Madam Chair,
Distinguished delegates,

The 2 co-facilitators of group E, **Amb. Raphaël Nägeli from Switzerland** and **Terlumun George-Maria Tyendezwa from Nigeria** thank you for the opportunity to report to the plenary about their consultations with Member States on the issue of the mechanism of implementation of the future convention.

The co-facilitators held 4 informal meetings with Member States during this 5th session of the Ad Hoc Committee on April 12, 14, 18 and 19 respectively, and one online consultation with multi-stakeholders, as well as bilateral meetings.

In terms of methodology, the co-facilitators had circulated through the Secretariat on April 4, 2023, ahead of the beginning of this 5th session, three questions to focus the open-ended informal negotiations.

Recall, that the Consolidated Negotiation Document had outlined 3 options, namely:

i. **a Conference of the States Parties to the Convention (option 1)**

ii. **an International Technical Commission, established as a subsidiary body of the Conference of the States Parties to the Convention (option 2).**

iii. **the Commission on Crime Prevention and Criminal Justice (CCPCJ) as implementation mechanism of the future convention (option 3).**

The 3 questions asked by the co-facilitators are as follows:

i. Among the three options listed above, **what is the preferred option of your delegation for an implementation mechanism?**

ii. **In your answer, please provide the reasons/criteria why you favour one option over the others (if you do)**

iii. **If the preferred option of your delegation is not the preferred option of the majority of Member-States, which elements would your delegation like to see captured/covered in an implementation mechanism, nonetheless?**
The aim of these 3 questions was to enable Member States to express a preference that could lead to consensus that would be communicated to the Plenary of the Ad Hoc Committee and to you Madam Chair, with the possibility of this preference being included in draft text of the convention, the “zero draft”.

After listening carefully to the Member States during three rounds of informal consultations, the understanding of the co-facilitators was that neither option 2 nor option 3 could find broad support, let alone consensus. Our understanding was that Member States like to integrate some of the identified merits of these two options towards improving option 1.

In terms of criteria for preferring option 1, many Member States expressed on numerous occasions the following:

- **inclusivity** of all Member States who ratify the convention. In this regard, several delegations also highlighted the fact that the COP/COSP format also allows for a better participation of multi-stakeholders.
- **equality** of all Member States who ratify the convention,
- **effectiveness of the implementation mechanism,**
- Experts/practitioners’ exchange of information on a regular basis avoiding the pitfalls of previous experiences with COP/COSP such as UNCAC and UNTOC. For this last criterion, many delegations said that COP/COSPs are a “tested format” and feel confident with it.

Comments about some of the merits of options 2 and 3 were made by some delegations, as noted below:

- **On option 2**, some delegations liked the idea of a permanent technical body. On this point, several delegations showed flexibility to replace a permanent body with subsidiary bodies as appropriate to the COSP. Another criterion for the support of option 2 was the need to have an implementation mechanism that remains dynamic and meets regularly enough to tackle the problems the future convention will address.
- On option 3, several delegations opined that this option could be the more cost effective one, as there is no need to create a new body. Another element of option 3 is that it would alleviate the already busy agenda of experts, by not creating a new COP/COSP to which these experts would need to commit, noting that the “practitioner burden” is a challenge for several delegations.

Overall, while many delegations highlighted some merits of options 2 and 3, a significant number of Member States raised strong reservations about option 2 and some had difficulty accepting option 3.

The co-facilitators also organised an informal exchange with multi-stakeholders online to hear their views. We also would like to thank them for their inputs.

For most of them, the question of inclusivity and effectiveness is paramount. One of the organisations said that the AHC process has been quite inclusive in engaging multi-stakeholders and has become “the gold standard of multi-stakeholders participation in a UN process”.

Madam Chair,

Considering the very broad support expressed for option 1 and noting the call to use/integrate identified merits from the other options to improve and strengthen option 1, the co-facilitators worked on a co-facilitators’ proposal, which is an amended version of Article 95 of the CND, including different elements that had been raised during the informal consultation.

This proposal was circulated to Member states on April 18, 2023. We attach it as an annex to our report.

The key elements include the need to have an implementation mechanism that is effective, inclusive, transparent and efficient and the possibility for the COP/COSP to have subsidiary bodies as appropriate, such as working groups. We would like to thank the group and all the Member States who expressed their support for the co-facilitators’ proposal.
At the 4th informal consultation on 19th April 2023, when the co-facilitators proposal was discussed, a clear consensus emerged:

1. That **option 1 subject to further improvements was acceptable** to the room and that Member states would make suggestions to improve and strengthen the text. No delegation objected to option 1 with further amendments.

2. That **UNODC should be designated as the Secretariat of the future convention**

Other elements were also discussed such as the **participation of multi-stakeholders**, which was supported by a majority of delegations.

Madam Chair,

As co-facilitators, we would like to bring your attention the following:

- We understand that most delegations want the implementation mechanism **to remain dynamic and meet on a regular basis**.
- In these times of scarce financial resources, the question of **cost effectiveness** as well as the “**practitioner burden**”, especially for smaller delegations should be considered.
- We consider that the **“gold standard”** for the participation of multi-stakeholders that this process represents **should be incorporated in the implementation mechanism of this convention**, especially considering the **fundamental role that multi-stakeholders** play in the fight against cybercriminality. We cannot afford to keep them outside our discussions about effective implementation.

In conclusion, we can report the following:

- **The Member States who took the floor expressed a clear and strong preference for option 1** subject to further improvements.

Thank you, Madam Chair.