



Kingdom of the Netherlands

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STATEMENT BY

Ms. Carmen Gonsalves

Head of Division, Task Force Cyber

Ministry of Foreign Affairs of the Kingdom of the Netherlands

On the occasion of the seventy-second session of the General Assembly,
First Committee,

**Thematic Debate on other disarmament measures and
international security**

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Chairperson,

We align ourselves with the statement made by the EU. In addition, we would like to make the following remarks in our national capacity.

The Internet is increasingly regarded as a global public good, a global commons even, because of its role in supporting all aspects of human endeavor. The Netherlands is committed to keeping this global commons called cyberspace open, safe and free for all. Among other things, this means taking full advantage of the opportunities ICTs offer our economy and society, confronting threats, and protecting fundamental rights and values.

First, I would like to extend our warm gratitude to the chairman of the United Nations GGE, Mr. Geier, for his tireless efforts and leadership over the past year.

Chairperson,

Despite efforts by the Group's members to arrive at consensus on views and recommendations regarding norms, rules and principles of responsible behaviour of States, confidence building measures, capacity building and the application of international law in cyberspace, such consensus proved out of reach, and the Netherlands finds this regrettable.

Although this is a setback, I would also like to draw your attention to some cause for optimism regarding the future of a free, open and secure cyberspace. This optimism is grounded in that the lack of progress does not in any way diminish the foundations on which the convocation of this last edition of the GGE was based. These foundations include the 2015 and 2013 GGE reports. These were landmark achievements on the use of ICTs by states in the context of international security.

On International Law, the GGE in its 2013 report acknowledged *that international law, and in particular the Charter of the United Nations, is applicable and is essential to maintaining peace and stability and promoting an open, secure, stable, accessible and peaceful ICT environment*. This was self-evident for the Netherlands. After all, International Law, of which the UN Charter forms an integral part, provides a legal framework for interaction among states no matter whether this interaction takes place on land, on the high seas, in the air, or indeed in cyberspace. Cyberspace is in this context simply a vector for interaction among states, just as the skies above turned out to be little over a century ago. Also, the UN Charter is an indivisible source of International law that all member states have explicitly subscribed to. Important progress regarding the operationalization of how international law applies was made in the consensus report of 2015.

Furthermore, in the 2013 and 2015 reports states have agreed on common norms, rules and principles of responsible behaviour, confidence building measures and understandings regarding

capacity building that are building blocks for more stable and predictable interaction among states. This is also progress in which we all can share.

During the past year the Group had the opportunity to break new ground. In particular, the GGE could have provided guidance on the application of the inherent right of self-defence as set out in Article 51 of the United Nations Charter and customary international law. It could also have set out its findings on how the law of state responsibility applies to the use of ICTs by States, including the right to conduct countermeasures against a State which is responsible for an internationally wrongful act in order to induce that State to comply with its obligations. In addition, the Group could have made an important contribution to the common understanding of how international law applies to the use of ICTs by States by unequivocally recognizing that International Humanitarian Law applies to the use of ICTs in the context of an armed conflict, including the principles of precaution, necessity, proportionality, distinction and humanity. Also, the group could have usefully reaffirmed that obligations under international human rights law apply to the use of ICTs by States.

Regarding voluntary norms of responsible state behaviour, progress seemed within reach. I would like to note the very fruitful and constructive discussions regarding the protection of the general functionality of the internet.

Mr Chairman,

As I said in the beginning of my statement, despite this year's setback my country sees grounds for optimism. It is with an eye to the future that my country is therefore willing to support a decision to include in the provisional agenda of the General Assembly's seventy-third session the item entitled "Developments in the field of information and telecommunications in the context of international security".

We hope that a period of reflection, we can resume our discussions on norms for responsible state behaviour in cyberspace and continue to work together in addressing the challenges of today, so we will be looking ahead to a safer future for us all. It is important that during this period of reflection, we collectively endeavour to implement all the recommendations submitted by previous GGE's. We are keen to take concrete steps towards a safer world and we look forward to working together with all of you on this. Thank you.