Canada’s views further to the Secretary General Request for our Views on the Regular Institutional Dialogue

[Original: English]

The trend of increased malicious activity in cyberspace in recent years heightens the impetus to work efficiently to mitigate threats that could potentially undermine international security and stability.

The need for increased collaboration and action-oriented efforts must be matched with a commensurate UN mechanism on cybersecurity. Canada stresses the need to build on the collective acquis (the existing norms and our common understandings on how international law applies), and to create a space where more in-depth, concrete, and technical discussions can take place, in a manner that is intrinsically intertwined with our discussions in plenary settings. Canada considers that the future regular institutional dialogue should function as a virtuous cycle of threats assessments, framework implementation discussions, capacity building and review of any identified gaps to be addressed. Working on real-life matters, or on scenarios that emulate such matters, is more likely to shed light on tangible mitigation solutions. The future regular institutional dialogue should be action and results oriented, and demonstrate sustained and measurable progress.

As owners and operators of the cyberspace infrastructure, and as our eyes and ears on the ground, the multistakeholder community is particularly well-situated to provide high-quality and unique input, in a consultative manner, into our work. Ensuring meaningful stakeholder engagement in the future regular institutional dialogue will be instrumental to achieving our common objective of maintaining cyberspace stability. Engaging the multistakeholder community in such a way is also the most promising approach to enhance and facilitate opportunities for the inclusion of small and developing States in our work. This in turn maximizes the potential for increased global cyber resilience for all. By being truly inclusive, the future regular institutional dialogue yields a stronger potential to receive the buy-in that can enable the good-faith implementation and development of the responsible State behaviour in cyberspace.

Concerns and interests of all States, including on the further development of the framework, should be taken into account in the future regular institutional dialogue, through equal State participation at the United Nations. Decisions on substantive issues should be adopted by consensus.

Canada refers to, and reiterates, the views it has expressed on the future regular institutional dialogue in the context of the April 2023 Secretary General’s report, further to 2022 General Assembly resolution 77/37 for a Programme of Action. These views notably reflect that Canada recognizes and welcomes the reports and recommendations adopted by consensus to date (e.g. GGE and OEWG reports of 2021). Canada considers that this OEWG’s best course of action to deliver on its mandate, as provided for in General Assembly resolution 75/240, is to decide on a single-track, permanent, action-oriented, and inclusive regular institutional dialogue.

Canada welcomes the opportunity to provide views, again, on the future regular institutional dialogue. Canada considers that the current OEWG mechanism is not optimal or sufficient to achieve our collective objectives. Canada would not support a repetition of or permanent renewal of the current OEWG mechanism. Rather, Canada strongly believes that a Program of Action, developed within the OEWG and, ideally, agreed by consensus, is the best route to ensure a single-track, permanent, action-oriented and inclusive regular institutional dialogue on cyber security. This process would allow for more focussed
engagement on the implementation of norms and more in-depth discussion on how international law applies. I would also ensure better, action-oriented, coordination (there is no such coordination within the current OEWG) between discussion on concrete implementation of the acquis and targeted capacity building.

Canada recalls that substantive discussions on the Programme of Action as the future regular institutional dialogue have taken place since 2021, including in the context of the working paper circulated within this OEWG. Canada recognizes and supports calls by other Members to have a single-track process to discuss cybersecurity at the UN. As such, Canada cautions against creating a separate parallel process for regular institutional dialogue that would compete with the Programme of Action that received support from 161 UN Member States through the 2023 General Assembly Resolution 78/16. This would be an undue and unnecessary duplication, and it would impose unnecessary labour and financial costs on Member States.

The Programme of Action’s structure and functioning will be decided through an International Conference where a Political Declaration will be adopted. It is envisioned that the Programme of Action would be serviced by UNODA as its Secretariat. There will be review conferences to provide strategic direction, open-ended plenary discussions akin to those that exist under the current OEWG mechanism, and technical meetings/working groups to coordinate the elements of the thematic discussions that are relevant to address specific threats (e.g. identifying capacity building activities most relevant to implement norms, and apply international law, to ransomware).

The Programme of Action will leverage investments in capacity building and technical assistance as essential ingredients to further responsible State behavior in cyberspace and to facilitate cooperation between States. It will establish regional engagement through cooperation with regional organizations to leverage synergies and coordinate initiatives.

The Programme of Action will go further than issuing Chair reports. In addition, it will show sustained and measurable progress. It will seek to fill the accountability gap between the acquis and actual practice by solidifying commitments and engaging in reporting or review mechanisms to enable optimal capacity building activities in order to enhance responsible state behavior worldwide.