Open-Ended Working Group on security of and in the use of information and communications technologies 2021-2025 (OEWG)
Second substantive session 28 March – 1 April 2022

“National intervention under agenda item 5: Discussions on substantive issues”

Statement by
Kingdom of the Netherlands

NEW YORK, 30 March 2022
Dear Chair,

1. Thank you for the useful narrative summary and guiding questions on the topic of norms.

2. I will try to build on them and be as specific as possible.

3. But before I do so, I would like to reiterate three points that are of particular importance to my country:

4. Firstly, The Netherlands considers the norms to be complementary to international law. They provide additional specific guidance on what constitutes responsible State behaviour in the use of ICTs.

5. Secondly, that adherence to the norms also helps to protect citizens. They help ensure that everyone can enjoy the benefits of the digital world in a secure way, while knowing that their human rights and fundamental freedoms are protected.

6. Thirdly, that the norms are under significant pressure in the context of Russia’s illegal invasion of Ukraine. We see continued reports of malicious cyber activities targeting Ukrainian government services, banks and infrastructure. On the day the invasion began, one of these operations disrupted satellite internet connections in Ukraine and beyond.

7. Russia’s continued crackdown against social media platforms and other outlets in Russia is an infringement on the agreed norm on the promotion, protection and enjoyment of human rights on the Internet, particularly the right to freedom of expression.

8. This is an important test case for the norms we have agreed by consensus: they must be respected.

Chair,

9. The Netherlands has consistently advocated for the protection of critical infrastructure under the 11 norms of responsible State behavior.

10. Allow me to zoom in on a key example of critical infrastructure recognized in both the GGE and OEWG reports: the technical infrastructure essential to the general availability or integrity of the internet, or the public core of the internet. This mainly includes the physical, technical and logical infrastructure of the internet. In line with norm 13(f), the use and operation of such infrastructure should not be impaired. We view this as key prerequisite for the internet to thrive as a catalyst for social and economic development.
11. For the Netherlands, safeguarding the public core includes respecting its **multi-stakeholder governance model** and preventing the introduction of standards and protocols that undermine the open and interoperable nature of the internet.

12. In this context, and in reaction to what was suggested yesterday, I would like to highlight that the role of multi-stakeholder organizations like ICANN and Regional Internet Registries is to ensure the technical coordination of the internet and to work to uphold a single, global and interoperable internet that continues to operate at all times and is accessible to all. This has been and should continue to be the practice since the worldwide internet became available globally in the ‘90’s.

13. Furthermore, I would like to stress that we should refrain at all times from cutting off entities from this infrastructure as a way of imposing sanctions.

Chair,

14. Allow me to highlight a few ways in which the OEWG can enhance the implementation of the norms.

15. We believe it is important for the OEWG to recommend States to put in place mechanisms to coordinate between the CERT and the diplomatic community, both nationally as well as regionally or globally. This will allow States to assess the *diplomatic ramifications of ICT incidents* and exchange information with other States in this regard. Regional organizations could play an important role in facilitating such communications.

16. I would also like to emphasize the importance of developing **coordinated vulnerability disclosure policies**. Such policies help prevent the exploitation of such vulnerabilities for potential irresponsible uses and help curb their commercial distribution.

17. As we have mentioned in December, to facilitate the implementation of the norms, the Netherlands see an important role for a future *Programme of Action*, or PoA.

18. In addition, the **National Survey of implementation** that will be launched this week would be a helpful starting point for States to identify their priorities and needs to implement the UN framework for responsible State behavior.

19. We support the points made by Australia on this and thank them and Mexico for taking the lead on this.

Thank you, Chair.