Japan’s Response to the Guiding Questions regarding Agenda Item 8

Question 41:
In order to clarify the relationship of the Convention with other treaties, agreements or arrangements relating to matters covered by the Convention, it would be useful to include provisions on the effect of the Convention. For example, if two or more of the Parties have already concluded an agreement or treaty on the matters dealt with in the Convention or have otherwise established their relations on such matters, or should they in future do so, they should also be entitled to apply that agreement or treaty or to regulate those relations accordingly in a manner that is not inconsistent with the Convention’s objectives and principles.

Question 42:
It is conceivable that provisions on protocols could be stipulated so that the Convention could be supplemented by protocols to be developed in the future on issues that need to wait for international and domestic discussions to mature, but it would be appropriate to consider that at the final stage of negotiation as necessary.

Question 43:
In order for many Member States to conclude the Convention, it is conceivable that a provision to allow reservations and declarations could be established to the extent necessary. It is appropriate that the extent to which reservations could be allowed is considered at the final stage of negotiation, as necessary, in light of the object and purpose of the Convention.

Question 44:
As seen in the written submissions from many Member States, while Parties should endeavor to settle disputes through negotiation, arbitration and referral to the International Court of Justice should be admitted in cases where the dispute cannot be resolved through negotiation. With regard to the dispute settlement mechanism, we support establishing a provision similar to Article 35 of UNTOC and Article 66 of UNCAC.

Question 45:
Regarding the number of ratifications required for the entry into force, while it is necessary to secure a certain number of Parties in order to successfully start to address cybercrime challenges, the provision should not be one that requires so many Parties that
it unnecessarily delays the entry into force of the Convention. Existing conventions on combating international crimes, such as UNTOC and UNCAC, have some differences in the number of necessary ratifications, and these should be a guideline for our discussion.

As for the number of days on which the Convention enters into force after the deposit of the last required instrument of ratification or accession, the ninetieth day is acceptable in line with Article 38 of UNTOC and Article 68 of UNCAC.

**Question 46:**
We support the establishment of provisions for amendment as is customary in various international instruments, and in order to respond to the rapidly changing cybercrime situation even when the provisions are stipulated to be technology-neutral. In terms of specific procedures, we support establishing a provision similar to Article 39 of UNTOC and Article 69 of UNCAC, but the details should be considered in light of the implementation mechanism and other provisions.