

ASEAN WORKING GROUP ON CYBERCRIME

TERMS OF REFERENCE

I. Background

1 At the ASEAN Senior Officials Roundtable on Cybercrime (SORC) held on 4 Jun 2013 in Singapore, Singapore tabled a proposal for the establishment of a SOMTC Working Group on Cybercrime. The ASEAN Member States unanimously supported the proposal. The 13th ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) on 19-20 June 2013 in Da Nang, Viet Nam endorsed Singapore's proposal and the 13th SOMTC also agreed for a reference on the proposed Working Group to be included in the cybercrime component of the SOMTC Work Programme 2013-2015.

2 On the basis of the above, the following Terms of Reference outline the purpose, scope, modality, composition, financial arrangements and meeting procedures of the SOMTC Working Group on Cybercrime ("WG on CC").

II. Purpose

3 The WG on CC provides a platform for ASEAN Member States to collaborate on capacity building, training and sharing of information related to combating cybercrime. It is also a platform for ASEAN Member States to: (a) discuss and adopt a coordinated approach to deal with cybercrime; (b) follow up on recommendations on cybercrime from other ASEAN-related fora; and (c) engage Dialogue Partners on cybercrime collaboration.

III. Scope

4 The scope of the WG on CC is as follows:

- (a) To facilitate information sharing on cybercrime related issues such as trends, best practices, and new techniques and tools;

The WG on CC will create a framework for information sharing among the relevant institutions in ASEAN Member States that are involved in preventing and combating cybercrime. This will also serve to enhance regional cooperation and coordination on cybercrime related issues.

(b) To establish regular points of contact for cybercrime cooperation;

The WG on CC will identify a single Point of Contact in the policy and security and law enforcement institutions of the ASEAN Member States, to facilitate networking and lateral coordination for cybercrime law enforcement cooperation and capacity building. The Points of Contact will also report any issues or outcomes of the WG on CC via their SOMTC national focal points for SOMTC/AMMTC's decision.

(c) To develop capability building and training initiatives;

The WG on CC will develop regional training programmes and regular conferences to enhance capabilities in combating cybercrime.

(d) To identify critical areas for collaboration within the ASEAN Member States and with Dialogue Partners, on cybercrime; and

The WG on CC will enable the ASEAN Member States to surface their needs so that collaborative solutions can be found, with the support of Dialogue Partners where appropriate, to effectively combat cybercrime.

(e) To explore possible collaboration with strategic private sector partners.

While effective law enforcement action is a crucial element in fighting cyber-threats, engaging all stakeholders, especially those belonging to the technology sector, is also critical to improving ASEAN Member States' capabilities to effectively detect, suppress and combat cybercrime. The WG on CC will leverage the strength and expertise of Member States and create strategic partnerships with regional and international entities, the private sector and academia in the area of research and innovation.

IV. Modality

5 The WG on CC shall be convened annually. The host and co-chair for the WG on CC meeting can be rotated among the ASEAN Member States with a visit to the respective ASEAN Member States' Cybercrime Unit as a standard agenda item. As the SOMTC's Voluntary Lead Shepherd for cybercrime, Singapore can act as Co-Chair for the annual WG on CC meeting to support the

host country and facilitate the ongoing work of the WG on CC. The outcomes of the annual WG on CC meetings will be reported at the SOMTC.

V. Composition

6 The membership of the WG on CC shall comprise the ASEAN Member States. The co-chairs and the heads of delegations to the WG on CC shall be senior officials at Director-level who formulate policy in the prevention, deterrence and suppression of cybercrime. They can be supported by operational cybercrime experts from their respective ASEAN law enforcement and security agencies.

VI. Resource Panel

7 The WG on CC recognizes the importance of working cooperatively with relevant private and public sector organisations both within and beyond ASEAN to address the challenges of cybercrime. The Chairperson may, in consultation with the WG on CC, on a case by case basis, invite non- members from private and public organizations and other interested parties to attend selected sessions of a WG on CC meeting as members of a Resource Panel. Any requests or proposals for Resource Panel member status shall be submitted to the Chairperson(s) in writing and agreed to by all the ASEAN Member States that is hosting the meeting.

VII. Financial Arrangements

8 ASEAN Member States represented in the WG on CC shall pay for the travel and accommodation costs of their representatives and experts to the Working Group meetings, unless funding is provided by Dialogue Partners for any WG on CC meetings or activities organised under the auspices of the WG on CC.

VIII. Secretariat Support

9 The Chair and Co-Chair of the SOMTC WG on CC would assign their relevant national agencies concerned to provide secretariat support for the respective WG on CC meetings. They would work closely with the SOMTC Focal Points and the ASEAN Secretariat in the preparation and distribution of the meeting documents for the WG on CC. The meeting secretariat would also

be supported by the Voluntary Lead Shepherd so that there is continuity with the help of host country and ASEAN Secretariat. This is to make sure there is follow up and monitoring to any Work Programme or any meeting so that we do not lose track to our main agenda.

10 The WG on CC Secretariat of the Chair/Co-Chair will work with the ASEAN Secretariat to prepare the summary record to all meeting participants, before the ASEAN Secretariat circulates it to all the representatives of the WG on CC via the SOMTC Focal Points for comments. The summary record will be considered approved unless comments are received within one week of the transmission of the draft summary record.

IX. Amendments

11 The terms of reference can only be amended with the consensus of and in consultation with the members of the SOMTC Working Group on Cybercrime.
