EBU CONTRIBUTION TO THE DEBATE CONCERNING THE REPORT OF THE
HIGH-LEVEL PANEL ON DIGITAL COOPERATION

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1. Introductory remarks

The European Broadcasting Union (EBU), a member of the World Broadcasting Unions (WBU), as representative of all public service media in Europe and beyond, welcomes the report to which it contributed actively by submitting two written papers in the initial consultation phase and by participating in various public meetings (in person or remotely) that the Panel or its members organized around the world.

The report represents an excellent starting point and indicates many avenues worth pursuing as possible follow-up measures – based on the popular principle of 'leaving no one behind' in the digital age. This principle is also a foundation stone of public service media's remit.

Moreover, the report is very important as a stand-alone document: first because it signals renewed high-level attention by the UN Secretary-General to the topic of internet governance, after eight years off the agenda completely; secondly because it has attracted the attention of prominent representatives from the digital industry and some governments, concerned about the social problems and other implications that the lack of a proper internet governance is creating in society; thirdly because it marks a prelude to the series of decisions that are due to be taken on multilateral actions in this field, under the coordination of the United Nations Secretary-General (UNSG). In this sense, the most noteworthy part of this report concerns the future follow-up measures and policies aimed at continuing the high-level discussions and harnessing the momentum and the expectations that this report has fostered.

Among the positive signals already included in the report, the most important is without doubt the request addressed to the UNSG: "As a matter of urgency, the UN Secretary-General [should] facilitate an agile and open consultation process to develop updated mechanisms for global digital cooperation".

Secondly, and even more importantly, whatever the follow-up mechanism will be, this must act as a "network of networks of institutions and actors that cooperate (and where necessary regulate), bearing in mind growing interdependencies".

This obvious fact will save a dozen years of needless discussions about one agency, or another institution or government, leading the process instead of another. As Borges explained in his wonderful short story *On exactitudes in science* (*Del rigor en la ciencia*), the virtual digital world created by the internet is already as large and complex as the physical world. Hence the idea that a single entity (however specialized and sophisticated it may be) can solve all the issues is a short-sighted anachronistic dream, or more likely an excuse not to tackle any of the issues at all.

Thus, just as the UN in the real world is dealing with a range of issues through its many agencies, in cooperation with governments, so in the digital world our starting point must be multilateral institutions, in order that we may rely on their high degree of specialization and expertise. However, as the report clearly states, these institutions can no longer act alone in the digital world because the size of the problem dwarfs individual countries or even regions, and because interaction with the digital world passes through a long chain of intermediaries and agents that are tightly inter-related as well as all being related to governments, civil societies and international bodies.

1.a Media component missing from report (and from the HLP)

Before moving on, however, we should first point out (as we have from the very beginning, when the composition of the Panel was announced) that the report has a blind spot, and this concerns the future of media in digital era. As we forewarned, the absence of media expertise within the Panel has led inevitably to scant consideration of the impact that the digital transformation will have on media and the knock-on effect of this on societies.

It may be that the High-Level Panel on Digital Cooperation (HLPDC), determined more than one year ago, was constituted before there was widespread awareness of how the media component is fundamental to the digital future. This was before that the Cambridge Analytica scandal broke upon us, before the hearing concerning Facebook in the European Parliament and in the American Congress, before the start of antitrust enquiries on both sides of the Atlantic, before the GDPR entered in force, and so on.

The digital ecosphere has changed considerably in the past year; and because of the HLP's composition, it was not possible to fully perceive the winds of change. It is not too late to remedy this shortcoming, but only if this the crucial role of media can be incorporated into the follow-up as well as into future actions and mechanisms. We argue strongly for this in this paper, especially as it would seem to concur with the considerations that arise from the report itself: for instance, when the report stresses the risk of a new social divide between 'digital' and 'non-digital' citizens. How is it possible to bring on board those who have been 'left behind' if not they are no longer in school? Surely, for adults, the media is the only solution.

Additionally, the report stresses the risk that some cultures, languages or people groups will be left out in the cold after failing to keep up with the digital transformation. Another threat is connected with the fact that the digital transformation is a collective effort, championed by a society that is cohesive and united. Such an endeavour may be impossible if a society is made up of fragmented, polarized and self-centred interests groups.

Without new digital media, whose task is to reunify society and overcome differences, all these risks could well become the reality of tomorrow, transforming our bright digital future into a foreboding dystopia.

2. Initial comments on the specific recommendations

(Rec. 1.a) **Access to digital network for all by 2030**

Excellent idea. But access to what precisely? Access intended merely as a technological exercise is not enough. We also need to 'empower digital losers'. Concurrent with the extension of digital networks, societies need to develop digital services, adapt their culture to digital content, and provide digital skills and knowledge to their citizens. If this is not done, the risk is more of the same: a global-scale homogenization process where dominant cultures, languages and economies rule the rest of the world. Preserving and helping with the digital transformation of local media and cultures has to be one of the steps in the process. As a principle, it must receive as much – or possible even more – funding and attention than the cherished principle of network access.

(Rec 1.b) **Sharing digital public goods**

This is an even better idea but today has clear limits amid the 'privatization' of data. The fourth industrial revolution can only take place if access to knowledge, as provided by the data produced by citizens in their interactions with society, is no longer 'privatized' by a handful of global companies.

Protection of personal data needs to be guaranteed against misuse by governments and privately owned companies. This marks a first step in the right direction. Further, the EU's GDPR proves that it is possible to provide services and still uphold privacy.

At the same time, free access to anonymized data for the purpose of developing new services, new products and new answers to people's needs must be supported, and abuses involving the extraction of personal data from anonymized collections must be prevented and, where evident, prosecuted.

Considering that digital infrastructure's global scale facilitates the concentration of power, we need to avoid power-domination games. This can only happen if a proper system of checks and balances is put in place, accompanied by a proper media watchdogs, to investigate alleged cases of wrongdoing.

Preventing algorithm-based discrimination, fighting digital exclusion and combating gender/age/census discrimination through media literacy exercises are precisely the missions that public service media will prioritize in their new digital paradigm.

(Rec. 1.d) **Set of metrics for digital inclusiveness**

The efforts made by UNESCO in producing the **Internet Universality Indicators** is a very-first concrete step in the right direction but still far from sufficient. Citizens' access to their culture, to services in their languages – in respect of their customs and traditions – and their ability to fully benefit from human rights are absolutely essential. The report's post-consultation recommendations must be less shy and maintain that technical innovation cannot be severed from all the other considerations that represent the complexity of humankind.

(Rec. 2) **Creation of a help desk for governments**

This is a useful idea but it also needs to take into account that which already exists within regional organizations and international institutions. Wherever possible, it would be better to empower (for instance) the African Union to provide these services to its members, or WHO regional offices (for digitalization of health processes) instead than creating totally new tools. The same – for the above-mentioned reasons – should apply to media and locally based content and services. Each government must be provided with best practices, legislative tools and a suggested set of checks and balances in order to ensure a safe environment for citizens' dialogue.

(Rec. 3.a) **Human rights in the digital world: review of current UN agencies' mandates**

On the current map of UN agencies and international bodies, one function is glaringly absent from this brave new digital world: respect for the privacy of citizens. Today this function is mainly dealt with at the national level, but the digital future will not stop at borders. So where Europe has created a network of the national privacy defenders, the same needs to be done at a global level. The mechanism of regional or specialized UN rapporteurs put in place is not the solution. The sheer scale of the issues at hand and the size of the actors requires an entirely different level of response.

The same applies to the protection of journalists (which, incidentally, is never mentioned in the report), which is an essential element of freedom of expression and a safeguard of media independence. No media organization can ever be trusted if its work is not protected against outside interference. And without independent media, there is no guarantee of democracy or free and fact-based decisions by the citizenry.

(Rec. 3.b) **Protection of children's rights over the internet**

On this point the report is also too shy. The world has evolved dramatically even in recent months insofar as hopes that social media enterprises will act responsibly have been dashed everywhere. A mix of state regulation, self-regulation and co-regulation is needed, especially when it comes to young citizens, who by themselves are not (yet) able to safeguard their own rights.

(Rec. 3.c) **About the ethical imperatives of AI**

The EBU is fully aware of the ethical implications of media production and distribution that are based exclusively on algorithms. That is why we are participating in so many initiatives to identify 'human-rights compatible/based algorithms'. A media industry without ethical standards could wreak havoc in society, as happened when Hitler manipulated radio for his own purposes. We need to prevent the same happening today, i.e. the media is not used for furthering an ideology or for pursuing profit.

(Rec. 5.a) **UNSG Special Technology Envoy**

The idea of a Special Technology Envoy is a critical point in the report. Similar figures within national governments have a mission to improve a country's capabilities within a given area or sector. At the UN level, the scope has to be quite different, and more than supporting developments, this person needs to understand the impact of new technologies on the social and human-rights environment as well as the consequences in countries where these innovations are not on the national agenda. If internet governance is to have a high priority within this person's mandate, then they must have a direct, permanent link with the digital-cooperation mechanism that will finally be adopted as the most appropriate way forward. If this is not the case, then the risk of overlaps and divergence between leading forces could be very high.

(Rec. 5.a) **Global Commitment for Digital Cooperation**

The idea of a Global Commitment to Digital Cooperation, as an initiative marking the 75th anniversary of the UN, would be an appropriate and timely response to current criticism of multilateral bodies. If the response to globalization is extending social rights to all countries (to avoid 'social dumping'), then the response to the digital revolution has to be to extend current treaties to embrace the new problems and dimensions brought into the picture by digitalization.

Such implementation of a new global cooperation architecture is urgent and, in fact, a precondition for being able to tackle the other recommendations (otherwise they risk becoming 'paper tigers'). As correctly pointed out in the Swiss contribution (page 2): "In our view, the IGF+ proposal should be prioritized, as the enhanced IGF framework would help to channel and coordinate the actions envisaged under recommendations 1-4."
This will give the UNSG full responsibility over the process and probably needs to be symbolically formalized by changing the name of the Internet Governance Forum (IGF) to something more akin to the digital transformation process.

3. Specific comments on the mechanisms for global digital cooperation (Rec. 5 of the report)

The EBU has been partner of the UN since the first World Summit on the Information Society (WSIS) in Geneva, in 2003, and has concretely supported all the subsequent steps contained in the follow-up processes led by the IGF and the WSIS.

In this sense, the EBU is fully entitled to express an opinion on the future mechanism, namely as a participant in both the multi-stakeholder IGF model and the intergovernmental WSIS model.

In both processes, obstruction mechanisms to delay or render impossible common decision-making could still play a part. Hence neither of the two is perfect if we are indeed intent on moving towards a solution-based mechanism.

However, it is clear that the digital world is too complex to be run only by governments, and too much is at stake for it be run by private interests alone. Consequently, the best solution is undoubtedly an IGF+ model, as suggested by the HLPDC, while combining it with the strengths of the WSIS model that are currently missing from today's IGF. This is namely the scope for involving a high number of governments, especially from developing countries, and for conducting processes within international bodies. Moreover, the IGF+ model is strongly supported by the UN agencies currently involved in the WSIS (the ITU for infrastructure, and UNESCO for content and human rights). It should report directly to the UNSG via the Technology Envoy or a specially designated IGF assistant.

Media must be part of this governing body. It is absolutely essential if we want to ensure that all the media-related issues mentioned above are not neglected by the future action of this mechanism.

As suggested by the Swiss government's contribution, IGF+ could conduct processes to tackle a specific issue recognized by the UNSG as a priority. Additionally, it could review multi-stakeholder discussions to suggest possible remedies for solving an issue that are the most acceptable to the various stakeholders, then propose these remedies to the relevant agency (or directly to UNGA) for repackaging as international treaties, global standards or global best practices.

4. Next steps

We fully support the idea to chart a course that will begin with the next IGF in Berlin, pass through the next WSIS and EuroDIG 2020, and then arrive at the adoption of the **Global Commitment for Digital Cooperation** by the UNGA in autumn 2020. This would be a crowning achievement marking the 75th anniversary of the UN and the best possible proof that multilateral institutions are not obsolete but rather the only way to prevent the fourth industrial revolution from leading to conflict, as happened with each of the previous ones. The role that the media could play in the process of building this new digital future is self-evident because inclusiveness and dialogue (across all communities, countries and cultures) will inevitably become important considerations.