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

Rules, Norms and Principles; International Law; CBMs; CB; RID

Comments and Textual Proposals

**Statement by H.E. Nathalie Jaarsma
Ambassador at-Large for Security Policy and Cyber**

NEW YORK, 26 July 2022

B. Threats

- We align ourselves with a text proposal on the threats section by Australia on behalf of a group of countries including the Netherlands.

C. Rules, Norms and Principles of Responsible Behaviour

Paragraph 8
Comment
- [Para 8a] We believe it could potentially be useful to exchange on understandings of <u>technical ICT-terms</u>. However, since technical ICT terms are subject to specific contexts of each State or region, it may not be a fruitful exercise to attempt at having common understandings. We therefore propose that States could **share national** understandings of ICT terms for the purpose of transparency.

Textual proposal for paragraph 8.a.
<u>a)</u> States consider developing additional guidance or checklists on norms implementation, elaborating and building upon the conclusions and recommendations agreed to in previous OEWG and GGE reports, as well as ~~consider developing common~~ sharing **national** understandings o<u>f</u>~~n~~ technical ICT terms <u>for the purpose of transparency</u>.

Recommendation 1
Comments
- The Netherlands welcomes the reference to the further guidance on **norms implementation** as mentioned in the draft annual progress report in Section C, paragraph 8(a). However, as a logical first step, the recommendations with regards to rules, norms and principles of responsible State behavior should begin with a clear recommendation for States to **implement the existing norms**, endorsed by consensus, while **taking into account the additional guidance on norms developed by the 2021 GGE and endorsed by the General Assembly**.
- So in section C under recommended next steps, we suggest as a new first paragraph.

Textual proposal for recommendation 1
1. **States continue** ~~exchanging views at the OEWG with the aim of developing common understandings on, as well as facilitating~~ **the implementation of**, **rules, norms and principles of responsible State behaviour in the use of ICTs** <u>**in accordance with General Assembly resolution 76/19 that calls upon States to be guided in their use of ICTs by by the 2021 report of the Open-ended Working Group and the 2021 report of the Group of Governmental Experts.**</u> ~~including on best practices in this regard, and discuss the proposals from the non-exhaustive list in paragraph 8(e) 4e) above, at the fourth and fifth sessions of the OEWG.~~

Recommendation 2

Comment

- We would like to propose to make the same edit as in para 8a to the reference to technical ICT terms in recommendation 2 of this section.

Textual proposal for recommendation 2

2. **Interested States or groups of States are invited to submit working papers to contribute to the development of guidance, checklists and sharing national ~~common~~ understandings o~~f~~n technical ICT terms for the purpose of transparency along with other tools to assist States in developing common understandings on as well as facilitating the implementation of rules, norms and principles of responsible State behaviour in the use of ICTs. Such working papers could facilitate a focused exchange of views at the OEWG.**

D. International Law

Paragraph 9

Comments

- The Netherlands attaches great value to the consensus agreement that international law, in particular the UN Charter, applies to cyberspace. A lot of work has been done by previous groups to reach common understandings of *how* international law applies. We welcome the report's non-exhaustive list of topics of *existing* international law that the OEWG could further discuss.
- There is still a long way ahead of us of further sharing national views and building common understandings around this issue. We believe that should be our aim.
- In response to your requests for concrete proposals chair, I would like to bring to your attention that we are working on a text proposal for this section. But we are waiting to first hear the views of all delegations.

E. Confidence-Building Measures

Paragraph 10
Comments
- The Netherlands is part of an informal, open, cross-regional group to advance CBMs through the work of the OEWG, and we fully support the points made by Germany on this.
- [para 10a-c] The Netherlands welcomes the inclusion of concrete suggestions in the draft annual progress report to advance CBMs, including a global POC directory (that has been in the OEWG and GGE reports going back to the 2013 GGE). To avoid unnecessary burdens on Member States, we encourage States to nominate to this directory, PoCs that have already been assigned as PoCs in the context of existing regional or sub-regional frameworks, where applicable.

F. Capacity-Building

Paragraph 11
Comments
- The Netherlands believes we need to be consistent throughout the capacity building section that we are referring to capacity building within the scope of "**security** in the use of ICTs".
- [Para 11b, first sentence] We would like to see the GFCE Cybil Portal, a knowledge portal for cyber capacity building, added to the list in this paragraph. The Cybil Portal is a very effective instrument that maps capacity building activities and which one can use to explore what is already available.

Textual proposal to paragraph 11.b. + 11.c.
b) The OEWG could promote better understanding of the needs of developing States **with the aim of narrowing the digital divide**, for instance through encouraging participation in **the discussion of the development and use of** questionnaires; the National Survey of Implementation; the Cybersecurity Capacity Maturity Model; **the GFCE Cybil Portal;** technical studies; and needs assessment models. Such efforts could also assist in matching needs with resources and lead to more effective coordination in capacity-building.

Recommendation 4
Comment
- Recommendation 4 of the capacity-building section refers to a UN Secretariat Focal Point for capacity-building. The Netherlands suggests that the recommendation proposes this as part of a future discussion on capacity-building taking into account other relevant proposals and initiatives.

Textual proposal for recommendation 4
4. **States engage in discussions on the possible role of the UN Secretariat in capacity-building on security in the use of ICTs, taking into account the role of other stakeholders as well as other relevant initiatives, including the PoA initiative.**

Recommendation 7
Comment
- The Netherlands would like to see a reference in this paragraph to useful and existing platforms such as the UNIDIR Cyber Policy Portal and the GFCE Cybil Portal. Information on these platforms should also be made available on the OEWG website.

Textual proposal recommendation 7
7. **States are invited, on a voluntary basis, to** ~~provide~~ **share, through the UN Secretariat**

or existing platforms such as the UNIDIR Cyber Policy Portal and the GFCE Cybil Portal, ~~with~~ information on forthcoming capacity-building programmes, as well as information on regional and sub-regional ICT centres of excellence. The UN Secretariat is requested to make this information available on the OEWG website.

G. Regular Institutional Dialogue

Paragraph 12

Comments

- We support the comments made by France on the PoA.
- [para 12a] We would like to delete the reference to the OEWG being a **negotiation** mechanism. This is not in line with our mandate contained in resolution 75/240.
- [para 12b] The Netherlands welcomes a concrete reference to the PoA in this section of the report. We would like to see more clearly that the PoA would be a mechanism to, inter alia, support the capacities of States in implementing commitments in their use of ICTs in the context of international security.

Textual proposal for paragraph 12.a. + 12.b.

a) The OEWG could play a role in raising awareness, building trust and deepening understanding in areas where no common understanding has yet emerged. Furthermore, each OEWG session should build incrementally on the previous one. States underlined the ~~centrality~~ role of the OEWG ~~as the negotiation mechanism~~ within the United Nations on the security of and in the use of ICTs **in the context of international peace and security.**