**Canadian comments on the OEWG zero draft text**

Canada’s feedback in this document will be divided into 2 parts: 1) elements of the text that we support; and 2) areas where we would like to see changes made to the text.

*1. Elements of the draft report that Canada supports*

* We are pleased with the structure of the text, which clearly shows in each section what opinions were voiced (with appropriate caveats such as “some states said…”) and what was agreed / recommended by all States. There are a few places where we would recommend adding some additional caveats, which are highlighted in the second part of this letter. This new structure and caveating is a major improvement over the previous version of the text, in our view.
* We are pleased to see the acquis of previous GGE reports highlighted in the introductory section of the draft. This is the foundation on which our current work rests and should be explicitly reaffirmed in any OEWG outcome, as is done in paragraph 7. For Canada, it is of the highest importance that the consensus recommendations of previous GGE reports be reaffirmed in the OEWG report and that the eleven norms agreed by the 2015 GGE be recognized in the text, in the introduction and elsewhere. We strongly believe that these eleven GGE norms (which were endorsed unanimously by UNGA resolution 70/237) need to be elevated in the OEWG text compared to alternative sets of norms that have not received consensus support at the UNGA.
* We are pleased with the Threats section and have only a few minor suggested changes, highlighted below.
* We are pleased with the international law section, as well as with the language on international law capacity building in paragraph 79.
* In the norms section, we strongly agree with the sentence that reads, “States stressed the need to promote awareness of the existing norms and to support their operationalization...” That is what Canada’s norms guidance text (attached as Annex 2) seeks to do. We will continue to advocate for this text at the February and March meetings, as we think it would be a major step forward in this regard.
* We are pleased with the sections on CBMs and capacity building and can support those sections as currently drafted. We have suggested some minor edits to those sections, per below.
* We are overall pleased with the section on the future mechanism. We were especially pleased that the report mentions the Programme of Action (PoA) in several places, including in the recommendations section. Canada is a PoA co-sponsor and we believe that the PoA could play an important role in implementing the acquis of past GGEs.
* Along with our norms guidance text and the survey proposal put forward by Australia and Mexico, we see the PoA as a key recommendation that could promote the implementation of the acquis of past GGEs. This is a key priority for Canada, as we want this OEWG report to be action-oriented and provide concrete recommendations. The creation of a PoA would be one such concrete recommendation for future action.
* The “final observations” section provides an excellent wrap up that highlights the links between the different sections of the text.

*2. Areas where we would like to see changes made to the text*

* We are pleased to see the role of stakeholders highlighted in paragraph 9. Given that non-state stakeholders play a very wide range of roles in ensuring the security and stability of cyberspace, we would recommend that this language be reworded to read "all stakeholders have a role to play in ensuring that ICTs do not endanger peace and security."
* In paragraph 11 of the introduction, we were pleased that gender was mentioned. However, we believe this language could be strengthened. We would suggest adding the following language at the end of this paragraph: “There was also a recognition that more gender-related data is needed in order to drive evidence-based policy making, inform capacity building, as well as address the gender impacts of cyber security policies and capacity building efforts.”
* In paragraph 16, about the use of ICT capabilities for military purposes, we would suggest adding a sentence after the first one that would read: “Other States indicated that the issue is not necessarily the existence of these capabilities. Rather, the issue is how these capabilities are used, and the need for States to be transparent about their intentions in this space. Several States have been transparent about their active cyber capabilities, have pledged to use them in accordance with international law and agreed norms of responsible State behaviour, and have urged others to be similarly transparent.” This addition would reflect the position expressed by Canada and several others on this issue.
* In paragraph 17 of the Threats section, we would strongly urge you to add the caveat “some states” to this sentence: “Concerns were also raised **by some States** about stockpiling of vulnerabilities as well as…” Given that not all States share this concern, adding this caveat here is very important, in our view.
* The term “cyber attack” appears in several places in the text, including in paragraphs 17 and 21. Legally, this term is ambiguous and problematic. We would strongly suggest replacing all iterations of this term with a term such as “malicious cyber activity” or “malicious cyber acts.”
* In paragraph 32 of the international law section, we would propose adding the following language between the sentence that ends with “enhancing implementation by all States” and the one that begins with “At the same time, some States…” This new proposed language would read: “States proposed that increased capacity building of national expertise on international law would greatly advance this important work and would help ensure that the widest possible range of States can contribute to the development of this common understanding. This was identified by States as a priority for ongoing collaboration amongst States within the OEWG and in other fora.”
* In paragraph 50 of the norms section, we would strongly urge you to add the word “some” to this sentence: “in addition, **some** States also proposed further ensuring the integrity of the ICT supply chain.” Given that not all States agree with this proposal, adding this caveat here is important, in our view.
* In paragraph 53, we would suggest adding a mention of civil society, so that this sentence would read “States recognized the need to encourage and support further regional efforts as well as partnerships with other stakeholders such as the private sector, **civil society** and the technical community on the implementation of norms.”
* In paragraph 73 of the CBMs section, we would suggest adding a reference to the role of non-State stakeholders: “States voluntarily identify and consider CBMs appropriate to their specific contexts, and cooperate with other States, **as well as non-State stakeholders,** on their implementation.”
* In paragraph 91 of the capacity building section, we would suggest adding a sentence at the end that would outline the role of non-State stakeholders. It could read: “In doing so, States should collaborate with non-governmental stakeholders including industry, civil society, academia, and the technical community.”
* We would recommend adding the following sentence at the end of paragraph 101: “Some states reinforced the importance of inclusive modalities for the engagement of non-governmental stakeholders in the future institutional mechanism.”
* In a similar vein, we would recommend adding the following sentence at the end of paragraph 106: “They noted the importance of consulting with other stakeholder groups on these mechanisms, including by gathering good practices and lessons learned for this engagement.”
* Finally, Canada supports the proposal by Mexico and Australia to develop a survey of national implementation. This proposal ties in well with our focus on implementing the acquis of past GGEs, because it encourages States to submit detailed explanations of how they are implementing this acquis. While the current zero draft alludes to this survey proposal indirectly, we think the draft could be strengthened by referring more directly to this proposal. Regarding the details of how this proposal could be better reflected in the text, Canada associates with remarks delivered by South Africa on February 18 on behalf of the co-sponsors of this proposal.
* While we are pleased with the references to the PoA in the future institutional mechanism section of the report, we believe that this language could be strengthened somewhat to reflect the strong support that the PoA has garnered among States. We would like to see the OEWG report mention the important role that the PoA could play in implementing the acquis of past GGEs, which is a priority for Canada.