

# REAPING THE BENEFITS OF DIGITAL TRANSFORMATION

***DENMARK'S RESPONSE TO THE UN HIGH-LEVEL PANEL ON DIGITAL COOPERATION***

***SEPTEMBER 2019***

The Government of Denmark welcomes the report of the UN High-level Panel (HLP) on Digital Cooperation: *The Age of Digital Interdependence*. Denmark commends the initiative taken by the UN Secretary General, acknowledging the importance of emerging technologies in the 21st century and the need for the international community to adapt.

Technology has become 'high politics' with an influence on global power balances. Countries are competing for mastering artificial intelligence. Digital infrastructure has become a foreign policy tool and is increasingly being used as leverage. And technological solutions has the potential to be misused to violate human rights and democratic processes.

Regardless of different opinions on the report's specific recommendations, the HLP report should be seen as the beginning – not the end – of the efforts to ensure a visionary, effective and fair approach to the digital agenda. Following our financial contribution and policy recommendations to the Panel, Denmark remains committed to cooperate with the Secretary General, the UN-system and other stakeholders to embrace the opportunities and mitigate the challenges of the technological revolution in the spirit of the HLP report.

Denmark strongly supports the emphasis throughout the report on using emerging technologies to achieve the SDG's. Technology should be a *means* for human progress and serve humanity – not vice-versa. Denmark agrees with the need to ensure affordable access to digital networks for all, and supports the promotion of digital equality and inclusion of women and marginalized groups in the digital economy and society. Furthermore, Denmark sees technological development as vital in the global efforts to combat climate change.

However, as the Panel underlines, technological solutions are not enough in themselves. Digitalization is cross-border in nature. We need to shape the trajectory of digital transformation jointly in a spirit of more, not less, international cooperation. A multistakeholder approach is essential to this end. Moreover, deepened multilateral cooperation is necessary at a point in time where technology emerges as a strong geopolitical factor and the rules-based international community is under pressure. We welcome the call, where necessary, for new institutional steps, while noting the importance of not undermining a number of crucial existing rules and norms in this process.

Denmark's position on the specific proposals of the HLP's report is based on our firm believe in the importance of preserving and promoting a free, secure and open internet as well as human rights and democracy in an increasingly digital 21<sup>st</sup> century.

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Expanding on the seven recommendations submitted by Denmark to the Panel in December 2018, Denmark would like to raise the following points:

**1. Encouraging a balanced, human-centric approach to technology.** Denmark is pleased with the basic narrative of a balanced approach to technology found in the report and supports a values-based approach that puts humans before technology. However, it is now crucial to convert good intentions and rhetoric into solutions that yields tangible results to citizens across the globe. Maintaining an optimistic view on technology while paying attention to evolving challenges and new risks is key to avoiding that the privacy scandals and the subsequent tech-lash will result in giving data 'a bad reputation' in the broader public. This at a time where the potential of data-driven decision-making for solving global challenges should be promoted. What is needed is real buy-in and practical solutions to the challenges that will inevitably come. This could be done by developing a select number of UN-led pilot-projects that could serve as catalysts for operationalizing the recommendations. Denmark stands ready to support, where possible, these efforts.

**2. Promoting genuine participation and increased societal responsibility of the tech industry.** Neither technology companies nor governments or international organizations can tackle the questions triggered by digital innovation alone. We need a structured dialogue with tech companies to make sure that democratic governments set the boundaries for the tech-industry. In spite of growing recognition of the need to bring the tech companies into the equation – including the Panel's recommendation about social media companies – a lot more has to be done. We need commitment from all sides and a readiness to engage. This demands a certain allocation of resources, but more importantly, a willingness to step out of our respective comfort zones and genuinely work together to find solutions. Governments and the industry have different roles to play. But without more preparedness from the global tech industry to take societal responsibility and contribute to the common good, we risk undermining the values and institutions which our societies are built upon. The current trend of too-little-too-late is not sustainable.

**3. Combatting the digital divide and promoting digital solidarity.** While Denmark is pleased with the focus on the SDG's, internet access for all, and human rights online, we could have wished for more tangible recommendations on how to ensure a stronger strategic focus on technology and innovation in development cooperation, humanitarian action, and within the UN system. This is crucial to combat a digital divide and ensure global solidarity. A rising number of internet users worldwide does not in itself guarantee equal access – in fact, we see signs of growing digital inequalities within and between countries and regions. Denmark agrees that 'Leaving No One Behind' in the context of digitalization must be viewed broader than only as a matter of connectivity. We need more investments in digital skills and infrastructure and a boost of capacity building on key governance aspects to make sure all groups, especially youth, women and girls, are equipped to harness the benefits of digitalization. Including enhancement and adaption of skills and education. Last, but not least, it will be key to find international solutions to ensure that all companies, including big tech companies, pay their fair share of taxes.

**4. Getting regulation right.** Denmark supports regulation that is 'adaptive, agile, inclusive and fit for purpose' as proposed by the Panel. In recent months, several of the largest tech companies have publicly welcomed more regulation on issues such as privacy. However, when policy makers lack sufficiently insight on how the platforms operate, it is very difficult to regulate in a smart and efficient way. There should be a mutual interest in avoiding over- or under-regulation and therefore in getting regulation right. The current information asymmetry is a gridlock that must

be overcome by more openness from the industry and a more proactive engagement by governments and institutions. Only then can we strike the right balance of promoting innovation versus ensuring fairness. We thus need increased transparency and information sharing from the industry to be able to regulate efficiently.

**5. Safeguarding democracy & human rights.** Denmark strongly agrees with the Panel that human rights 'apply fully in the digital world'. A potential review of human rights and new technologies should be conducted by experts in the Human Rights Council and the OHCHR. Important work in this area is already underway spanning both the normative and the practical levels. Together with a core group of countries, Denmark has taken specific steps to elevate human rights and new and emerging digital technologies on the HRC agenda. We believe there is a need for a holistic assessment of how digital developments will impact human rights. Denmark actively supports the OHCHR's direct dialogue with the tech-industry to enhance the understanding of human rights frameworks, including the Guiding Principles on Business and Human Rights. We must ensure respect for human rights in the design, development and deployment of AI. Another important strand of work is the development of ethical standards for the use of data and guidelines for Artificial Intelligence in businesses that secures trust and enables innovation in the digital economy.

**6. Advancing digital transformation through public sector digitalization.** Denmark finds that the report lacks recommendations addressing public sector digitalization adequately. Public sector digitalization can increase effectiveness, improve quality of service delivery and ensure inclusive societal change in the digital age. The UN system could benefit from increased digitalization, e.g. by developing data-driven programming systems. This should be a central aim of the reform process, and could enhance efficiency and thus better use of financial contributions. Denmark agrees that capacity building is required and would like to see further clarification of the idea of a platform for sharing digital public goods. On the other hand, Denmark is unsure of the added value of the regional and global help desks and would prefer a more strategic and pro-active effort.

**7. Emphasizing that the digital age requires more, not less, international cooperation.** The report has a number of proposals with the potential to strengthen international and multistakeholder cooperation. Denmark believes that multistakeholder cooperation is crucial to ensure that everyone benefits from technological development. We fully support a strengthening of the IGF through more effective multistakeholder cooperation and that the IGF continues as a non-decision-maker forum, as well as the appointment of a UN Tech Envoy. Denmark stands ready to share lessons learned from the TechPlomacy-initiative and the mandate of Denmark's Tech Ambassador. We support the proposal to mark the UN's 75th anniversary with a 'Global Commitment for Digital Cooperation' to enshrine shared values, principles and understandings. We find it crucial that any new initiatives do not backtrack on existing results or overlap with existing mechanisms and processes, including in the cyber security area. We are therefore not yet convinced of the need for a 'Global Commitment on Digital Trust and Security'.

Faced with the challenges and opportunities of the digital age, Denmark remains committed to a rules-based international order based on human rights and democratic values. The UN is a corner stone ensuring global cooperation, and it is both timely and necessary that the UN steps deliberately into the front and centre of the technology-driven future with a strategic approach and a pro-active mind-set. Denmark stands side-by-side with the UN in this new, digital world order.

# APPENDIX

## COMMENTS TO SPECIFIC RECOMMENDATIONS

**Recommendation 1A.** *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.*

Denmark supports this recommendation. Even in light of many new technology-related challenges, including digital access becoming a new parameter for inequality in the developing world, it is key that we maintain a positive view on technology and its potential to enhance human welfare. Importantly, we need technology to achieve the SDGs and to limit climate change in accordance with the Paris Agreement. New technologies have the potential to e.g. enhance sustainability in cities (SDG11), improve responsible consumption and production (SDG12), reduce greenhouse gas emissions (SDG13), and strengthen risk mitigation and climate change adaptation e.g. through improved and widely disseminated weather forecasting.

By the end of 2018, half of the world's population was online. We now need to push hard for the last half to reach true global connectivity. This requires a massive effort from governments, the corporate sector, citizens as well as of their international development partners. And it requires strong public-private partnerships and capacity building programmes which mobilize political support as well as finance and bring together regional and global organizations including the AU, the World Bank, the African Development Bank and private sector actors. Development partners should support the adoption of technologies and a digital mind-set in development cooperation, while keeping in mind the challenges and risks, e.g. by incorporating digital literacy. In particular, digital tools should be used to leverage entrepreneurship and economic opportunities and support human capital development and political engagement by young people in developing countries.

**Recommendation 1B.** *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.*

Denmark in general sympathizes the idea of such a platform. However, it should be clarified what the proposal entails, the target groups and how it could work in practice, including how it would take into account local and regional needs. Sharing digital public goods, engaging talent and pooling data sets in a structured manner to attain the SDGs is the right way ahead. Establishing a multi-stakeholder alliance for this purpose is an opportunity to leverage the comparative advantages and complementary contributions of different institutions such as the UN, the World Bank (including through its Digital Development Partnership) and regional organizations can make towards harnessing digital dividends in support of the SDGs.

Further work on this initiative should address the possibility of including digital solutions for climate change challenges. A first step could be a mapping and evaluation of similar existing models, such as the work of The Digital Impact Alliance.

In general, the UN system could benefit greatly from accelerating digitalization of systems, services and processes, for example by implementing more data-driven programming. This would ensure efficiency and better dividends of financial contributions. As one of the major contributors to the UN's innovation facilities, Denmark would like to see further enhancement and exchange of best practices within and between agencies, for example through the UN innovation network.

**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.*

Denmark strongly supports this recommendation. All actors related to the digitalization of society needs to promote digital inclusion by leading the way through inclusive digital policies in their own organizations and countries.

We need to be careful that potential digital 'dividends' from inclusion of youth, women and marginalized groups into the digital economy do not turn into a digital 'divide'. Unequal access to digital opportunities may exacerbate existing inequalities and create new fault lines. We must make a conscious effort to reduce digital inequality and to leave no one behind through all means at our disposal. This goes for developing and developed economies alike, and requires major investments in digital infrastructure, skills and competences. But it also goes for a heightened focus on capacity building to ensure governance mechanisms, revenue creation and key societal institutions are ready for the digital age. The Digital Development Partnership's work to develop a handbook for regulators is an example.

**Recommendation 1D.** *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.*

If a set of metrics for digital inclusiveness can be developed by international organizations that builds on existing metrics and do not duplicate work, Denmark supports this proposal. One option going forward could be to collect metrics and data into one database or to align existing metrics into a broader, coherent framework. Broadly recognized and transparent metrics about digital inclusivity can be used to inform the policy action that is needed to enhance inclusive global connectivity.

**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.*

Denmark is not yet convinced of the added value of global help desks and would prefer a more strategic and pro-active effort. A stronger strategic and targeted focus on technology and innovation in development cooperation and humanitarian action is required. The UN system, other norm setting and regional institutions along with multilateral development banks need to work more closely together to make this happen. In particular, we must invest more in digital skills and infrastructure to make sure all groups, especially youth, women and girls, are equipped

to harness the benefits of digitalization. Likewise, focus is needed to boost capacity building on key governance aspects to ensure sustainable economic value and revenue creation as well as fundamental rights (privacy, data etc.) in the digital economy. Complementarity is encouraged with ongoing work streams in this area, including the World Bank's provision of technical assistance and analytical work regarding regulations in the new economy.

***Recommendation 3A.*** *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.*

Denmark strongly agrees that human rights apply fully in the digital world. However, we find that the OHCHR and the Human Rights Council are best placed to review how existing international human rights accords and standards are kept relevant and up-to-date in the digital age. The focus on these issues should be strengthened and widened as they are central to ensure a balanced, values-based and human-centric technological development.

Importantly, the tech companies have to acknowledge that their platforms and products play a key role in human rights violations in the digital age, and must assume a greater societal responsibility and an attitude towards cooperation with the international society. Both the UN and the tech-companies could benefit from an open and more trustful relationship to counter human rights-related issues.

Denmark actively supports the OHCHR's efforts to explore a closer dialogue with the tech-industry to maintain a strong, up-to-date human rights effort in light of technological development. A group of countries, including Denmark, initiated a resolution in the HRC about the influence of new and emerging digital technologies on human rights (HRC/41/11), and Denmark will continue to push for stronger HRC-cooperation around human rights in the digital age.

***Recommendation 3B.*** *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.*

Denmark strongly supports the call for social media enterprises to double down their efforts to fully understand and respond to human rights violations. Social media companies are not neutral platforms. Their design and use of algorithms influence directly political opinion and amplifies existing divisions in society between citizen groups and communities. They should not shy away from this responsibility.

Strengthened public-private cooperation around human rights issues should not only count for social media companies, but for the tech-industry in general. The fast-paced technological development will require a continuous effort, not only in the coming years, but in the coming decades. The development of a human rights based approach to the use of data and guidelines for Artificial Intelligence is one important strand of work to reach this end. It is important to emphasize that a responsible use of data and artificial intelligence is an enabler to innovation as it secures trust in emerging technologies.

Recent history unfortunately shows that certain tech companies have not lived up to their responsibility compared to their societal impact, and that governments and organizations have not been good enough at including them in the discussion. In general, the tech industry has an unequivocal societal responsibility for ensuring that their technologies and platforms do not undermine or challenge democratic institutions and human rights.

In spite of the growing recognition of the tech industry's role and responsibility and the need to cooperate across the public-private divide, we still have not seen a proper and genuine level of engagement and openness from all parts of the tech industry.

Denmark stands ready to share experiences from our technological diplomacy (TechPlomacy) and assist in bolstering the UN's efforts to bring the industry to the table. As an example Denmark recently convened a close-door meeting on the situation in Myanmar with the participation of Governments, civil society, media and the tech industry. In a digital world such a multistakeholder approach should be further explored.

**Recommendation 3C.** *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.*

Denmark supports this recommendation. We welcome the steady progress made over the past few years in the Group of Governmental Experts on Lethal Autonomous Weapons Systems (GGE LAWS) to increase our collective understanding of the complex topic of LAWS in order to avoid a scenario where rapid technological advances would outpace our ability to uphold international law. Denmark remains committed to continuing to work to ensure that all use of force remains under meaningful human control. Therefore, discussions on LAWS should continue within the GGE LAWS, particularly on the necessary type and degree of human involvement to ensure that deployment and usage of all weapons systems are compatible with the requirements of international humanitarian law (IHL).

To keep harnessing the benefits of technology, it is vital that trust in digital solutions are not undermined. Intelligent systems such as autonomous intelligent systems and artificial intelligence in general have to fully comply with human rights, democratic principles and ethical guidelines. Denmark agrees that the decisions of such systems should be explainable and accountable to humans. Strong ethical standards for artificial intelligence and the use of data should be developed and applied in both the public and private sectors. We should secure that principles and guidelines for trustworthy AI and data ethics enable innovation and responsible technological development rather than raising unnecessary barriers.

Different international organizations have already adopted principles or guidelines for the responsible use of AI, with the OECD Principles on AI as well as the Council of Europe's Guidelines on Artificial Intelligence and Data Protection and European Ethical Charter on the use of artificial intelligence in judicial systems as a prime examples. Denmark fully supports these initiatives, but we should be careful not to duplicate work. With many principles already adopted, it is now time to step from principle to practice. We need to shift from rhetoric discussions to real and

hands-on implementation of the terms used in the guidelines and principles. How do we ensure explainability in an AI-system? What is a human-centric robot? How to use data ethically? Which particular steps should be taken to enter the phase of implementation?

**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.*

Denmark does not call for and does not see the necessity for the creation of new international legal instruments for cyber issues, as there is already an international legal framework, where international law, including the UN Charter in its entirety, applies in cyberspace. Denmark strongly advocates that such issues are handled within the existing framework of the UN Group of Government Experts and the new Open Ended Working Group. Any new initiative such as a possible 'Global Commitment on Digital Trust and Security' should, as a minimum, be based on careful reflections of added-value, and not lead to further fragmentation of global cyber discussions.

Likewise, we find it crucial that possible new initiatives in this area do not backtrack on existing results. It is essential that any further work builds on the consensus reports of previous UNGGEs, including the 11 voluntary norms for responsible state behaviour in cyber-space. These 11 norms can and should be implemented as the first priority in order to address immediate threats to an open, neutral, and secure global cyberspace, rather than directing our current efforts into drawn-out negotiations. Denmark agrees, however, that there is room to look into how the existing rules, norms and principles are implemented in practice, as also suggested by HLP. We need to protect and promote a free and open global internet at a point in time where this fundamental nature of the global IT infrastructure is under increasing pressure of fragmentation. We must strive to bridge the digital divide through cybersecurity capacity building – not only to protect the benefits of digitalization, but also because the global IT infrastructure is only as secure as its weakest link.

**Recommendation 5A.** *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.*

Denmark welcomes the panel's strong emphasis on a multistakeholder approach for enhancing global digital cooperation. Denmark actively supports multistakeholder processes and cooperation in Internet Governance, which is critical in addressing the global challenges and opportunities in the digital age. Maintaining the multi-stakeholder governance model and safeguarding the role of the IGF and other key multi-stakeholder fora such as ICANN is crucial.

Denmark strongly supports initiatives to strengthen the IGF, including through ensuring sustainable financing and support of the IGF-secretariat, which is essential in ensuring the long-term stability and effectiveness of the IGF. An IGF trust fund could be explored to this end.



We strongly support the proposal to move the responsibility for the IGF to the office of the UN Secretary General as well as the appointment of a Tech Envoy. These initiatives would underline the importance of the IGF and create stronger links between the UN system and other stakeholders from the private sector, incl. the tech industry, civil society and governments. Moreover, it would anchor technology in the Secretary General's reform agenda. A Tech Envoy could also significantly contribute to a stronger strategic focus on technology in areas such as development cooperation and within the UN system in general. Denmark would be happy to share its own experiences and insights from the mandate and work of the Danish Tech Ambassador.

We support the proposal to mark the UN's 75th anniversary in 2020 with a 'Global Commitment for Digital Cooperation' to enshrine shared values, principles and understandings. We find it crucial that any new initiatives do not backtrack on existing results and overlap with existing mechanisms.

Furthermore, Denmark believes there is a need for more inclusive and broader participation in the IGF, including from businesses and governments as well as from the Global South.

We also underline the importance of keeping the IGF as a forum where new issues related to internet governance can be raised and discussed through bottom up processes.

It is paramount to Denmark that the IGF continues to be a non-decision-making forum. At the same time, we believe there is an urgent need for more effective ways of working in order to ensure a strengthened focus and more actionable outcomes, for example by developing best practice guidelines. Moreover, a more coordinated and structured approach to the agenda setting process should be established. This would strengthen the link between the agenda and discussions of the different levels global, regional and local IGFs, and other relevant fora.

Denmark is looking forward to continuing the dialogue, including at the IGF in Berlin, with all stakeholders to develop an effective architecture for global digital cooperation, including a strengthened IGF that is accountable to the global internet community.

**Recommendation 5B.** *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.*

Denmark strongly supports this recommendation and the emphasis on multi-stakeholder cooperation throughout the report. Digital collaboration must be based on a balanced and proactive approach to technology. All stakeholders, including industry and governments, have different roles, but must work closer together to ensure that technology becomes a social good that benefits all – and not a zero-sum game. Addressing the challenges and opportunities of the digital age through multistakeholder processes, is crucial if we are going to make digitalization work for all.