

Japan's comments on the preparation of the August meeting (Status 26 May)

Japan would like to thank the UNODC for contributing to the preparations for the organizational session in August 2020 (August meeting) to be held pursuant to OP3 of the General Assembly Resolution 74/247. In order to support the UNODC's future preparation work, we would like to share our views on this the way forward.

In order to combat cybercrime, cooperation among Member States is extremely important. However, the process of elaborating a new treaty on cybercrime started without consensus and the voting results of the Resolution 74/247 clearly shows that there is an inherent risk that the new treaty on cybercrime may divide Member States into different camps if not conducted in a prudent manner. Japan is of the view that, in order to avoid dividing Member States and to create a sound basis for enhancing international cooperation in combatting cybercrime, it is essential to ensure consensus-based decision-making based on fair and transparent procedures throughout the negotiations so that all Member States, including those that voted against Resolution 74/247, could participate in the new treaty negotiations.

We are strongly concerned that, if the new treaty on cybercrime is negotiated without consensus, it would hinder international cooperation in combating cybercrime. Given that cybercrime is easily committed across borders and criminals are constantly developing methods to exploit such advantages, the new treaty should provide Member States a strong and firm common ground for criminalization as well as tools to provide international cooperation, among others. In that regard, a consensus-based approach would be the most suitable option as it would allow Member States to reach a common understanding on what should be included in the new treaty and how to provide better assistance to each other. It may also nurture trust among Member States along the process. We wish to point out that, in a situation such as this, where an inclusive and comprehensive process is sought, "more haste means less speed". With this, we wish to reiterate our strong views that the spirit of consensus should be upheld throughout the process.

With regards to the issue of fair and transparent procedures, our understanding is that the proposal by the UNODC on 20 April 2020 proposal entitled 'Implementation of Operative Paragraph 3 of General Assembly Resolution 74/247 and Next Steps' enjoyed generally broad support. However, the silence procedure contained in the 20 April 2020 proposal

was broken by one Member state and we received the UNODC's new proposal on 12 May 2020. Whilst we stand ready to work with the 12 May version proposal and have already submitted a nomination for a bureau member in response, we wish to underline at this juncture the importance of the UNODC providing an explanation to Member States in order to ensure the transparency of procedures.

At the August meeting, discussion should be held on procedural matters only, and any discussion of draft text or elements of a new treaty should not be discussed. This is clear from the OP3 of the Resolution 74/247, which limits the scope of the August meeting to 'outline and modalities for its further activities'. And considering OP2 of the Resolution 74/247, which requires Member States to take into full consideration the work and outcomes of the open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime (Cybercrime IEG), discussion on the substance should wait until after the Cybercrime IEG has made its recommendation.

We would like to thank the UNODC again for its active role as the Secretariat in preparing for the August meeting, and we wish that our comments will assist the preparation work.