Comments of the French Republic on the Report of the UN Secretary General's High-level Panel on Digital Cooperation "The age of interdependence"

I.　General recommendations and principles contained within the Report

France welcomes the publication of the Report, which is an important milestone towards the improvement of international digital governance. **Since France supports the idea of a digital "third way", it welcomes the balanced proposals within the Report**, which seek to strike a balance between laissez-faire and excessive control.

France praises the relevance of several fundamental principles that are contained in the Report's five recommendations. France, which issued an International Digital Strategy in December 2017, has always been vocal in supporting **inclusive digital governance** (recommendations 1A-D), **particularly regarding women**; **the application of international law and Human Rights in cyberspace** (Recommendation 3); and **an agile multistakeholder governance model** (Recommendation 5B).

In this latter area, **the Report's proposals seem promising and well-suited to the digital sector's evolutions**, as they would favour flexible institutional arrangements, based on existing structures when possible, and **promulgate soft rather than hard law**.

In accord with the Report, **France deems it indispensable to put the digital sector at the service of the Sustainable Development Goals** (SDG), something for which it shows tremendous potential. However, **we regret that the protection of the environment is so rarely tackled within the Report** while it is a key element of numerous SDG (e.g. SDG n°13: "Take urgent action to combat climate change and its impacts"). **We propose that the environment be one of the focus points during future negotiations**, so that international digital governance structures may have true responsibilities in this field, be it to restrain environmental damage caused by the digital sector or to put this industry at the service of the protection of the environment.

France **welcomes the recommendations regarding the importance of ensuring an affordable access to digital networks**. It would also like to underscore **the importance of access to high-quality digital services**, a theme that is little tackled in the Report, and to call for stakeholders to examine it closely during future negotiations on global digital cooperation.

The Report sheds light on two serious threats that could entail the global Internet's fragmentation: **the multiplication of governance bodies and arrangements** (their "entanglement", so to speak) and the **decrease in trust** on the Internet. **We share this analysis.**

France welcomes the numerous proposals that are contained in the Report so as to resolve the "entanglement" phenomenon. In our eyes, the 3 architectures propose models that are flexible, reactive and meant to coordinate already existing bodies rather than overlap with them.

However, **the Report gives only few details on how to restore trust**. We therefore call for stakeholders to think up concrete solutions to achieve this goal. An idea worth exploring could be to **entrust certain organs of the three architectures contained in the Report** (their Secretariat or the "network of networks" in the COGOV architecture) **with the explicit responsibility to promulgate trust-reinforcing measures**.

For that purpose, **France reiterates its commitment to Net neutrality**, which is in its eyes **a major pillar of trust on the Internet**. It also draws the attention of stakeholders to **the device neutrality (or device openness) principle**. Device neutrality means the absence of discrimination against any types of content or applications from devices granting access to the Internet, be it for material- or software-based reasons. **France wishes that the global digital cooperation framework guarantee such principles.**

Still with the aim of strengthening trust, France **calls for taking the option of data-driven regulation into consideration.** This kind of regulation would be based upon **increased transparency** from actors, **reinforced vigilance** from users and civil society and **arbitration** from an independent authority. It would allow the strengthening of information, responsibility and, therefore, trust on the Internet. What's more, being based on transparency rather than hard norms, data-driven regulation seems **an interesting tool that could usefully complement the flexible and evolutionary regulation systems proposed by the Report.**

II.   Global digital cooperation architectures

"IGF+" architecture :

France **welcomes the Report's proposal to reinforce the IGF and develop its role**. It has already expressed itself that way, for instance through President Macron's opening speech at the Paris IGF on 12th November 2018.

France therefore **supports the idea that the IGF**, from a reflexion body, **become a source of concrete proposals**. The quality of the IGF's reflexion deserves to be used operationally. Future reflexions will have to focus on the means to achieve this, be they organisational or material, so that this objective does not remain wishful thinking.

France also supports the idea that the IGF Secretariat be linked to the United Nations Secretary General.

"COGOV" architecture:

France takes note of this model, which features the appreciable advantage of flexibility, which would allow it to constantly adapt to digital transformations. The fact that the "digital cooperation networks" (DCN) would dissolve once their missions are accomplished would also avoid deepening the current digital governance system's institutional complexity.

However, we think it necessary to **ensure that this model's flexibility does not defeat its own purpose.**

First, **the ease with which DCNs could be created could bring about the creation of competing DCNs** wishing to tackle the same subject. Granting the "network of networks" the ability to recognize only one single DCN as "legitimate" on a given subject could be a solution.

Furthermore, **DCNs proving unable to find solutions could keep existing**, despite or rather due to their lack of results. Indeed, according to the model described in the Report, theirs dissolving would only happen when they reach their goals. Under such circumstances, and according to principles that still need be defined (for instance, a certain number of years without proposing new norms), an important actor (for instance, the United Nations Secretary General or his Digital Envoy, should one be appointed) should have the power to dissolve such DCNs.

"Common goods" architecture:

France fully shares the idea that certain aspects of the Internet are common goods that need be managed in a shared manner. The "common goods" architecture could serve as an inspiration to this end.

However, **this model looks more rigid than the others and could find itself unable to tackle new subjects** that could not be linked to a digital common good. We therefore suggest, in order to avoid such a "blind spot", to examine the possibility for this architecture's Secretariat to create a working group on a given subject itself, should no common good-managing "track" declare itself competent.

In our eyes, **the COGOV and "common goods" models are complementary, which could help develop interesting arrangements**. We suggest that **a possible hybrid model**, featuring both common good-managing "tracks" and DCNs be examined. Such a model would combine long-lasting protection of common goods by stable organisations on the one side, flexible and reactive management of problems appearing along the way on the other. This hybridisation would allow to address the "blind spot" issue signalled above.

III.   Next actions for global digital governance reform

While the IGF+ proposal looks particularly promising to us, the COGOV and "common goods" models have interesting features that are worthy of further examination, perhaps even of being included in a future international governance system. **We therefore call for all stakeholders to examine the architectures' best aspects without excluding any.**

France takes note of the proposal to achieve a "Global Commitment for Digital Cooperation" by the UN's 75th birthday in 2020 (Recommendation 5A). While it would be a strong symbol and would show the international community's resolve to establish true cooperation, **we call for acting with caution in this field**. As numerous international calls have been launched in the last few years, **it is not certain that a further text or call could bring true and substantial new elements** after such a short negotiation span.

France favours the appointment of a Digital Envoy by the United Nations Secretary General. The appointment of a well-known, highly competent in digital affairs and universally respected personality would be useful to coordinate the future reflexions and negotiations that will build upon this Report.