

COMMENTS BY THE GERMAN GOVERNMENT ON THE REPORT OF THE UN SECRETARY GENERAL'S HIGH LEVEL PANEL ON DIGITAL COOPERATION (OCTOBER 2019)

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.

Germany supports this recommendation. Internet access has the potential to fundamentally improve the lives of people living in developing countries. It means an increase in information and knowledge, new employment and commercial opportunities, and easier access to (administrative) public services. People and groups – such as women and girls or other vulnerable groups – who otherwise face barriers when it comes to accessing information, sharing and exchanging views and ideas, seeking employment, engaging in e-commerce and using services, can especially benefit from these possibilities. Internet access is also important for young people.

1B We recommend that a broad, multi-stakeholder alliance, involving the UN, creates 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.

Germany welcomes the idea of sharing digital public goods through a multi-stakeholder alliance involving the UN. Such datasets could be particularly helpful for public authorities, the private sector and the civil society in catching up with the technological advances that the industrialised countries have already made and in developing independent digital applications for their own contexts. We support the principle of privacy and the focus on topics of relevance for the SDGs.

In any case, telecommunications providers and comparable producers of data should be invited to participate in such an alliance.

The concrete structure or mechanism that would satisfy the need for these digital public goods needs to be elaborated and further reflected upon.

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.

Germany supports this recommendation. We need common global efforts to strengthen the empowerment of women and marginalised groups in the digital sphere, e. g. through better access, digital literacy, education and learning programmes. We recommend to also focus on online violence, since women and girls and marginalised groups are more likely to experience such violence.

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.

We support this recommendation. The better the range and reliability of the data on which policymaking is based, the easier it is to promote targeted digital inclusion. Standardisation of data collection is therefore of fundamental importance. Gender disaggregated data will furnish the knowledge needed to close the gender digital divide.

In implementing this recommendation, however, it is important to consider which data sets are already being collected and what might be done to further improve the collection mechanisms so that they can serve as indicators for digital inclusion.

Additional datasets should only be collected if they create additional value.

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.

In addition to expanding digital networks, another important activity is fostering digital skills, so that the spread of digital technology benefits everyone. Therefore, Germany underlines the need for a clear understanding of actor's needs for digital skills. Many international and local organisations are already active in this field. Many countries are implementing their own training measures. Whether an additional structure with the same aim makes sense can be questioned. Before a new structure is created, there should be clear identification of supply and demand. Another aspect that needs to be clarified is which organisations might take on these tasks in order to achieve the desired effects in the best possible way. Existing structures should not be duplicated.

It is highly unclear whether there is a real need to establish global digital help desks. Also, the practical implementation and the financial aspects of the digital help desks will need to be addressed. Furthermore, it must be clarified what kind of concrete recommendations the help desk is meant to make to whom, due to the fact that Internet Governance issues are often highly political and can be interpreted in different ways.

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.

Germany underlines the fundamental fact that human rights apply online as well as offline. However, the question is how to make sure that existing human rights are fully respected and implemented online in the best possible way. Governments, the civil society, industry, and other stakeholders should ensure that any new technological or scientific standard and process applied in the digital world is in accordance with existing human rights standards and human rights accords.

The interpretation of the range of international human rights instruments with regard to new digital technologies should continue to be dealt with by the UN Human Rights Council and other UN human rights and relevant international bodies. In 2012, the UN Human Rights Council reaffirmed that human rights apply online in the same way as offline. Since its foundation in 2006, the Council has been tasked with further developing, implementing and monitoring human rights standards – including in the digital world. For example, through German initiative, it recently adopted a resolution on “the right to privacy in the digital age”. It has also appointed a Special Rapporteur on the Right to Privacy and a Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression who has published reports on monitoring, encoding, artificial intelligence and the role of the internet industry in the digital age.

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.

Germany supports this recommendation. The operators of social media platforms play a crucial role in promoting and protecting the human rights of their users. Cooperation between governments, civil society and human rights experts is therefore to be welcomed and links up, inter alia, with the Declaration on Gender Equality adopted during the French G7 Presidency.

Germany considers this protection to be a typical multistakeholder’s task which requires all internet actors to work hand in hand. Cyber capacity building seems to be a decisive factor to progress in that regard.

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.

Germany supports the aim to strengthen the development of global ethical standards for a human-centric and responsible development and use of AI. However, (non-binding) ethical standards are not sufficient to meet the challenges of Artificial Intelligence applications and to ensure adequate protection from adverse impact. Binding additional legal guidelines and potential regulation might therefore also be required to accompany both the development process and the application of AI in certain areas.

The topic is currently being discussed and dealt with in many bodies including the EU, the Council of Europe, OECD and in the G7, we think that we should wait for their results until further detailed recommendations are made.

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 implementations of norms for responsible uses of technology, and propose priorities for action.

Due to the already existing initiatives in this area, Germany is not convinced that there is currently a need for a Global Commitment on Digital Trust and Security and therefore does not support such action. Our priority is to strengthen cooperation and collaboration within existing global and regional initiatives. Furthermore, we need to minimise duplication of forums, especially with regard to the ongoing activities of the United Nations Group of Government Experts and the Open Ended Working Group.

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.

Germany encourages the recommended improvement of the global mechanisms of digital cooperation. Germany supports the multi-stakeholder approach to global Internet Governance. As such the existing organisations should be further supported wherever they can play to their strengths. However, the emergence of parallel structures as well as other negative consequences should to be avoided. We assess the three proposed architectures (IGF Plus, Distributed Co-Governance, Digital Commons) separately and as follows:

Germany supports the proposal to strengthen the Internet Governance Forum ("IGF Plus") so that it can better fulfil its existing mandate. An institutional strengthening of the Internet Governance Forum (IGF) is a promising idea since it addresses some of the most evident shortcomings of the current IGF (i. a. calling for actionable outcomes). Besides, Germany clearly supports stronger links with the UN Secretary General and an increased involvement of currently under-represented groups. These adjustments can make the IGF more effective and inclusive, which in turn would contribute to the fulfilment of its mandate.

However, the danger must be averted that a stronger commitment of the IGF processes as well as the demand for an enhanced multilateralism might threaten existing values of the IGF (e. g. open dialogue, broad participation of many state and non-state actors). Furthermore, Germany considers the IGF's current mandate, as laid down in the Tunis Agenda, as sufficient. The practical implementation and the financial aspects of this model will need to be addressed.

We do not see the need for a "**distributed co-governance architecture**" although the clear emphasis on the multi-stakeholder approach is indispensable for a truly global addressing of Internet Governance issues. There is a risk of creating too complex or duplicated structures, which should be strictly avoided. Furthermore, the established mechanisms this model builds upon work well to address technological issues.

Germany does not support the proposal of a "**digital commons architecture**" as it would lead to duplications and could cut across the mandates of existing UN institutions. Besides, the comparison of the Internet with global commons such as space or the sea is not fully convincing. Finally, it seems that this architecture would imply more financial commitment

and involvement from the UN, with a risk of multilateralism and strengthening of non-democratic countries.

Germany welcomes the appointment of a Tech Envoy that should then be ideally the same person as the MAG chair. This would hopefully create synergies and enhance coordination and collaboration.

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.

Germany supports this recommendation. Diversity of state and non-state actors, especially with a view to the Global South, is indispensable for the numerous complex issues in the realm of global Internet Governance. These issues inevitably involve and affect a large number of stakeholders, who must therefore be truly involved before decisions are made, adopted and implemented. The inclusion of the perspectives of all stakeholders is the only way to find and implement sustainable, fair and effective solutions for Internet Governance related issues as well as to adapt to quickly emerging technologies in a more agile and effective way.