Agenda Item 7: Provisions on the mechanism for implementation

On Q38, Singapore of the view that the mechanisms of implementation of this Convention should focus on promoting and reviewing the implementation of this Convention. Therefore, some mechanisms that should be provided for include:

(i) reviewing periodically the implementation of this Convention by its States Parties; and

(ii) making recommendations to improve this Convention and its implementation.

In addition, to ensure that States Parties have the technical know-how to effectively combat cybercrime, the mechanisms of implementation should also consider technical assistance requirements to support capacity building of States Parties.

On Q39, as a preliminary comment, given that negotiations thus far seem to be moving in the direction of adopting an instrument similar in structure to UNTOC/UNCAC, it may be logical to adopt the Conference of Parties mechanism. If the implementation of the Convention is entrusted to the Commission on Crime Prevention and Criminal Justice, implementation decisions would only be made by the CCPCJ’s 40 members. There would be less representation in the decision-making process than with the COP mechanism. In respect of the last option, we note that COPUOS was set up to govern exploration and use of space for all of humanity and oversees the implementation of five UN instruments on this subject. However, as the mechanism for implementation contemplated here is targeted solely at the implementation of the current Convention as with UNTOC and UNCAC, we are of the view the COP mechanism would be more appropriate.

Between UNTOC and UNCAC, we tend to lean in favour of the UNCAC model, as it has stronger emphasis on technical assistance and explicit mention of an implementation review mechanism. These emphases would help ensure effective implementation of the Convention.

On a related note, we would like to thank the Secretariat, particularly Director John Brandolino, for the informative presentation last Thursday, and again today, on the implementation mechanisms for international treaties on drugs, organised crime and corruption and for uploading the presentation materials online. However, to allow States to make an informed decision, we would like to request the AHC Secretariat’s further assistance to prepare a paper comparing advantages and disadvantages of each of the options for mechanism of implementation. This will allow Member States to have greater alignment and clarity in identifying the most acceptable option.
On Q40, to allow this Convention flexibility in learning from the experience and expertise of the various groups, we suggest a more general approach as the one taken in UNTOC Article 32(3)(c) and UNCAC Article 63(4)(c). That is, for the mechanism of implementation to provide for "cooperation with relevant international and regional organisations and mechanisms and non-governmental organisations".