

CBMs and IL – July 26

Thank you, Mr. Chair, for this opportunity to express Canada's perspectives on the parts of the text dealing with norms, confidence-building measures and international law.

But first, a quick point on **gender**. I wanted to respond to my Chinese colleague on gender. Promoting gender at the OEWG is not just about adding women on the podium or in the room, as he implied. Yes, that is one part of it. Canada is a proud donor in the **Women in Cyber fellowship program**. We have funded the travel of 4 women diplomats to attend this meeting. There are another 25+ fellows here, funded by the other 5 donors. The Women in Cyber program contributed to achieving gender parity at the previous OEWG and based on what I see in this room, I'd say that we are doing rather well at this OEWG too.

But that is only one part of what we hope to accomplish on gender. I would encourage my Chinese colleague to read Canada's OEWG position [paper](#) and gender annex, which can be found on the OEWG portal. Gender is a top 5 priority for Canada in this process. We want to address the gender aspects of cyber security in several ways:

- text proposals**: pleased to see several references to gender in latest draft

- research on gender and cyber**: I'd encourage my Chinese and other interested colleagues to read the two excellent papers that Canada funded and that are available on the [portal](#) of the previous OEWG

There were **other ideas** in the gender annex that I won't get into in the interests of time. Canada disagrees that gender should not be part of the mandate of this OEWG. It was mentioned in the last OEWG report. Over 20 States mentioned gender at the last OEWG. Several of these states, including Canada, made text proposals. Several States

mentioned gender yesterday, including France, Cameroon, Brazil and Spain. So, I would encourage my Chinese and other interested colleagues to read Canada's position paper, gender annex and the research that we funded, in order to inform themselves, and potentially become Allies in helping us address this important issue!

Norms

Overall positive views on this section.

Report mentions possible need for **norms guidance**. Could be Canada's hook to update the norms guidance text that Canada proposed at the last OEWG, and that was supported by 40+ other States, if other States see value in this. Welcome member states' views on this between now and the end of the week, so that we can decide whether to proceed.

Welcome your views on this too, Chair. Based on opening statements made by Izumi Nakamitsu, she seemed favorably inclined towards this prospect, but happy to discuss further with you or any other colleagues in the room.

Back to the text. Potential concerns with **wording on new norms**, that reads:

“States proposed that additional norms could continue to be developed over time...”

Although there is already caveating language at the beginning of the section, **we could add “some” before “States”** at the beginning, to make it clear that while some States would like to develop new norms, others, like Canada, feel that existing norms are sufficient to guide State behaviour in this space.

In our view, we need to focus on the implementation of existing norms, rather than on developing new ones.

Other than this one minor change, we can support the contents of this section.

CBMs

Canada has a **broadly favourable** view of the CBMs section.

Many of the **elements proposed by the cross-regional group are reflected in it**. Canada is proud to be part of this group, which is ably chaired by Germany. This group has produced a discussion paper, which can be found on the OEWG portal.

One of the elements that Canada proposed in this paper is a **transparency measure** that would encourage states, on a voluntary basis, to be transparent about their cyber capacity and the conditions surrounding its use.

This could be as simple as a state saying "*we have a cyber capability, but we will only use it in a manner consistent with international law and norms of state behavior.*" Canada has done this in our defense and other policy statements, while of course providing more detail.

Several other countries have done so as well. The more countries that do this, the more this transparency would contribute to predictability and stability in cyberspace. The draft report encourages countries to:

"voluntarily share white papers, national strategies and policies including ICT capabilities..."

To be clear, this would be voluntary and we are specifically ruling out the need to provide any sensitive or confidential information.

So, to summarize, we are largely supportive of that part of the report on CBMs.

International law

Canada finds the latest version of the International Law section of the draft report to be a very **good basis for discussion** this week. We support almost all of the proposed changes from the previous version, and have only limited suggestions on this latest version.

In **para. 9**, we also support the minor revision to the reference to **IHL proposed in the Joint Statement** presented by Switzerland, which Canada was happy to join, given the importance of IHL.

In para. 9. b) Canada support the mention of the previous OEWG **recommendation on sharing of national views** on how international law applies in the use of ICTs. We see this as a vital part of the work of this OEWG. We also noted the reference to the UNIDIR Cyber Policy Portal which we were glad to see retained.

Chair, in that regard I am pleased to announce that soon after our last OEWG session, **Canada published our national Statement on International Law applicable in Cyberspace**. This is now available on the UNIDIR Cyber Policy Portal, in English and French. We encourage Member States which have not yet done so to consider developing their national position. Canada and others are available to provide advice and support.

In **para. 9. c) Canada supports a change** to the last sentence, to make a clearer link to our shared efforts to build common understandings of how international applies. We similarly support their request to delete the reference to mutual legal assistance, which we agree falls more squarely in the mandate of the Third Committee and the Ad Hoc Committee on Cybercrime.

Chair, Canada would have liked to see further information in this report on the growing number of **capacity-building activities** on international law. We will make this a priority for next year's report.

My colleague will share Canada's views on the remaining two sections of the text this afternoon.

Thank you.