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**Ad Hoc Committee to Elaborate a Comprehensive International Convention  
on Countering the Use of Information and Communications Technologies for  
Criminal Purposes**

**First substantive session 28 February – 11 March 2022**

**“Agenda item 3 – General Debate”**

**Statement by**

**Kingdom of the Netherlands**

**H.E. Mr. Mark Zellenrath**

**NEW YORK, 28 February 2022**

Madam Chair,

Distinguished delegates,

1. The Netherlands **aligns itself with the statement made by the EU** and would like to **add the following** in its national capacity.
2. Madam Chair, last week we witnessed the unwarranted, unprovoked, and illegal Russian invasion of Ukrainian territory. The Russian Federation has chosen to disregard and damage the pillars of international law and the UN Charter, including the sovereignty and territorial integrity of states, which the Russian Federation itself claims to hold so dearly. The Netherlands calls on Russia and Russia-backed armed formations to respect international humanitarian law and stop their disinformation campaign and cyber-attacks. In light of recent events, the Netherlands views the start of these substantive negotiations on a legally binding instrument as particularly challenging.
3. Nevertheless, Madam Chair, the scale of cybercrime is **on the rise** and its impact on **socio-economic development** is growing. The severity of the cybercrime threat requires no further elaboration. A widely accepted UN Convention on cybercrime can help to address this challenge.
4. Madam Chair, allow me to elaborate on **three key principles** that guide the actions of the Netherlands in this respect: effectiveness, inclusivity and sustainability.
5. First, effectiveness. To our knowledge, no UN Member State is principally opposed to an **effective** operational instrument for international cooperation against cybercrime. The Netherlands would advocate to build on this momentum by **focusing** the limited time available to us on those themes on which we can reach consensus.
6. To the Netherlands, effectiveness primarily means that the new instrument provides law enforcement and judicial authorities the necessary **practical tools and procedures** to improve judicial cooperation, accompanied by the appropriate **safeguards**.

7. Madam Chair, the mandate of the Ad Hoc Committee refers to a **comprehensive convention**. The effectiveness of the instrument is enhanced when the Ad Hoc Committee continues to strive for a comprehensive membership through **widespread accession** among UN Member States. Moreover, the instrument should be comprehensive **in terms of content**, by including a range of elements such as criminalization, procedural authorities, collection of electronic evidence, conditions and safeguards and capacity-building. Both of these understandings of the term '*comprehensive*' will, in the view of the Netherlands, greatly **enhance the effectiveness** of the future instrument.
8. Secondly, **inclusivity**. If we were to summarize the discussion so far, one observation stands out: we have heard a **variety of views** regarding the scope, objectives and structure of the future convention. More and more Member States raise their voices and want to **take ownership** of a future instrument. This is a positive development, because it suggests we have an inclusive process.
9. Madam Chair, this inclusivity allows us to **learn from each other's expertise**, whether it be on cybercrime-legislation, on a victim-centered approach or on safe-havens for cyber-criminals.
10. In order to ensure that we benefit from all the available expertise, the Netherlands and many others attach great value to meaningful **multi-stakeholder-participation** by civil society, the private sector and academia. We welcome their effective participation during the substantive formal sessions and inter-sessional consultations.
11. Thirdly, sustainability. One of the priorities for cooperation identified by the Intergovernmental Expert Group is **capacity-building and technical assistance**. The inclusion of strong provisions on capacity-building are a precondition for the sustainability of the future instrument. In that regard we should strive to facilitate the use of existing instruments, channels and principles such as UNODC's Global Programme, the Council of Europe's GLACY+, the Global Forum on Cyber Expertise and Interpol.

12. Madam Chair, it is our conviction that this future cybercrime convention will be sustainable when it is drafted in a **technology-neutral manner**. Technological developments evolve continuously, and we should be wary of technical terms that may already be outdated in a few years' time.
13. Lastly, Madam Chair, the Netherlands views the Ad Hoc Committee process itself as a **vehicle to build trust** between all states and stakeholders, as a confidence building measure. So, we strongly **caution against delving into time-consuming discussions on controversial issues** that will only serve to sow distrust.
14. Let us focus on those core aspects that will help us build this mutual trust, including **strong safeguards** that actively promote and protect human rights and fundamental freedoms. Trust is the prerequisite to achieving an inclusive, sustainable and effective instrument.
15. None of these principles are self-evident, so we count on **all** Member States to **continue ensuring that our common actions** in the Ad Hoc Committee remain conducive to inclusivity, sustainability and effectiveness.
16. Madam Chair, we thank you for your efforts and those of the Bureau and the Secretariat so far, and continue to count on your capable guidance.
17. Thank you.