



**“Informal virtual meeting of the Open-ended Working Group on
developments in the field of information and telecommunications
in the context of international security”**

**Statement by H.E. Nathalie Jaarsma
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United Nations**

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Introduction

- The Netherlands would like to express our gratitude to the Chair, the Secretariat and the Consultants for their hard work on the zero draft, as well as to all OEWG colleagues for their contributions including during this informal session.
- Mr Chair, we commend you on this zero draft and we reaffirm our commitment and support to you.
- Overall, we regard the draft report as a good step towards a final report. It is a well-balanced report covering the discussed elements nearly sufficiently.
- In the spirit of working toward consensus, we would like to make some remarks on the zero draft that focus on points we believe can be improved. We will also send a more detailed written contribution.

THREATS AND NORMS

- Over the years, cyber- operations against the integrity, functioning and availability of the internet has shown to be a real and credible threat. This was mentioned as “public core” in the pre-draft of the OEWG. As we are striving for consensus, we contacted the countries that had expressed concerns during our earlier discussions and came to a new wording that seems to answer the concern. It reads as follows: “the technical infrastructure essential to the general availability or integrity of the internet”.
- We would like this to be mentioned under both paragraph 21 (threats) and 50 (norms). Given the earlier strong support for this norm both within the OEWG and the wider multistakeholder community we feel that convergence is possible. We believe that it has earned its place as one of the recommendations and really hope to see it reflected in the final report.
- As previously recognized by the GGE, operations against critical infrastructure is problematic and a threat to international peace and security. We therefore welcome the explicit reference to threats against the healthcare sector and the technical infrastructure essential to elections.
- As attacks on critical infrastructure that undermine trust and confidence in electoral processes has been regarded as a real concern in para 21 (conclusion of threats), we think this should also be mentioned under para 55 (conclusions of norms) as part of the norms addressing critical infrastructure.

INTERNATIONAL LAW

- We are of the view that existing international law applies in its entirety. We welcome the reflections of the discussion in the zero draft. Our most important remark is that we would like to see some essential parts of the discussions in the conclusions as well. We would suggest for the wording in par. 34 and 35 to be reflected in the conclusions and recommendations, as we are of the opinion that this would be in line with views expressed during the (informal) sessions.
- We believe that a recommendation could possibly also include a reference to diverging views on International Law which need further study and in depth discussion in the future. This could be based on par. 32.
- We would like to express our concerns about paragraph 30 with respect to internationally wrongful acts vis-à-vis due diligence. We think the formulation is rather confusing and may need further clarification.
- We welcome the inclusion of noting that greater focus could be placed on the settlement of disputes by peaceful means in paragraph 36, which is also recognized in paragraph 38. We would propose to expand paragraph 38. We will follow up with a text proposal.

CONFIDENCE BUILDING MEASURES

- The Netherlands thinks that adding declaratory statements, detailing member states positions', could build better understanding of each other's views and lead to increased trust and stability. We therefore welcome the reference in paragraph 63, but would like to mention the "issuance of national declarations of adherence to the framework for responsible State behaviour" as a separate paragraph under the concluding/recommendation section.
- States may strengthen their shared ability to exercise CBMs by joining regional organizations when possible. We welcome the mention that not all States are members of regional organizations and not all regional organizations have CBMs in place. It may be acknowledged additionally that regional organizations not yet having CBMs should be encouraged to develop those and could benefit from using existing regional CBMs as a source.

CAPACITY BUILDING

- The Netherlands is of the view that capacity building in the field of ICTs are a foundational element of achieving the Sustainable Development Goals (SDGs). We welcome the mention of its importance in para 80 but would like to underline the mutual reinforcement of cybersecurity capacity building and the SDGs. Providing clear and explicit examples of strong linkage with specific SDGs might help underscore this connection, such as SDG9 on resilient infrastructure, SDG10 on reducing inequalities and SDG5 on gender equality.
- We welcome the capacity building principles divided into process and purpose; partnerships; and people under para 86. We would like to add the importance of inclusivity and the need for shared responsibility under partnerships, which is also part of the GFCE and of the Busan principles on capacity building.
- Moreover, the role of multistakeholder endeavors in capacity building, such as the Global Forum on Cyber Expertise, should be highlighted under para 90.

REGULAR INSTITUTIONAL DIALOGUE

- In regard to para 98 the Netherlands is of the opinion that whatever form the regular institutional dialogue takes there should be room for implementation AND for the elaboration of additional commitments.
- Finally , we deeply regret that some delegations do not see the discussions that took part during our fruitful informal meetings as a full part of our discussion in the OEWG, including on the PoA. We think that the gist of our exchanges that took place in the past months have fed into the current zero draft and we would not have such a good text in front of us, if we did not have had those discussions. We therefore think that the PoA should be included and we welcome that the proposal on the establishment of a Programme of Action (PoA) has been mentioned in the zero draft. We attach great value to the contribution that the PoA may have regarding the implementation of the acquis by offering an inclusive and permanent dialogue in which all UN member states can engage at the same time. We consider the PoA to be action based, with an approach that is inclusive, open and transparent, consensus-driven, avoids duplication of existing work, and endorses a multistakeholder participation.

To conclude

- The Netherlands aligns itself with the statement as delivered by South Africa regarding the Survey. It represents an action-oriented outcome which we support strongly and would like to see in the recommendation section.
- We would like to support the Canadian proposal of the norms guidance text as it provides additional guidance to adhere to agreed norms.
- As well as their remark on the importance of gender.