Thank you, Chair, for the opportunity for us to speak on the Mechanism of Implementation.

Our comments elaborate on our previous submissions and interventions, particularly our submission for this session, which is now available on the meeting’s webpage. We also associate ourselves with the statements being made on this issue by the International Chamber of Commerce and Microsoft.

While this chapter might be seen as secondary to the substantive provisions, we actually think it will have a fundamental impact on whether the Convention proves to be effective in day to day application.

We submit that this chapter should be crafted to meet a few specific objectives:

1. The body responsible for implementation needs to ensure that those involved in anti-crime efforts in companies and in governments, as well as other stakeholders, can collaborate on how to facilitate practical cooperation leveraging the provisions of the Convention. This suggests a mode of working for this task that is less formal and more technical than a classical intergovernmental modality. It also means that the Convention must ensure robust multi-stakeholder participation in the mechanisms for implementation based on modalities of participation that go beyond stakeholders acting simply as observers. Stakeholders are integral to reducing cybercrime, and the private sector is indispensable given that investigation and prosecution of cybercrime generally requires private sector cooperation. Any relevant non-state stakeholder should have the opportunity to contribute to the implementation of the convention irrespective of whether or not it has been, or is currently, accredited to the AHC, ECOSOC or any other multilateral process.

2. Relatedly, this means the body responsible should be mandated to address any common practical issues in implementation of the provisions of the Convention.

3. The body responsible for implementation of the Convention should have, as one of its specific tasks, ensuring that the level of capacity building and technical assistance required for all parties to effectively implement the Convention is both
available and effective. Without the necessary resources and implementation capacity this Convention risks being far less effective than we all need it to be. It will not be enough simply to ratify the Convention; implementation requires continual effort as criminals adapt to developments in technology and officials and stakeholders have to adapt to meet new challenges. This task should not become a coordinating body or funding body for these activities, but it should help all states understand where needs are greatest and allow all stakeholders to see opportunities for spreading best practices.

For these reasons, we see a need for caution in asking existing bodies like the CCPCJ to take on being the conference of the parties as that body, and many others convened under the auspices of ECOSOC, allow participation of non-state stakeholders only after a very long and frankly very political accreditation process that can take many years. Optionally, if such a body were to be chosen, it would have to facilitate more expeditious and less political processes of accreditation for the purposes of this Convention, as others have noted.

Finally, Madame Chair, we think the analysis the Secretariat will do on funding of conferences of parties, as well as a résumé of the various such bodies leveraged in other conventions, will be very helpful to us all.