Open Ended Working Group in the Field of Information and Telecommunications in the Context of International Security

Introduction
and
Existing and Potential Threats

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NEW YORK, 8 March 2021

Introduction

- As we kick off the last week of the OEWG, the Netherlands wishes to extend its gratitude to the commitment by the Chair, his team, the Secretariat and the Consultants for continuing the OEWG despite Covid19 and for your tremendous work on the first draft. We would also like to thank our fellow OEWG colleagues for their contributions and hope that by the end of the week we will reach a consensus report.
- The Netherlands aligns itself with the statement of the EU.
- Mr Chair, the Netherlands welcomes the First Draft and we reaffirm our commitment and support to you.
- We consider the draft to be a well-balanced report, reflective of the discussions held within the OEWG and believe that consensus is near. There are conclusions in the report that we are pleased with and find essential to maintain. However, there are a few elements that we believe could reflect, what has been discussed, appeared to be accepted and can therefore be further improved.
- First, we strongly believe that paragraph 7 is essential and a <u>corner-stone</u> of the first draft as it provides a solid foundation on the existing acquis, the rules guiding our behavior in cyber space, with a clear reference to IL and the GGE reports. It clearly reflects what has been underlined several times when delegations reaffirmed at the beginning of our work that <u>"we were not starting from scratch"</u>. From here we can only move upward and continue to strengthen the rule based order. Therefor we support the text proposal by the <u>US to slightly change the start of par 8</u>: instead of "Building on this foundation" the wording :building upon and reaffirming this framework".
- In our view, this first draft does not afford sufficient attention to <u>human rights</u>. Indeed, The Netherlands, together with several delegations, previously emphasized that human rights and cybersecurity are complementary, mutually reinforcing and interdependent. In addition to the point of human rights and freedom, the Netherlands wishes to include reference to the fundamental importance of an open, free, secure, stable, accessible and peaceful ICT environment for the enjoyment of human rights throughout the report.
- Adding free to the first sentence between "open" and "secure" in paragraph 7, and consistently throughout the report, is in the interest of keeping human rights protected, which we [all] deem important. While, par 8 is fine, we noticed that aside of the further development of norms, rules and principles, OP5 resolution 73/27 also states that NRP look at ways for their implemention. Thus, we suggest adding '…and implementation' to the following sentence: "…*further development* <u>and implementation</u> *of rules, norms and principles of responsible behaviour of States…*"
- The important role of multistakeholders in maintaining a secure, safe and trusted ICT environment should be emphasized. We therefore would like to note that the multistakeholder participation in the informal OEWG was a good first step towards greater engagement of other stakeholders in our discussions, and we would like to suggest to add this notion to par 9.
- Future participation could further be improved by opening up to non-ECOSOC accredited stakeholders and truly provide for an inclusive dialogue.

- We welcome paragraphs 10 on the digital divide and 11 on the gender equality by virtue of the high female participation, and would like to see a stronger link to the importance thereof in reaching the 2030 Sustainable Development Agenda.

Threats

- The Netherlands aligns itself with the EU statement and wishes to make the following additions in our national capacity.
- The Netherlands strongly supports the chapter on threats as it adequately reflects the rich discussion in the OEWG enriched by the multistakeholder consultations.
- Paragraph 15, 16 and 17 aptly summarize why this is matter of international concern and why the United Nations should firmly engage on this topic.
- We warmly welcome paragraph 18 and 20 as these clearly demonstrate how the OEWG is able to build upon the acquis, introduce newly identified threats such as the threats against electoral processes and addresses concerns of today and tomorrow such as the challenges accentuated by the ongoing corona pandemic on the health sector. By doing this the OEWG demonstrates its added value, and the first draft provide an adequate and well-articulated reflection of the discussions we had.
- We do wish to request to make one small addition. The structure of the report is such that, we start of by identifying threats, which are then later addressed in the law, norms, cbms and capacity building section. We are happy to see that under norms **the protection of the availability or integrity of the internet** is mentioned. In that light, we wish to also mention this explicitly under the threats section.
- Based on the voiced support in previous iterations of the OEWG and during the multistakeholder consultations, we propose therefore to amend the second sentence of paragraph 18 as follows: to include after the words financial system "or the general availability or integrity of the Internet", so that the whole sentence reads as follows: Quote – "Malicious ICT activities against CI and CII that undermine trust and confidence in political and electoral processes, public institutions, that impact the financial system or the general availability or integrity of the Internet, are also a real and growing concern." Unquote
- Finally, we believe that the reference to malicious activities undermining electoral processes should also be reflected under the norm section.