 99 parties (as of 1 January 2023). More information is available at: www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/introrescueagreement.html.

⁴⁹ United Nations, *Treaty Series*, vol. 961, p. 187. This treaty has 98 parties (as of 1 January 2023). More information is available at: www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/introliability-convention.html.

⁵⁰ United Nations, *Treaty Series*, vol. 1023, p. 15. This treaty has 72 parties (as of 1 January 2023). More information is available at: www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/introregistration-convention.html.

⁵¹ United Nations, *Treaty Series*, vol. 1363, p. 3. This treaty has 18 parties (as of 1 January 2023). More information is available at: <http://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/intromoon-agreement.html>.

⁵² See information available at: www.unoosa.org/oosa/en/ourwork/copuos/index.html.

⁵³ See information available at: www.unoosa.org/oosa/en/ourwork/copuos/members/evolution.html.

cooperation in the peaceful uses of outer space and to increase coherence and synergy in international cooperation in space activities at all levels.⁵⁴

35. All United Nations Member States that are not already members of COPUOS can participate as observers.⁵⁵ Moreover, a number of international organizations, including both intergovernmental and non-governmental organizations, have observer status with COPUOS and its Subcommittees,⁵⁶ which may be granted under certain conditions.⁵⁷

36. The Committee reports to the Fourth Committee of the General Assembly, which adopts an annual resolution on international cooperation in the peaceful uses of outer space.

37. The Committee was instrumental in the creation of the above-referred five treaties and principles of outer space. The functions of the Committee and its two subcommittees are, inter alia, as follows:

(a) To review, as appropriate, the area of international cooperation, and to study practical and feasible means for giving effect to programmes in the peaceful uses of outer space which could appropriately be undertaken under United Nations auspices, including, inter alia:

(i) Assistance for the continuation on a permanent basis of the research on outer space carried on within the framework of the International Geophysical Year;

(ii) Organization of the mutual exchange and dissemination of information on outer space research;

(iii) Encouragement of national research programmes for the study of outer space, and the rendering of all possible assistance and help towards their realization;

(b) To study the nature of legal problems which may arise from the exploration of outer space.⁵⁸

2. Subsidiary bodies

38. The Committee has two subsidiary bodies. The Scientific and Technical Subcommittee (STSC) meets to discuss questions related to the scientific and technical aspects of space activities, such as the use of space technology for socioeconomic development or for disaster management support, and the long-term sustainability of outer space activities. The Legal Subcommittee meets to discuss legal questions related to the exploration and use of outer space. Topics include the status and application of the five United Nations treaties on outer space, the definition and delimitation of outer space, and international mechanisms for cooperation in the peaceful exploration and use of outer space.⁵⁹ Both the Committee and its two Subcommittees have created several working groups.

⁵⁴ See information available at: www.unoosa.org/oosa/en/ourwork/copuos/comm-subcomms.html.

⁵⁵ *Compendium on rules of procedure and methods of work related to the United Nations Committee on the Peaceful Uses of Outer Space and its subsidiary bodies* (A/AC.105/2016/CRP.5), p. 10; *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 20 (A/58/20)* [Forty-sixth session of the Committee, 2003], para. 244.

⁵⁶ See information available at: www.unoosa.org/oosa/en/ourwork/copuos/members/copuos-observers.html (as of March 2023).

⁵⁷ *Compendium on rules of procedure and methods of work related to the United Nations Committee on the Peaceful Uses of Outer Space and its subsidiary bodies* (A/AC.105/2016/CRP.5), p.10.

⁵⁸ See General Assembly resolution 1472(XIV).

⁵⁹ See information available at: www.unoosa.org/oosa/en/ourwork/copuos/comm-subcomms.html.

3. Secretariat

39. The Committee is serviced by the United Nations Office for Outer Space Affairs (UNOOSA). The Office supports the work of the Committee and implements a multifaceted programme that covers the scientific, technical, legal, and policy aspects of space-related activities.

4. Frequency of meetings

40. The Committee and its two Subcommittees meet annually. The meeting duration is two weeks for both the Scientific and Technical Subcommittee and the Legal Subcommittee, and one and a half weeks for the Committee, with the total duration being five and a half weeks. The Committee may decide on an ad hoc basis to extend or shorten the duration of a particular session whenever there is such a need.⁶⁰

5. Review mechanism

41. The Working Group on the Status and Application of the Five United Nations Treaties on Outer Space was established under the Legal Subcommittee to review the status of the treaties, their implementation and obstacles to their universal acceptance, as well as to promote space law, especially through the United Nations Programme on Space Application.⁶¹ The current review process consists of sets of questions and questionnaires, prepared by the Chair of the Working Group, to which the Committee's Member States and international intergovernmental and non-governmental organizations having permanent observer status with the Committee may submit comments and responses.⁶²

B. United Nations Framework Convention on Climate Change,⁶³ its Kyoto Protocol⁶⁴ and the Paris Agreement⁶⁵

1. Body related to the implementation of the Convention

42. Article 7 of the United Nations Framework Convention on Climate Change (UNFCCC) established a Conference of the Parties (COP) as the main decision-making body of the Convention. All States parties are represented at the COP.

43. Subject to pertinent rules of procedure, the following entities may participate as observers with a varying extent of participation rights: the United Nations, its specialized agencies, any international entity or entities entrusted by the COP pursuant to article 11 UNFCCC with the operation of the financial mechanism, the International Atomic Energy Agency, as well as any State member thereof or observers thereto not Party to the Convention,⁶⁶ and any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention.⁶⁷

44. The main purpose of the COP is:

(a) To review the implementation of the Convention, the Kyoto Protocol and the Paris Agreement, respectively; and

(b) To adopt decisions to further develop and implement these three instruments.

⁶⁰ See document A/AC.105/2016/CRP.5, p. 5.

⁶¹ See document [A/AC.105.763](#), para. 118.

⁶² See documents A/AC.105/C.2/2021/CRP.23, and [A/AC.105/C.2/2019/TRE/L.1](#); and the COPUAS report of 2016: [A/71/20](#).

⁶³ United Nations, *Treaty Series*, vol. 1771, p. 107. This treaty has 198 parties (as of February 2023).

⁶⁴ United Nations, *Treaty Series*, vol. 2303, p. 162. This treaty has 192 parties (as of February 2023).

⁶⁵ United Nations, *Treaty Series*, vol. 3156. This treaty has 195 parties (as of February 2023).

⁶⁶ [FCCC/CP/1996/2](#), Rule 6.

⁶⁷ *Ibid*, Rule 7.

45. The COP meets in different configurations depending on the instrument under review: as COP, as Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) and as Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA).

2. Subsidiary bodies

46. The Convention established two subsidiary bodies, which report regularly to the COP on all aspects of their work:

(a) The Subsidiary Body for Scientific and Technological Advice provides the COP and, as appropriate, its other subsidiary bodies with timely information and advice on scientific and technological matters relating to the Convention. This multidisciplinary body is open to participation by all Parties and is comprised of government representatives competent in the relevant field of expertise. It reports regularly to the COP on all aspects of its work;

(b) The Subsidiary Body for Implementation assists the COP in the assessment and review of the effective implementation of the Convention. This body is open to participation by all Parties and comprises government representatives who are experts on matters related to climate change.

3. Secretariat

47. The UNFCCC secretariat is the United Nations entity tasked with supporting the global response to the threat of climate change.⁶⁸

4. Frequency of meetings

48. The COP and its subsidiary bodies meet every year, unless otherwise decided by the Parties. At each ordinary session, the Conference of the Parties shall decide on the date and duration of the next ordinary session.⁶⁹

5. Review mechanism

49. The COP takes decisions necessary to promote the effective implementation of the three instruments, including institutional and administrative arrangements. Based on the review of the national communications and emission inventories submitted by its Parties, the COP assesses the effects of the measures taken and the progress made towards achieving the ultimate objective of the Convention.⁷⁰

50. Established by the COP in 2010, the International Assessment and Review process is conducted under the Subsidiary Body of Implementation in two steps: a technical review of the national reports of each developed country, followed by the Multilateral Assessment of the progress towards achieving the economy-wide emission reduction targets by developed country Parties. The IAR process forms a foundation for the enhanced transparency framework⁷¹ of action and support under the Paris Agreement.⁷²

⁶⁸ See information available at: <https://unfccc.int/about-us/about-the-secretariat>.

⁶⁹ FCCC/CP/1996/2, Rule 4.

⁷⁰ See information available at: <https://unfccc.int/>.

⁷¹ See information available at: <https://unfccc.int/process/transparency-and-reporting/reporting-and-review-under-the-paris-agreement/reporting-and-review-under-the-paris-agreement>.

⁷² See information available at: <https://unfccc.int/IAR>.

C. The World Health Organization Framework Convention on Tobacco Control⁷³ and its Protocol to Eliminate Illicit Trade in Tobacco Products⁷⁴

1. Body related to the implementation of the Convention

51. The Conference of the Parties (COP) is the treaty body of the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) and is comprised of all Parties to the Convention.

52. The following entities and States not party to the Convention may attend the public or open sessions of the COP or meetings of its subsidiary bodies: any Member State of the United Nations or its specialized agencies, any regional economic integration organization.⁷⁵ Moreover, any international intergovernmental organization⁷⁶ and other international and regional non-governmental organizations⁷⁷ may apply to the Secretariat for observer status, which may be granted by the COP. Non-governmental organizations which participated in the Intergovernmental Negotiating Body on the WHO FCTC and in the Open-ended Intergovernmental Working Group on the WHO FCTC are accredited as observers to the COP.

53. The COP is responsible for keeping the implementation of the Convention under regular review and for taking the necessary decisions to promote its effective implementation. For this purpose, it shall, pursuant to article 23 of the Convention, inter alia:

- (a) promote and facilitate the exchange of information;
- (b) promote and guide the development and periodic refinement of comparable methodologies for research and the collection of data relevant to the implementation of the Convention;
- (c) promote, as appropriate, the development, implementation and evaluation of strategies, plans, and programmes, as well as policies, legislation and other measures;
- (d) promote and facilitate the mobilization of financial resources for the implementation of the Convention.

2. Body related to the implementation of the Protocol

54. Article 33 of the Protocol established the Meeting of the Parties (MOP) as its treaty body. Comprising all Parties to the Protocol, it is tasked with regularly reviewing the implementation of the Protocol and taking the decisions necessary to promote its effective implementation.

3. Subsidiary bodies

55. The COP may establish subsidiary bodies, such as working groups and expert groups, as necessary, with specific mandates and terms of reference. Both types of groups report to the COP and their work is expected, but not limited, to result in the development of guidelines and recommendations for the implementation of various articles of the Convention.⁷⁸

⁷³ United Nations, *Treaty Series*, vol. 2302, p. 166. This treaty has 182 parties (as of February 2023).

⁷⁴ United Nations, *Treaty Series*, vol. 3276. This protocol has 66 parties (as of February 2023).

⁷⁵ Rule 29 *Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control*, available at: <https://fctc.who.int/who-fctc/governance/conference-of-the-parties>.

⁷⁶ *Ibid*, Rule 30.

⁷⁷ *Ibid*, Rule 31.

⁷⁸ See information available at: <https://vivello.ch/fctc/node/3>.

56. The COP may also establish intersessional groups to develop guidelines and recommendations for the implementation of different articles of the WHO FCTC. For instance, at its eighth session, the COP decided to establish the following groups:⁷⁹

(a) The Intersessional Working Group on Tobacco Advertising, Promotion and Sponsorship: Depiction of Tobacco in Entertainment Media,⁸⁰ which was mandated “to develop specific guidelines to address cross-border advertising, including tobacco advertising, promotion and sponsorship (...) and the depiction of tobacco in the entertainment media under article 13 of the WHO FCTC, taking account of technological advances over the past decade such as the Internet and mobile communications.”

(b) The Expert Group on Implementation of articles 9⁸¹ and 10⁸² of the WHO FCTC⁸³ which was established to examine the reasons for the low implementation of articles 9 (testing and measuring of the contents and emissions of tobacco products) and 10 (regulation of contents and disclosure of tobacco products, including water pipe, smokeless tobacco and heated tobacco products) and related partial guidelines, and to prepare a report to be submitted to COP9.⁸⁴

57. The MOP, at its first session in 2018, established:

(a) The Working Group for the Development and Implementation of Tracking and Tracing Systems in accordance with Article 8 of the Protocol,⁸⁵ which is tasked with elaborating a comprehensive report compiling good practices and experiences on the implementation of tracking and tracing systems and to prepare the conceptual work for creating the global information-sharing focal point.⁸⁶ The Working Group is open to all Parties to the Protocol that would like to take part in the process, while Parties to the WHO FCTC that are not Parties to the Protocol can participate in the Working Group as observers;

(b) The Working Group on Assistance and Cooperation, which is mandated to “develop options for the exchange of enforcement-related information in order to have detection and enforcement (Article 21); training, technical assistance and cooperation (Article 23); investigation and prosecution of offences (article 24); the implementation of mutual administrative assistance (Article 28); and mutual legal assistance (article 29) for consideration by Parties at the Second session of the MOP.”

58. The modalities for the composition of both working groups are similar. In order to ensure equal regional participation, each region nominates through their regional

⁷⁹ See information available at: <https://fctc.who.int/who-fctc/governance/working-and-expert-group>.

⁸⁰ Decision FCTC/COP8(17) on *Tobacco advertising, promotion and sponsorship: depiction of tobacco in entertainment media*, Eighth session Geneva, Switzerland, 1–6 October 2018. Geneva: World Health Organization, 2018.

⁸¹ Article 9 requires Parties to regulate the contents and emissions of tobacco products and the methods by which they are tested and measured.

⁸² Article 10 calls upon Parties to request manufacturers and importers to disclose to government authorities and the public information on the constituents and emissions of tobacco products.

⁸³ Decision FCTC/COP8(21) *Implementation of Articles 9 and 10 of the WHO FCTC (Regulation of contents and disclosure of tobacco products, including water pipe, smokeless tobacco and heated tobacco products)* Eighth session Geneva, Switzerland, 1–6 October 2018. Geneva: World Health Organization; 2018.

⁸⁴ Report of the Ninth Session, of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, Ninth session Geneva, Switzerland, 8–13 November, 2021 FCTC/COP/9/21.

⁸⁵ Article 8 of the Protocol to Eliminate Illicit Trade in Tobacco Products (the Protocol) requires an international tracking and tracing regime to be established within five years of entry into force of the Protocol, comprising national and/or regional tracking and tracing systems and a global information-sharing focal point located at the Secretariat of the WHO Framework Convention on Tobacco Control (WHO FCTC) and accessible to all Parties, enabling the Parties to make enquiries and receive relevant information.

⁸⁶ Decision FCTC/MOP1(6) *Tracking and tracing systems, including the global information sharing focal point and unique identification markings for cigarette packets and packages*, Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products, First session, Geneva, Switzerland, 8–10 October 2018.

coordinators up to two members representing the Parties in their respective regions. Additionally, the Convention Secretariat, after consultations with the members of the respective working group, invites observers to participate, comprising up to three representatives of nongovernmental organizations as well as up to three representatives of intergovernmental organizations who are observers to the COP, on the basis of relevant expertise and knowledge.⁸⁷

4. Secretariat

59. Established in 2007, the Convention Secretariat serves as Secretariat of both COP to the WHO FCTC and MOP to the Protocol. The role and work of the Secretariat are governed by article 24 of the WHO FCTC and article 34 of the Protocol, and further defined by decisions of the COP and MOP, including the Rules of Procedures of the COP and of MOP.⁸⁸

5. Frequency of meetings

60. The COP holds regular sessions every two years.⁸⁹ The regular sessions of the MOP are held every two years and convened immediately before or after the regular sessions of the COP.⁹⁰ At each regular session, the Conference of the Parties shall decide on the date and duration of the next regular session.⁹¹

6. Review mechanism

61. Article 21 of WHO FCTC requires Parties to submit periodic reports on implementation of the Convention through the Convention secretariat to the COP. In November 2010, at its fourth session, the COP adopted a single reporting instrument for Parties' biennial reports that has since been amended several times. The reporting instrument consists of a core questionnaire mandatory for all Parties and the "additional questions on the use of implementation guidelines adopted by the Conference of the Parties", which aims to facilitate voluntary submission of such information by the Parties.⁹²

62. Under article 32 (on reporting and exchange of information) of the Protocol, each Party shall submit to the MOP, through the Convention Secretariat, periodic reports on its implementation of the Protocol. The reporting instrument of the Protocol is originally linked to the reporting system of the Convention and is similar in format and the platform it uses.⁹³

IV. Costs

63. The benchmarks of the costs for each of the above-referenced different mechanisms vary considerably, depending on the mandates, functions, composition and requirements under each of the treaties. There is no objective manner to summarize and make comparable the costs for each of the above mechanisms, which could serve as a point of reference for future mechanisms.

64. The information on bodies and respective activities funded by the regular budget of the United Nations that are serviced by UNODC may be found under Section 16 (on international drug control, crime and terrorism prevention, and criminal justice) of the programme budget of the Organization.⁹⁴ The programme plans and budgets

⁸⁷ Ibid.

⁸⁸ See information available at: <https://fctc.who.int/secretariat/about>.

⁸⁹ See information available at: <https://fctc.who.int/who-fctc/governance/conference-of-the-parties>.

⁹⁰ See information available at: <https://fctc.who.int/protocol/governance/meeting-of-the-parties>.

⁹¹ *Rules of Procedure of the Conference of the Parties to the WHO Framework Convention on Tobacco Control*, Rule 4.

⁹² See information available at: <https://fctc.who.int/who-fctc/reporting>.

⁹³ See information available at: <https://fctc.who.int/protocol/reporting>.

⁹⁴ See General Assembly resolution 77/264 on the programme budget for 2023 and the "Proposed programme budget for 2023", in its parts on section 16 (document A/77/6 (Sect.16)). The

for other entities indicated in this document vary for the UNFCC,⁹⁵ UNOSA,⁹⁶ and WHO FCTC,⁹⁷ and are reliant on parameters provided by the respective governing bodies.

V. Conclusion

65. The current document offers an overview of some of the existing implementation mechanisms of international treaties for the reference of Member States in their negotiations of the mechanism of implementation of the future convention.

66. A body related to the implementation of a treaty can be either a pre-existing, a newly established treaty body or a combination of both. The former can be illustrated by the COPUOS, that was established by the General Assembly prior to the development and adoption of the United Nations Treaties on Outer Space. The second model can be exemplified by the UNTOC COP and UNCAC COSP. A combination of both can be demonstrated by the bodies with monitoring responsibilities under the international drug control treaties: the CND, a pre-existing body to which the international drug control conventions entrusted specific functions; and the INCB, that was established in accordance with the 1961 Single Convention on Narcotic Drugs.

67. Furthermore, such a body can be either intergovernmental and consist of all States parties to the treaty (COP, COSP and MOP; the CND is intergovernmental but composed of elected members), or an independent expert body with more elaborate rules on membership (such as the INCB).

68. The functions of a body for the implementation of a convention can range from policy and decision-making, to the monitoring of treaty implementation, facilitating cooperation, exchange of information and the mobilization of financial resources.

69. The subsidiary bodies of a mechanism of implementation can be established based on thematic areas (e.g. UNTOC COP Working Groups on Technical Assistance and on International Cooperation, and relevant Protocols; UNCAC COSP Working Groups on Prevention and on Asset Recovery), or specific treaty articles (e.g. subsidiary bodies of the WHO FCTC's COP); or geographic (e.g. CND regional subsidiary bodies) and sectoral clusters (e.g. COPUOS's Scientific and Technical, and Legal Subcommittees; or UNFCCC COP subsidiary body for scientific and technological advice). Separate subsidiary bodies can be set up to support the review of the implementation of a treaty (e.g. UNCAC COSP Implementation Review Group; UNFCCC COP subsidiary body for implementation; COPUOS Working Group on the Status and Application of the Five United Nations Treaties on Outer Space under the Legal Subcommittee). The issues related to the interaction and coordination between and among various subsidiary bodies can arise and, thus, require appropriate solutions in the overall architecture of treaty implementation.

70. The functions of a secretariat can be attributed to an existing organization (e.g. UNODC under the international drug control conventions, UNTOC and UNCAC; or the United Nations Office for Outer Space Affairs under the United Nations Treaties

information on the budget related to section 16, accompanied by its context, includes support to intergovernmental bodies on countering transnational organized crime, corruption, the CCPCJ, CND and INCB. It is noteworthy that other parts of the budget are relevant to the servicing of those bodies, such as sections 2 (General Assembly and Economic and Social Council affairs and conference management: [A/77/6 \(Sect. 2\)](#)), 28 (Global communications: [A/77/6 \(Sect.28\)](#)) and 29 (management and support services, including Office of Information and Communications Technology: [A/77/6 \(Sect.29C\)](#); and Administration, Vienna: [A/77/6 \(Sect.29F\)](#)).

⁹⁵ See Decision 22/CP.26, [FCCC/CP/2021/12/Add.2](#).

⁹⁶ See "Proposed programme budget for 2023", in its part on document section 6, on "peaceful uses of outer space" ([A/77/6 \(Sect. 6\)](#)).

⁹⁷ See FCTC/COP/9/INF.DOC./1.

on Outer Space), or to a new organization established by the treaty to serve as its secretariat (e.g. the UNFCCC secretariat).

71. The frequency of meetings of treaty bodies can range from once every two years (e.g. UNTOC COP, UNCAC COSP, WHO FCTC COP) to three times per year (e.g. INCB) depending mainly on their functions.

72. The costs of any such mechanism are directly conditional on the mandates, functions and composition attributed to established bodies, the frequency of meetings, the expected number of subsidiary bodies, and the requirements, if any, for the operation of its secretariat.

73. There is no single set of implementation mechanisms that is optimal for all agreements. Various mechanisms are available, and their effectiveness could only be analysed in the light of the purposes and objectives set up by the treaty and the mandates and functions of such a mechanism.
