

Comments by The Netherlands on the report of the UNSG's High Level panel on Digital Cooperation.

Summary/General comments.

The Netherlands welcomes the report of the UNSG's High Level Panel on Digital Cooperation.

We fully support the emphasis in the report on the need for digital inclusivity and on the contribution of digital technology in support of sustainable development. Digital technologies have an impact on every aspect of our society and we have to ensure that no one is left behind. As underlined in the report it is about ensuring that everybody is able to meaningfully access and use these new digital technologies. Policies need to be inclusive and promote equality for women and marginalized groups. If thought and developed properly, digitalization will be a key component in the achievement of the sustainable development goals.

We agree with the panels statements that improvements in the functioning of international organisations is not enough to fully benefit from digital technology, but that increased focus should be given to a multi-stakeholder approach in which all stakeholders together are responsible for their actions and policies that relate to 'digital commons' or 'digital public goods'. We are convinced that such an approach would be the best way to maintain an open, free and secure internet for all.

In this context we appreciate the proposals that the panel has made in order to improve existing platforms in the field of digital policies and welcome further discussions on the proposals.

We think it should be noted that there is a ratio behind the developments we see in internet governance. There seem to be several elements at play, which together have led to a call for a more sustainable governance of the internet. Because of technological progress (increase in computing power, lower costs and miniaturization), the internet has seeped through in all arteries and veins of our economy and society. Its impact is not limited to desks and phones: everybody and everything is connected to the internet, from our doorbell to our medical implants, and from our military apparel to our public and private transport systems. As a consequence the commercial, public and state interests have multiplied. Because of this many actors want to get involved in internet governance and protect or serve their best interests. That puts pressure on the technical community and existing mechanisms of multi stakeholder decision making (as ever more participants do not seek to serve the general interest of an open, free and safe internet, but specific public or private interests). It also creates tensions inside and between internet governance organizations that focus more on the societal, instead of the technical, dimension of internet governance (like IGF). Digitalization also provides bad actors with powerful instruments to commit crimes, sabotage and undermine the trust in the technological advancement. New threats arise, but also existing powers of law enforcement can be significantly decreased or rendered useless altogether. Effective law enforcement is critical to keep the internet, and society, secure and contribute to the open, free and secure internet for all. Finally tensions exist between multi-stakeholder and multi-lateral oriented organisations. All this calls for a new balance between the forces at work within the vast and fragmented domain of organisations that are involved in the governance of the internet. The very valuable and welcome suggestions from the High Level Panel are promising steps in the right direction.

We acknowledge that the Internet Governance Forum (IGF) has worked very well in convening different stakeholders from many regions of the internet community and that it has put many emerging topics on the international agenda. At the same time we agree that improvements are necessary in terms of more concrete outputs and results, securing broad political and regional participation. However, the report doesn't refer to what UN Resolution 70/125 of 16 December 2015 has already called for in this respect. Instead, the report does make some relevant proposals in this context, such as a Policy Incubator and a Cooperation Accelerator. More in depth discussions on these proposals are needed.

We strongly support a strengthening of the IGF Trust Fund by means of multi-annual financial commitments from stakeholder groups, in particular governments and private sector.

Improving the IGF alone is not sufficient because we also need to continue the progress that's being made in the Internet Corporation for Assigned Names and Numbers (ICANN) and its empowered community approach as an example of multi-stakeholder cooperation that can deliver

solutions for issues related to technical identifiers and domain names for the internet. Specific attention should be given to a good balance of power among the different stakeholders in the ICANN empowered community. The technical identifiers and the domain name system could best be considered as 'digital public goods'.

We agree that in the efforts to reform existing UN organisations and adapt them for the digital age we will need within the UN a 'soft coordination' mechanism (in contrast to more binding rules) to facilitate this process. Such a mechanism would aim to increase the participation and influence of more parties (such as ngo's and other stakeholder groups) in order to secure inclusiveness and representativeness. An example of 'soft coordination' could be the initiative within WTO to start discussions on digital trade, in line with the G20 Osaka declaration. Another example of 'soft coordination' could be the creation of a Tech Envoy within the UNSG office to promote this approach.

We look forward to having more detailed discussions on the recommendations of the High Level Panel.

Comments on the reports specific recommendations.

Recommendation 1 A - We recommend that by 2030, every adult should have affordable access to digital networks, as well as digitally-enabled financial and health services, as a means to make a substantial contribution to achieving the SDGs. Provision of these services should guard against abuse by building on emerging principles and best practices, one example of which is providing the ability to opt in and opt out, and by encouraging informed public discourse.

The Netherlands supports this recommendation, as it underscores the importance of considering the internet to be a public good instead of a commodity or asset. Digital technology will play an increasingly important role in delivering the Sustainable Development Goals. On this issue the Dutch government published its comprehensive policy. See <https://www.government.nl/documents/policy-notes/2019/07/31/digital-agenda-for-foreign-trade-and-development-cooperation-bhos>

We very much welcome the suggestions made in Chapter 2 of the report ('Leaving no one behind') to achieve progress towards this goal and address the necessary conditions and challenges, such as affordable access, access to data, the development of mobile money, digital identity systems etc. We also believe that we should ensure a meaningful access to digital technologies. An access that respects human rights and fundamental freedoms and where individuals can fully participate. This includes aspects such as capacity building and inclusivity.

Recommendation 1 B - We recommend that a broad, multi-stakeholder alliance, involving the UN, create a platform for sharing digital public goods, engaging talent and pooling data sets, in a manner that respects privacy, in areas related to attaining the SDGs.

The Netherlands would welcome further discussion on digital public goods and how they should be made available for attaining the SDGs. By definition this would require multi-stakeholder cooperation, including from national, regional and international development organisations and public-private initiatives. A lot of initiatives are already in place and existing platforms should not be duplicated also ensuring that already existing mechanisms/initiatives are working complementary.

Recommendation 1C - We call on the private sector, civil society, national governments, multilateral banks and the UN to adopt specific policies to support full digital inclusion and digital equality for women and traditionally marginalised groups. International organisations such as the World Bank and the UN should strengthen research and promote action on barriers women and marginalised groups face to digital inclusion and digital equality.

The Netherlands strongly supports digital inclusion and digital equality for women and traditionally marginalized groups. Digital technology can be an important tool for gender equality. Therefore we support specific programmes to educate and train women and girls in digital technology and support international initiatives in this respect, such as the eT4Women project of UNCTAD. The Netherlands focusses on inclusivity and inclusive decision making processes in general via many

international activities, such as in the Global Forum on Cyber Expertise and the development sector in the International Telecommunications Union (ITU).

Recommendation 1 D - We believe that a set of metrics for digital inclusiveness should be urgently agreed, measured worldwide and detailed with sex disaggregated data in the annual reports of institutions such as the UN, the International Monetary Fund, the World Bank, other multilateral development banks and the OECD. From this, strategies and plans of action could be developed.

The Netherlands welcomes this recommendation. The Netherlands support evidence-based policy decision making. In the field of digital technologies there still is a lack in metrics to support policy making. We support collaboration between international organisations to share metrics and collect the missing data, respecting data protection and privacy.

Recommendation 2 - We recommend the establishment of regional and global digital help desks to help governments, civil society and the private sector to understand digital issues and develop capacity to steer cooperation related to social and economic impacts of digital technologies.

The Netherlands agrees that there is a need for national, regional and global capacity building, but this is already core business of many organisations. Better coordination and division of work between these organisations have our preference over creating new mechanisms.

Recommendation 3 A - Given that human rights apply fully in the digital world, we urge the UN Secretary-General to institute an agencies-wide review of how existing international human rights accords and standards apply to new and emerging digital technologies. Civil society, governments, the private sector and the public should be invited to submit their views on how to apply existing human rights instruments in the digital age in a proactive and transparent process.

The Netherlands is of the opinion that existing human rights apply also in the digital field.

It is important to maintain a consistent and common approach to the application of human rights in the physical and digital field. It is also important to have a human-rights based approach in discussions related to digital matters. A new agencies wide review should be in support of such an approach. However it should not be in conflict with nor duplicate work already undertaken by relevant organisations, such as the UN Human Rights Council. A wide review should not overlook the way human rights can be defended and secured by law enforcement. The question remains how well equipped law enforcement is to investigate bad actors who violate human rights and threaten the possibility to reap the benefits in the digital age. One could also include the level of awareness that exists in the different agencies on legitimate, proportionate and necessary law enforcement needs.

Recommendation 3 B - In the face of growing threats to human rights and safety, including those of children, we call on social media enterprises to work with governments, international and local civil society organisations and human rights experts around the world to fully understand and respond to concerns about existing or potential human rights violations.

The Netherlands supports this recommendation and has several national initiatives (e.g. Notice and Takedown agreements) in place in this field in which we cooperate with social media enterprises and others. In this field we implement tailor made solutions depending on the content (not one size fits all). For example, the 'trusted flaggers' system might be less effective against hate speech given the tension that exists with the right to freedom of speech. But such a system could be very effective in combatting crimes such as child pornography.

Recommendations 3 C - We believe that autonomous intelligent systems should be designed in ways that enable their decisions to be explained and humans to be accountable for their use. Audits and certification schemes should monitor compliance of artificial intelligence (AI) systems with engineering and ethical standards, which should be developed using multi-stakeholder and multilateral approaches. Life and death decisions should not be delegated to machines. We call for enhanced digital cooperation with multiple stakeholders to think through the design and application of these standards and principles such as transparency and non-bias in autonomous intelligent systems in different social settings.

The Netherlands supports this recommendation. We currently have several initiatives underway to develop more detailed policy approaches with regard to the use of AI in line with international initiatives such as in the EU and OECD/G20. Our own strategic action plan on AI (October 2019) builds on these international frameworks.

Recommendation 4 - We recommend the development of a Global Commitment on Digital Trust and Security to shape a shared vision, identify attributes of digital stability, elucidate and strengthen the implementation of norms for responsible uses of technology, and propose priorities for action.

The Netherlands considers digital trust and security to be one of the key elements for digital policy making but we are not convinced that a Global Commitment on Digital Trust and Security is a viable proposal given the very controversial opinions in this area. Currently work is undertaken in the UN Group of Government Experts and in a new Open Ended Working Group and we should await their results. In those discussions we are promoting responsible state behavior and that stakeholders commit to a policy of non-intervention in the core of the internet, acknowledging its public good character.

Recommendation 5 A - We recommend that, as a matter of urgency, the UN Secretary-General facilitate an agile and open consultation process to develop updated mechanisms for global digital cooperation, with the options discussed in Chapter 4 as a starting point. We suggest an initial goal of marking the UN's 75th anniversary in 2020 with a "Global Commitment for Digital Cooperation" to enshrine shared values, principles, understandings and objectives for an improved global digital cooperation architecture. As part of this process, we understand that the UN Secretary-General may appoint a Technology Envoy.

The Netherlands welcomes the proposal for a "Global Commitment for Digital Cooperation". This work should be done on the basis of and in line with existing commitments in the context of the World Summit on the Information Society (WSIS) and the general framework of the Sustainable Development Goals.

We acknowledge that the Internet Governance Forum (IGF) has worked very well in convening different stakeholders from many regions of the internet community and that it has put many emerging topics on the international agenda. At the same time, we agree that improvements are necessary in terms of more concrete outputs and results, securing broad political and regional participation and sustainable funding.

Concrete initiatives to improve the IGF are currently being undertaken within the Multistakeholder Advisory Group of the IGF as a response to the UN General Assembly's call for accelerated improvements in its Resolution 70/125 of 16 December 2015. This work is guided by the recommendations of the Working Group on Improvements to the IGF of the UN Commission on Science and Technology for Development (CSTD). The report doesn't refer to the aforementioned UN Resolution, but instead recommends some new proposals in this context such as an Advisory Group, a Cooperation Accelerator, a Policy Incubator and an Observatory and Help Desk. More information about their tasks and mutual interaction as well as their place in the proposed new structure and why this proposed path has been chosen, is needed.

We strongly support a strengthening of the IGF Trust Fund. More stakeholders, including governments, international organizations and private companies, should be encouraged to become donor to the IGF Trust Fund under a long-term commitment. Statements in meetings supporting the open, secure and stable Internet should be, wherever possible, accompanied by financial support. The Netherlands government has committed itself in 2017 for a 5-year period to financially support the IGF Trust Fund. This creates at least stability and certainty for the IGF Secretariat to continue its valuable work.

Improving the IGF alone is not sufficient because we also need to continue with the progress made in ICANN and its empowered community approach as an example of multi-stakeholder cooperation that can deliver solutions for issues related to technical identifiers and domain names for the internet. Specific attention should be given to a good balance of power among the different stakeholders in the ICANN empowered community. The technical identifiers and the domain name system could best be considered as 'digital public goods'.

We agree that in the efforts to reform existing UN organisations and adapt them for the digital age we will need within the UN a 'soft coordination' mechanism (in contrast to more binding rules) to facilitate this process. Such a mechanism would aim to increase the participation and influence of more parties (such as ngo's and other stakeholder groups) in order to secure inclusiveness and representativeness. In this context we support the appointment of a Tech Envoy within the UNSG office to promote 'soft coordination' in the UN system and elaborate the multi-stakeholder approach within the UN system.

Recommendation 5 B - We support a multi-stakeholder "systems" approach for cooperation and regulation that is adaptive, agile, inclusive and fit for purpose for the fast-changing digital age.

The Netherlands fully supports this recommendation that highlights the importance of multi-stakeholder cooperation and adaptive, agile, inclusive and fit for purpose regulation, even if it will only partly solve the problem that the necessary improvements in the functioning and cooperation of internet governance organisations do not seem to be able to keep up with the pace of change of scope and scale of the internet and their related technologies, let alone the organisations, including companies that are at the heart of these developments. This support is without prejudice to the powers of public authorities (e.g. the needs of law enforcement) to regulate elements of the digital domain.

The Hague, October 2019.