

Roundtable on recommendation 5A/B

Answers from the Ministry for Europe and Foreign Affairs of France to the “Questions guiding the Follow-up Process of the Report of the UN High Level Panel on Digital Cooperation”

Disclaimer: please note that this document does not constitute an official position of the French Republic. It is meant as a series of suggestions from the Ministry for Europe and Foreign Affairs of France, as a contribution to the work of the Roundtable on Recommendation 5A/B of the United Nations’ Report “The Age of digital interdependence”.

A) Overarching questions on a future digital cooperation structure concerning all models

1. How could the new model foster more actionable outcomes?

Since all models would rely on soft law, the best tools we have to make outcomes as “actionable” as possible would certainly be communication and the sharing of best practices.

The Help Desks described in Recommendation 2 could be a useful tool. Indeed, they could “advertise” the norms devised by the digital global cooperation structure and offer their assistance to governments, companies and other stakeholders to help them implement these norms.

The global cooperation structure could also publish an annual report on the implementation of its norms. Such report could contain a “Hall of Fame” describing the most successful examples of new norms’ implementation and how they could be replicated elsewhere. Should the IGF+ be chosen and developed, the IGF’s annual meeting could be the opportunity to present such a report during one of the event’s main sessions.

2. How can broader participation of government and business representatives, especially from small and developing countries and SME’s be ensured?

The idea of Help Desks (Recommendation 2) is very relevant and could ensure broader participation from all stakeholders, especially governments and companies from developing countries or traditionally marginalized populations (women, minorities...). By informing these stakeholders about important digital issues and training them to participate in the governance mechanisms that exist at national, regional or global level, Help Desks can provide them with the opportunity to participate and make their voices heard.

B) Internet Governance Forum Plus (IGF +)

4. Do you think the Advisory Group is a useful proposal and if yes, how should it look like? Especially in terms of its composition/membership, responsibilities? To what extent should there be differences to the current MAG?

The MAG is a well-established and respected body, whose work is known even beyond IGF. As a result, we should definitely keep it within an IGF+ model and even reinforce its powers. While we agree with the missions assigned to the Advisory Group (AG) in the report, we think it could also “absorb” the Cooperation Accelerator (CA), whose relevance is not quite convincing in our eyes. (See question 5.)

5. Do you think the Cooperation Accelerator is a useful proposal and if yes, how should it look like? Especially in terms of its composition/membership as well as its responsibilities?

We are not convinced that this entity would be a valuable addition to the IGF. Indeed, according its description in the report, it would be given responsibilities that could compete with those of the AC or the Policy Incubator (PI):

- On the one hand, the role of “identify[ing] [...] issues around which new coalitions need to be established” may be redundant with the AG’s responsibilities described in the Report;
- On the other hand, the “stakeholder-specific coalitions”, in an “issue-centred cooperation” spirit, may compete with the “policy groups” formed by the PI to devise new norms on specific issues.

Fostering cooperation is paramount and an entity within IGF should indeed ensure that stakeholders do work together and form “coalitions”, but we think the MAG could do this very efficiently. Indeed, its members are mostly high-profile representatives of all stakeholder groups, who can quickly reach out to their communities and propose stronger cooperation on given issues. At any rate, creating a new entity tasked with fostering cooperation between stakeholders does not seem necessary to us.

As a result, we do not deem the AC indispensable and suggest either not creating it, or at least merging this potential structure with the AG. In the latter case, we could imagine that the AG keep the idea of stakeholder-specific groups, which could monitor the work of other organizations on a specific digital issue, identify needs for cooperation and issues not covered, thus feeding the AG’s annual program of “focus policy issues”.

6. Do you think the Policy Incubator is a useful proposal and if yes, how should it look like? Especially in terms of its composition/membership as well as its responsibilities?

Being the “normative” entity of the new IGF model, the Policy Incubator would be its most important part. We consider a very good idea that it first be tasked with trying to identify already existing norms, setting up policy groups only in the case where no such pre-existing norms could be identified.

A crucial issue for us would be the procedures according to which the PI would be called on a certain issue or request. We need to find answers to the following questions:

- What other entities can address requests to the PI? The AG? The Observatory and Help Desk? Both?
- Would the PI be compelled to answer these requests or would they be simple recommendations? In particular, would the issues listed in the AG’s annual program of “focus policy issues” necessary have to be followed by the PI or would they be more “guidelines” than actual rules?
- Could the PI take up a given subject on its own or would it necessarily need to be called upon? In other words, would the responsibilities of identifying important issues and tackling them be strictly separated within the IGF+?

We also think that rules governing the composition of policy groups should be firmly set. Indeed, the report only mentions “policy groups consisting of **interested** stakeholders” (emphasis added), which is rather vague. We must ensure that the composition of such policy groups be balanced between gender, age, stakeholders and world regions.

7. Do you think the Observatory and Help Desk are useful proposals and if yes, how should they look like? Especially in terms of its composition/membership as well as its responsibilities?

Such entities seem relevant in an IGF+ structure. While the AG would actively monitor work in other organizations and issues that need be tackled, thus being an “active channel” for the definition of the IGF’s roadmap, the Observatory and Help Desk would provide a “passive channel”. This lowers the chances of missing important issues.

Cooperating with the Help Desks from Recommendation 2 would also be a good idea. A future IGF+ would need to explain its action and, even more simply, how it works and how stakeholders can engage with it (especially in developing countries and among marginalized groups, see question 2). In order to succeed, an “IGF+” will need to inspire and be built on trust: an Observatory and Help Desk working with regional Help Desks would certainly help lay such foundation.

Perhaps the repartition of tasks would be more efficient if the Observatory were tasked with following the implementation of PI-devised norms, which is a responsibility of the PI in the

report. Although it is not illogical that the entity that has devised a norm also follows its implementation, transferring this responsibility to the Observatory would allow the PI to focus on its normative work. The Observatory, on its side, could provide such monitoring and, if needed, advise the PI to amend, recall or complete a given norm if the implementation proves problematic.

Financial support programs, such as Travel Support for the IGF's annual meeting, or grants to National, Regional and Sub-regional IGF Initiatives (NRIs) should be managed by the Observatory and Help Desk.

C) Distributed Co-Governance Architecture (COGOV)

10. Which aspects/features of the proposed architecture „COGOV“ should be further considered?

The main advantage of this model is its 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, it is necessary to ensure that this model's flexibility does not defeat its own purpose. We see two risks that would need to be prevented:

- The ease with which DCNs could be created could bring about the creation of competing DCNs wishing to tackle the same subject;
- DCNs proving unable to find solutions could keep existing, despite or rather due to their lack of results.

D) Digital Commons Architecture

11. Which aspects/features of the proposed architecture should be further considered?

The idea of identifying “common goods” in the functioning of the Internet is very relevant. To name but one example, the recent announcement of the sale of the .org registry has shown that a substantial part of Internet stakeholders believe that some key elements of the Internet are “common goods” and must be governed with respect to the common interest and not according to purely financial or technical criteria. Such architecture would therefore prove popular.

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, thus leaving “blind spots” in Internet governance. More thought should be devoted to finding a way to prevent this. (For instance, by combining this model with COGOV, see question 13)

E) Other Ideas

13. Do you see elements of combining the three models and if yes, how could this be operationalized?

The COGOV and “common goods” models could be combined and a hybrid model, featuring both common good-managing “tracks” and DCNs, could be examined. Such a model would combine long-lasting protection of common goods by stable organisations on the one side (by the “tracks”), flexible and reactive management of problems appearing along the way on the other (by the DCNs). This hybridisation would allow to address the “blind spot” raised in question 11.