



**NEW ZEALAND**  
FOREIGN AFFAIRS & TRADE  
Manatū Aorere



**DEPARTMENT OF THE  
PRIME MINISTER AND CABINET**  
TE TARI O TE PIRIMIA ME TE KOMITI MATUA



# New Zealand's draft principles and objectives for negotiating a new UN convention on cybercrime

## Draft principles for New Zealand's engagement in the negotiations

In engaging in negotiations, New Zealand will:

- Consider and provide for Māori interests, the Crown's Treaty of Waitangi relationship, and the potential impact on Māori of issues arising in the negotiation process.
- Use best endeavours to reach consensus, with a view to securing the strongest-possible mandate for the convention (recognising that given the transnational nature of cybercrime, any new convention should reflect the consensus of all Member States in order to facilitate effective international cybercrime cooperation).
- Advocate for our interests, and work in close cooperation with a broad coalition of likeminded partners (on substance, approach to negotiations and outreach).
- Advocate for a distinction between discussions on cybercrime (situated primarily in pure cybercrime, cyber-enabled crime and access to digital evidence) and other discussions on cyber security matters, which take place elsewhere in other UN processes (e.g. First Committee, not Third Committee).
- Advocate for any eventual convention to be practical and future-proofed to the extent possible.
- Prioritise our limited resources on parts of the negotiations where we have the greatest interest/stake, can contribute a unique perspective, achieve the most influence, and can leverage from and support partners with similar interests.
- Recognise the impact of cybercrime on victims and consider their interests in our approach to negotiations.
- Seek to encourage and support active Pacific Island Country participation, and advocate for their interests where appropriate to do so.
- Seek and encourage broad Member State and multi-stakeholder participation in the negotiations. This will not only ensure a more meaningful product, but will also ensure greater buy-in.

## **Draft objectives for the new UN convention on cybercrime**

New Zealand's objectives for the convention are that it:

- Supports and upholds New Zealand's broader values for cyberspace, in particular:
  - a cyberspace that is safe, secure, stable, multi-stakeholder-governed, free, open and interoperable;
  - a well-functioning rules-based order in cyberspace that protects and promotes human rights including the right to freedom of expression and the right not to be subjected to arbitrary and unlawful interference with privacy; and
  - respect for the rule of law online and offline.
- Supports a harmonised, modern global framework for the criminalisation of specific cybercrime and cyber-enabled crime offences.
- Addresses and improves international responses to emergent forms of cybercrime and cyber-enabled crime, including cybercrime as a service that require urgent collective action, such as sharing of harmful content online or ransomware-
- Recognises that the relevance of digital evidence extends beyond cybercrime and cyber-enabled crime, and supports the improvement of access to electronically stored criminal evidence, to facilitate the resolution of a wide range of offences.
- Does not conflict with or erode existing instruments, including the Budapest Convention on Cybercrime, but rather takes those existing instruments into account and builds on them.
- Considers the interests of, and potential impact on Māori and indigenous peoples internationally.