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

Mechanism for implementation and final provisions

Dominic Sprenger, Diplomatic Officer

New York / online
• Thank you, Mister Chair.
• As I was not able to present Liechtenstein’s positions on Item 7 yesterday, I would like to quickly come back to this point and answer questions 38 to 40. I will thereby particularly focus on a potential review mechanism for the Conference:
• Despite its limited resources, Liechtenstein supports the design of a mechanism to implement the Convention. However, such a mechanism must be efficient and should generate real added value. At the same time, the administrative burden for states should be kept as low as possible.
• This convention also offers an opportunity to set up a new form of review mechanism.
• We should examine whether the time-consuming form of peer reviews or even country visits would be useful for such a convention or whether there would be more efficient ways to improve the implementation of the convention.
• We therefore suggest that alternative options should also be explored - such as a “horizontal review”, whereby a single article or a small number of related articles are reviewed at periodic intervals.
• The advantage of such a solution would be the lower administrative burden, a better cross-cutting comparison of the models of implementation and a more focused set of results and lessons learnt from which clear recommendations can be derived.
• Turning to question 39, we would support a structure similar to UNTOC or UNCAC and the establishment of a Conference of Parties.
• And Question 40: Regarding the best way how to ensure the meaningful participation of non-governmental organizations, civil society
organizations, academic institutions and the private sector it makes sense to build on the existing modalities of the Ad Hoc Committee.

• Mister Chair,

• In addition, I am happy to present Liechtenstein's positions on Item 8 and our answers to questions 41 to 46.

• Regarding question 41, we are open to discuss such a provision. But if language of this kind is included in the Convention, we would like to see a complete reflection of all international Human Rights obligations and also the relevant regional Cybercrime and Data Protection instruments.

• To answer question 42, Liechtenstein supports such a provision to keep the option of additional protocols open. In view of future developments in the field of Cybercrime, we will need maximum flexibility in the structures of the Convention. Regarding the nature of a mandated body to elaborate on such a protocol, we are of the view that the mandate could be similar to the one of the Ad hoc Committee.

• Regarding question 43; in general, we should keep the possibility of reservations open. Regarding its limitations - this very much depends on the concrete wording and scope of the provisions for which we might consider a reservation. We think that we need to discuss this at a later stage of the negotiations in more detail.

• Finally turning to question 44 to 46: We support following the corresponding articles from UNTOC and UNCAC, while – on question 45 – we are flexible regarding the number of necessary ratifications by States parties for the entry into force of the convention.

• Thank you, Mister Chair