Agenda Item 8: Final provisions

Singapore’s response to Q41 is Yes. This Convention should include a provision governing its relationship with other treaties, agreements or arrangements on matters dealt with in this Convention. The inclusion of a provision on the relationship of this Convention with other instruments would help ensure that the rights and obligations of States under existing treaties would not be affected by becoming party to this Convention.

On Q42, as this Convention targets a specific type of crime (that is, cyber-dependent and very limited cyber-enabled crimes), we do not foresee a need for provisions on the development of additional or supplementary protocols. In this regard, this Convention is more akin to UNCAC, which deals specifically with corruption-related crimes, than UNTOC, which deals with the more general umbrella of transnational organised crimes and therefore requires protocols to address specific sub-categories of crimes. We note that UNCAC does not have such a provision and suggest that this Convention takes a similar approach.

As for Q43 on whether the convention should allow for reservations by States parties, Singapore’s views are as follows. Traditionally, reservations and declarations are used by Member States to adjust the way in which a treaty will apply to them. Given that we are still at an early stage of elaborating the Convention, we continue to believe it may be premature to already start considering the issue of reservations and declarations. We should instead focus our efforts in the first instance on a best effort endeavour and strive to achieve consensus on all issues.

On Q44, we suggest adopting the dispute settlement mechanism used in UNTOC and UNCAC, given that these conventions also deal with cooperation in criminal matters and would provide an established basis for reference.

Our response to Q45 is as follows. Given the objective of the instrument we are negotiating is to effectively address cybercrime, we believe it is in our collective interest to have as many countries as possible sign and ratify the Convention. In this connection, the number of States Parties to bring this Convention into force ought to minimally exceed that for the Budapest Convention, currently the only binding international agreement governing cybercrime. We note that the Budapest Convention currently has 67 parties. Further, almost 80 States voted in favour of UNGA RES A/74/247 which established this Ad Hoc Committee. Considering that support for this AHC process has grown since the UN membership voted on RES/A/74/247 more than two years ago, we believe that requiring 70 ratifications to bring this Convention into force is reasonable. There being 193 UN Member States, we are looking at just over a third of the UN membership. If there is appetite in the room, we can seek to be more ambitious and set a higher number.

We can use the UNTOC and UNCAC approach for this Convention to enter into force on the 90th day of the depositing of the last instrument of ratification, acceptance, approval or accession.
On Q46, we hold the view that this Convention should allow for amendments to ensure flexibility in its implementation and to keep up with technological changes, particularly in the event that such changes cannot be covered by this Convention as initially concluded. As for the amendment procedure, we can seek to mirror the provisions under UNTOC and UNCAC, in particular regarding how the amendments are to be proposed and adopted, subject to the mechanism for implementation that is eventually adopted for this Convention.