

**Canada's Proposal for the Work of the 2021-25 United Nations Open-Ended Working Group on
"Developments in the Field of Information and Telecommunications in the Context of International
Security"**

Summary

This paper outlines the issues that Canada would like to see addressed at the 2021-25 Open-Ended Working Group (OEWG), in a manner that builds on the acquis of the 2013, 2015 and 2021 consensus reports of the UN Groups of Governmental Experts (GGEs), as well as on the 2021 consensus OEWG report. First, Canada proposes that the 2021-25 OEWG focus firstly on practical measures to apply and implement the voluntary norms of State behaviour adopted in the 2015 GGE report and reaffirmed in the 2021 consensus OEWG and GGE reports. The OEWG could also aim to provide additional guidance on the implementation of the 2015 GGE norms, building on the guidance in the 2021 GGE report. Second, we hope that the OEWG can further build common understandings of the application of international law to state behaviour in cyberspace. Third, given the broader scope of the OEWG, and the participation of a wide variety of actors in this process, Canada hopes that the OEWG will be as inclusive as possible when it comes to stakeholder modalities. Fourth, we hope that an eventual OEWG report will address the gender dimensions of cyber security. The rationale for this proposed approach and more specific examples of what could be included in the OEWG report are outlined below.

Background

The 2013 GGE report affirmed the applicability of international law to State behaviour in cyberspace. The 2015 report affirmed the 2013 report, with further elaboration on applicable international law, as did the 2021 GGE and OEWG reports. With the new OEWG slated to work for the next four years, and with multiple initiatives for dialogue and capacity building underway, there is an opportunity and a need to expand common understandings and the consensus on how international law applies in cyberspace.

The 2015 GGE report included eleven voluntary, non-binding norms of State behaviour in cyberspace. The 2015 report of the GGE was adopted by consensus in resolution 70/237, which "calls upon Member States to be guided in their use of information and communications technologies by the 2015 report of the Group of Governmental Experts." These norms were reaffirmed by the international community in the 2021 consensus GGE and OEWG reports. The 2021 GGE report also provides guidance on the implementation of these eleven non-binding norms.

Canada sees the applicability of existing international law to State behaviour in cyberspace, together with the implementation of these agreed voluntary norms, as the foundation for sustaining international peace and security through the promotion of responsible State behaviour in cyberspace. That is why Canada strongly supported the adoption of these norms and continues to promote their endorsement and implementation in various forums (including the G7, G20, NATO, ASEAN Regional Forum and OSCE). Canada reaffirms the conclusions of the 2013, 2015 and 2021 GGE reports, as well as those of the 2021 OEWG report. We hope that the 2021-25 OEWG reaffirms the conclusions of those reports and builds on them, in a way that focuses on practical implementation of this acquis.

Issues that Canada will focus on at the 2021-25 OEWG

In order to consolidate and build on the achievements of the last two consensus GGE reports and the recent OEWG report, Canada will focus on the following issues, among others:

- *Norm implementation:* Developing an additional layer of guidance on the implementation of the 2015 GGE norms could better enable more Member States to implement them. The additional guidance could build on the norms guidance in the 2021 GGE report and could address topics such as the role of non-governmental stakeholders and human rights, including gender-focused considerations. If there is appetite among Member States, Canada may update and retable its 2021 OEWG norms guidance [text](#), in order to advance the conversation on norms guidance and implementation. If most States feel that no new norms guidance is needed, Canada will focus on promoting the implementation of the 2015 GGE norms. This could be done by providing examples of how Canada has implemented these norms, by identifying barriers to norms implementation and by helping other States develop their capacity to implement the norms in a human-centric manner, for example.
- *International law:* In the first OEWG, Canada reaffirmed the applicability of international law to cyberspace and championed capacity building on international law. This led to a consensus recommendation for additional capacity building efforts, “in order for all States to contribute to building common understandings of how international law applies to the use of ICTs by States, and to contribute to building consensus within the international community.” To advance this objective, Canada will fund training courses on international law’s applicability in cyberspace for the next two years. Canada will also work across regions to build common understandings and to have these reflected in OEWG consensus outcomes through 2025.
- *Gender:* At the 2019-21 OEWG, Canada advocated for the importance of mainstreaming gender considerations in the OEWG’s work. Canada funded research on the gender dimensions of cyber security¹ and joined four other states in creating the Women in International Peace and Security in Cyberspace Fellowship [program](#). This program funded the travel and participation of over 30 women diplomats to attend UN OEWG meetings, before the program went virtual because of the COVID crisis. This program allowed gender parity for the first time in a First Committee process, a fact that was noted by the 2019-21 UN OEWG chair. Donors are working on a revamped and expanded program that will be rolled out to promote the participation of women diplomats at the 2021-25 OEWG. Finally, at the 2019-21 OEWG, we proposed specific [text](#) on gender mainstreaming, some of which was included in the 2021 OEWG report. We hope to build on these efforts and have several proposals to advance this conversation at the OEWG. See Annex 1 for more on these ideas and other possible ways that gender can be further mainstreamed in the OEWG’s work.
- *Stakeholder participation:* Canada sees it as essential for a successful and credible outcome that the OEWG process allow non-State actors to participate meaningfully in the group’s proceedings. We hope that all relevant stakeholders are able to participate in this OEWG through formal and informal mechanisms, not just ECOSOC-accredited organizations, as was the case at the last OEWG. This would allow the optimal range of pertinent civil society and private sector actors (NGOs, women’s groups, human rights organizations, academics, industry groups, tech companies, etc.), to provide input into the OEWG process. We hope that their input is reflected meaningfully in an eventual OEWG report. The contributions of civil society and NGOs are especially valuable in addressing issues such as online freedoms and gender equality issues,

¹ See [Making Gender Visible in Digital ICTs and International Security](#) by Sarah Shoker and [Why Gender Matters in International Security](#) by Allison Pytlak and Deborah Brown.

as well as in ensuring that States' human rights obligations are taken into account. The inclusion of non-State stakeholders greatly enhances the quality of our First Committee discussions, and strengthens the prospects for publicising and implementing our outcomes. For example, it is critical that we coordinate with—and receive input from—the private sector, which develops, controls, and operates the majority of global ICTs. At the same time, we must hear from and speak with civil society actors—including academia—who bring to the table a wide range of insights, including local perspectives, technical know-how, legal understandings and a human-centred focus.

- *Future mechanism:* Canada will continue to advocate for the creation of an inclusive, action-oriented UN cyber Program of Action (PoA) that will help States implement the acquis, coordinate capacity building efforts and better integrate the voices of non-State actors. In line with our objectives for stakeholder participation in the OEWG process, Canada believes that constructive participation of non-State stakeholders in an eventual PoA could provide insightful and valuable input into that group's work. We also believe that non-State stakeholders could play a significant role in the practical work of national and regional implementation efforts when it comes to implementing the acquis of past UN cyber processes. Canada will therefore continue to advocate for the creation of the PoA at the OEWG and elsewhere.

These are only examples of possible issues that Canada will likely raise at the 2021-25 OEWG. We believe that these proposals would lay the groundwork for the development of further practical approaches to expanding and implementing the acquis of past GGEs and of the recent OEWG. It would allow the 2021-25 OEWG to take stock of existing work done by the international community in these areas, to identify gaps and to explore avenues for future cooperation. We hope that the 2021-25 OEWG can reach a consensus report that incorporates some of the proposals outlined above, in order to keep the momentum going and build on the achievements of the last two consensus GGE reports and of the recent OEWG.