

Comments on the recommendations from the United Nations High-Level Panel's Report on Digital Cooperation

The European External Action Service and Commission services welcome the Report on Digital Cooperation from the United Nations High-Level Panel on Digital Cooperation and commend the holistic and multidisciplinary approach it applied from the outset, as digital policy is now a core element in economic and social development and affects all other horizontal and sectorial policies. The purpose of these comments is to map out areas where the EU is already actively engaged and would bring added value, and underline opportunities to co-operate in the UN context. **These comments from the European External Action Service and Commission services are based on existing policies and commitments already agreed amongst EU Member States.** Several EU Member States have also provided their own comments on the report.

In addition to the many EU Member States' valuable experiences – as mentioned in the report – the EU has put in place a comprehensive Digital Single Market Strategy (DSM). The DSM is based on three pillars: ensuring better access for consumers and businesses to digital goods and services across Europe; creating the right conditions and a level playing field for digital networks and innovative services to flourish; and maximizing the growth potential of the digital economy. The Strategy has enabled the EU to address the key regulatory and policy challenges in the digital economy. Modern European legislation in the field of personal data protection, free flow of data, cybersecurity or online platforms has put the EU in the forefront of the global digital policy developments. Many countries around the world are considering and adopting similar approaches, for example in the field of data protection. We have done so in close consultation with EU Member States, the private sector, civil society and academia.

1. General comment on the UN HLP Report on Digital Cooperation

The conclusions of the Panel rightly highlight the fact that the digital dimension has now been mainstreamed and has permeated various aspects of society, ranging from health and education to financial services and from environmental protection and agriculture to democracy and elections. Thus, international and development cooperation in these important domains should encompass the digital dimension.

We agree with the emphasis of the report of the High Level Panel on the **use of digital technologies to underpin the achievement of the Sustainable Development Goals** (SDG). Digitalisation acts as an accelerator and enabler of all the SDGs, creating opportunities for sustainable development and inclusive growth. Digital solutions can also help combat poverty by contributing to better target humanitarian and development activities. The EU and the African Union are working together towards a fast evolving African digital transformation by investing in universal access to affordable broadband, building capacity and e-skills, improving the business environment and accelerating the adoption of eServices to further develop the digital economy for the achievement of the SDGs.

At the same time, we also acknowledge the various **challenges that digital transformation poses, in terms for example of inclusion, security, or respect of fundamental rights.** This is why we are putting in place legal, policy, organisational and technical frameworks for enhancing our digital resilience, in consultation with EU Member States, the private sector,

civil society and academia. The EU refers to those frameworks in international discussions with external partners. For instance, the recent Partnership on Sustainable Connectivity and Quality Infrastructure between the EU and Japan emphasises that development of a digital economy depends on an open, free, stable, accessible, interoperable, reliable and secure cyberspace, and on free flow of data with trust.

Therefore, we **welcome the emphasis on multi-stakeholder cooperation in the report**. Nowadays, even if governments still support research and innovation in cutting-edge technologies, most of the research is private-sector funded. We believe stakeholders have an important role to play and all parties must work towards joint solutions to the challenges identified in the report and beyond. This was one of the motivations behind the creation of the EU's Global Tech Panel in April 2018, and the basis for its close collaboration with the UN High-Level Panel on Digital Cooperation.

2. Observations on key recommendations from the report

An inclusive digital economy and society

The first chapter covers some of the areas in which the EU is active and could build on its existing policies and initiatives to engage in co-operation. In addition to the recommendations it lays out, more emphasis should be put on education, and in particular digital literacy and e-skills, which are instrumental to achieve an inclusive digital economy and society. Adequate policy and regulation frameworks should be considered as the baseline for improving connectivity including underserved areas and populations.

- **Recommendation 1A**

The provision of affordable access to digital networks is aligned with the existing work carried out by the EU and Member States based on a multi-stakeholder approach. It is an integral part of the **EU-African Union Digital Economy Partnership** and other initiatives with third countries. The EU has also developed a **Digital4Development Platform** including the EU, several EU Member States, civil society organisations, research institutes and the EU private sector. At the same time, the quality of the service should not be forgotten.

- **Recommendation 1B**

The creation of a platform for sharing digital public goods falls in line with the **November 2017 Council conclusions on digital development**¹. Those recognise digitalisation as an essential driver for achieving the 2030 Agenda and the Sustainable Development Goals (SDGs).

- **Recommendation 1C**

This recommendation also mirrors the EU approach and the EU digital agenda: the **Council Conclusions of November 2018 on the strengthening of European content in the digital economy**² refer to access and equal benefits for underserved and marginalised communities, notably in least developed countries, as well as the promotion of gender equality, youth empowerment and the inclusion of persons with disabilities, in order to prevent the enlargement of existing inequalities and the rise of new ones. Amongst key stakeholders, we would also stress the role played by development agencies and multilateral donors.

- **Recommendation 1D**

¹ <https://www.consilium.europa.eu/en/press/press-releases/2017/11/20/council-adopts-conclusions-on-digital-for-development/>

² <http://data.consilium.europa.eu/doc/document/ST-13949-2018-INIT/en/pdf>

The European Union has extensive expertise in the development of metrics for digital inclusiveness, for instance with the **Digital Economy and Society Index (DESI)** to measure the digital economy. In that regard, the EU has already shared this methodology (or parts of it) with non-EU countries and is active in discussions with other international institutions including the OECD, G20 and UN agencies such as UNCTAD and ITU. At UNCTAD, the EU has supported the creation of a new working group on measurement of the digital economy that will help developing countries to build capacity in the collection of statistics and improve the availability of data on cross border e-commerce. **The European Union would be ready to present its methodology and share it with partners.**

Human rights and human agency

- **Recommendation 3A**

We welcome the proposed agencies-wide review of how existing international human rights accords and standards apply to new and emerging digital technologies. In the 2019 Council Conclusions on EU Priorities in UN Human Rights Fora³, the EU expressed support for the UN Human Rights system and called on "states that have not yet acceded to or ratified core human rights treaties to do so now". We believe that this is a key recommendation in favour of a human-centred approach for digitalisation, aligned on human rights and security with a clear multi-stakeholder participation process. We recall the ongoing work at the Human Rights Council in Geneva, especially with resolutions 20/8 and 26/13 on the promotion, protection and enjoyment of human rights on the Internet, as well as General Assembly resolutions 68/167 and 69/166 on the right to privacy in the digital age, to guarantee full respect for human rights, including the right to freedom of expression. Potential overlaps should be avoided, notably with the Office of the HCHR and taking into account the recent initiatives at UNESCO, ITU and WIPO. In this regard, we agree with the UN Secretary General's 2018 Strategy on New Technologies in the sense that we should **build on existing mandates instead of creating new ones.**

The Office of the High Commissioner for Human Rights, through the Human Rights Council Advisory Committee, is leading on preparing a report on the possible impacts, opportunities and challenges of new and emerging technologies with regard to the promotion and protection of human rights (including by mapping relevant existing initiatives). As a first step, the EU has been contacted to provide a state of play of its current policies and an analysis of the challenges. All UN member states, as well as relevant civil society organisations, academia and UN agencies are being consulted. This joint reflexion will allow members of the international community to share best practices and points of view and advance towards the setting of human rights standards. **The EU will engage actively in the upcoming efforts lead by the OHCHR, including an expert panel in Geneva in 2020.**

- **Recommendation 3B**

We note that the EU is already active on matters related to this recommendation and calls for respect for human rights and fundamental freedoms online with its **Human Rights Guidelines on Freedom of Expression Online and Offline**⁴. Those guidelines commit to promoting "standards protecting intermediaries from the obligation of blocking Internet content without prior due process". Likewise the EU Action Plan against Disinformation⁵, together with a strong data protection regulatory framework, is the first comprehensive attempt worldwide to counter the manipulation of democratic debate online while fully

³ <http://data.consilium.europa.eu/doc/document/ST-6339-2019-INIT/en/pdf>

⁴ https://eeas.europa.eu/sites/eeas/files/eu_human_rights_guidelines_on_freedom_of_expression_online_and_offline_en.pdf

⁵ https://eeas.europa.eu/sites/eeas/files/action_plan_against_disinformation.pdf

respecting freedom of expression. We also recognise the work carried out by the UN on the promotion and protection of human rights online: **the rights people have offline must also be protected online**. In line with the work led by OHCHR (see 3.a) the EU is ready to participate, together with UN agencies on discussions with social media companies on their role to tackle human rights violations, in particular their role to combat hate speech.

- **Recommendation 3C**

The EU has been at the forefront of an in-depth reflection on Artificial Intelligence, and especially its ethical principles. The European Commission is facilitating and enhancing cooperation on AI across the EU to boost its competitiveness and ensure trust, based on EU values. Following its European strategy on AI⁶, published in April 2018, the Commission set up the High-Level Expert Group on AI, which consists of 52 independent experts representing academia, industry, and civil society. They published a first draft of the ethics guidelines in December 2018, followed by a public consultation and a meeting with representatives from Member States. Furthermore, the Commission pursues a coordinated plan with Member States to **foster the development and use of AI in Europe**, which was also presented in December 2018.

In April 2019 the independent High-Level Expert Group on AI released their Ethics guidelines for trustworthy AI⁷ and concluded that trustworthy AI should respect all applicable laws and regulations, as well as a series of requirements (where these are not already covered by applicable law): human agency and oversight; robustness and safety; privacy and data governance; transparency; diversity, non-discrimination and fairness; societal and environmental well-being; and accountability.

An appropriate ethical and legal framework is an important element of an environment of trust and accountability around the development and use of AI. Solid safety and liability frameworks are essential for building trust and societal acceptance. People and companies will confidently use AI-powered systems if they know they will be adequately compensated if an accident happens. **The European strategy on AI set up an Expert Group to analyse if current EU and national liability frameworks are adapted to the challenges of AI.**

Given the strong alignment of the OECD, Council of Europe and G20 with the EU's approach to AI, **the EU would be keen to share its vision with UN members so that this approach reaches beyond developed economies, and build international consensus for human-centric AI.**

Trust, security and stability (recommendation 4)

The EU and its Member States are coordinating their position to reinforce existing international and multi-stakeholders frameworks, with the aim of avoiding duplication of work. In its recommendation to develop a Global Commitment on Digital Trust and Security, the report is not clear about the extent to which this would play out with respect with ongoing processes (e.g. within the First Committee). In this regard, it is also recalled in the report that there are existing initiatives, such as the Paris Call for Trust and Security in Cyberspace, the Global Commission on Stability in Cyberspace, Geneva Dialogue on Responsible Behaviour in Cyberspace, which cover a similar span and are result-oriented. Efforts could focus on their further universalisation and implementation of their outcomes.

Global digital cooperation (recommendations 5A and 5B)

⁶ <https://ec.europa.eu/digital-single-market/en/artificial-intelligence>

⁷ <https://ec.europa.eu/digital-single-market/en/news/ethics-guidelines-trustworthy-ai>

The architecture of internet governance is indeed a key matter, raised by both recommendations and the three models they propose. Each model presents desirable characteristics and together they provide a useful background for the necessary reflection on the future of global digital cooperation.

The EU maintains its **commitment to an inclusive multi-stakeholder model for Internet Governance**, while acknowledging that the current structures and mechanisms present shortcomings, in particular in terms of stakeholder participation and concrete policy outcomes. The EU believes a revamped multi-stakeholder model will be essential to strengthen global digital cooperation. **This model should ensure broad and active participation of all stakeholders; focus on a limited number of strategic topics; and should be empowered to draw actionable conclusions from the multi-stakeholder debate.** It may take the form of the IGF+, integrating specific elements of the other two models considered by the Panel.

The EU is willing to engage in the elaboration and in the practical implementation of such a model, as part of a community-led effort. The issue of the **financial sustainability** of the model, a recurring issue in the current IGF, will need to be carefully assessed.

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Effective and inclusive digital cooperation among governments, the private sector, and civil society is instrumental to ensure a safe and inclusive digital future for all, in line with international human rights law. **The European Union is a strong supporter of cooperation in the broader UN system** on human rights, security, technology, sustainable development and diplomacy **through a multi-stakeholder process that preserves the open multi-faceted and bottom-up nature of the internet, thus enabling an open, safe and trustworthy cyber space.**