The following document outlines common concerns of the Freedom Online Coalition Advisory Network (FOC-AN) Members on the United Nations (UN) Global Digital Compact (GDC) process and provides recommendations and resources for FOC Member States.

Introduction

The UN Global Digital Compact (GDC) is part of a framework of principles initially proposed by the UN Secretary-General in his 2021 *Our Common Agenda* report. The report provides over 90 recommendations for strengthening the UN system and to amplify action on the UN 2030 Agenda for Sustainable Development. In the report, the Secretary-General proposed a "Summit of the Future," set for September 2024, to enhance, and address gaps in, global governance through the adoption of a concrete, action-oriented "Pact for the Future," agreed through intergovernmental negotiations. The preparatory process for the Summit of the Future is being co-led by the governments of Germany (an FOC member) and Namibia. The GDC, co-facilitated by the governments of Sweden (an FOC Member) and Rwanda, with the assistance of the Office of the Secretary-General's Envoy on Technology, is one of eleven high-level "tracks" to be agreed during the Summit of the Future, for which specific Policy Briefs have been or are being developed.

The Secretary General's Policy Brief on the GDC specifically aims to articulate a "shared vision of an open, free, secure and human-centred digital future" through a set of agreed upon principles, objectives and actions "anchored in universal human rights and that enables the attainment of the Sustainable Development Goals." A separate report is expected from the co-facilitators in advance of the September UN General Assembly meetings. Meanwhile, a different Policy Brief has been developed on the related topic of "Information Integrity on Digital Platforms," with leadership from the Under-Secretary General for Communications, which "outlines potential principles for a code of conduct that will help to guide Member States, the digital platforms and other stakeholders in their efforts to make the digital space more inclusive and safe for all, while vigorously defending the right to freedom of opinion and expression, and the right to access information."

The GDC is a non-binding UN process. It nonetheless is viewed to have political clout as a high-level and concerningly influential UN process on internet governance worldwide. The GDC further expands on the Secretary-General's established processes to promote a shared understanding of digital cooperation, such as the 2021 *Our Common Agenda,* the 2020 Roadmap for Digital Cooperation, and the 2020 Declaration to Commemorate the 75th Anniversary of the United Nations. The topics of focus of the GDC therefore mirror those of these previous outcomes. Such topics include: connectivity, digital public goods, digital inclusion, capacity building, protecting human rights in the digital age, supporting global cooperation on artificial intelligence, promoting trust and security, and effective architecture for digital cooperation. The GDC is a multi stakeholder process involving inputs from UN Member States, UN agencies, the private sector (including tech companies), civil society, grassroots organizations, academia, and individuals, including youth.[1]

Substantive Concerns Regarding the GDC

The GDC process has raised a number of substantive concerns to date. For instance, there are a number of concerns related to the UN Secretary-General's Policy Brief on the GDC, issued in May 2023. Such concerns include:

- **Lack of alignment of the Policy Brief with the GDC process:** In the Brief, the UN Secretary-General suggests objectives and actions to advance cooperation, structuring them around several themes. Some of these themes do not align with the areas outlined in the GDC process, so it is unclear how the suggestions of the UN Secretary-General interact with the GDC process. This substantive concern also has the element of

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[1] For a detailed update on the GDC process consult the website of the Office of the Secretary-General's Envoy on Technology.

timing: by issuing the Brief before the GDC input is analysed and well in advance before the publication of the GDC report, the Brief seemingly unilaterally sets the agenda and actions.

- **Shift from the multistakeholder governance model to multilateralism:** The framing of proposed actions also raises serious concerns. The multistakeholder model of internet governance has not been given any consideration. The Brief treats this model, which most of the FOC governments have committed to, as nonexistent: none of the actions mentions it, supports it, or even acknowledges it. The narrative switches to what the UN Secretary-General calls "effective" multilateralism without reflecting on the multistakeholder model that has existed since the inception of the internet and has proven its effectiveness in maintaining global open and stable internet numerous times, especially during the recent COVID-19 pandemic.

- **Establishment of the Digital Cooperation Forum:** We are also concerned about the proposal to establish a Digital Cooperation Forum (DCF). The interface between the existing multistakeholder forum - the role of the UN Internet Governance Forum (IGF) — and its intersessional work — is unclear vis-a-vis the new forum. The IGF has been crucial in building a dialogue between various internet governance stakeholders. It has been successful in enhancing engagement, building capacity, identifying emerging issues, and achieving many other aims within its mandate. It is unclear whether the new DCF will replace the existing IGF, and if yes, why such replacement is needed and what is the value of replacing a multistakeholder forum with an initiative inherently rooted in multilateralism.

In addition to the concerns specifically stemming from the UN Secretary-General's Policy Brief on the GDC, we are overall concerned that the UN Secretary-General is fostering a potentially dangerous negotiation environment that could threaten internet governance worldwide.

- **The "tripartite" model and exclusion of the technical community as a separate stakeholder:** The UN Secretary General's Brief puts forward the concept of "tripartite engagement" (governments, private industry, and civil society) for the Digital Cooperation Forum. This 'tripartite' stakeholder arrangement has also been expressed numerous times recently by the UN Tech Envoy. However, the tripartite model denies participation of the technical community as a separate stakeholder. The UN Tech Envoy suggests they are part of civil society. The technical community is itself inherently multi stakeholder and has always played a crucial role in the development and evolution of the internet, its global connectivity, openness, and stability. Exclusion of the technical community from the range of stakeholders and not mentioning it explicitly, creates a dangerous precedent of disregarding the success of the current multistakeholder model and suggests a move towards multilateral approaches to governance. "Forgetting", deliberately or not, to include such a crucial stakeholder is not a simple conceptual mistake; it creates a new normality, where the inherently multistakeholder governance model is not recognised, and a stakeholder that maintained it is denied its existence conceptually and factually.

- **Risks associated with solely focusing on big tech-business model:** We are concerned that the conversation and results stemming from the GDC are focused solely on big tech business models, raising several risks, such as failing to recognize the existence of alternative not-for-profit models and the obligations of States to respect and protect human rights. The GDC should avoid overgeneralization and embrace the diversity of existing models, ensuring that what is proposed does not unduly restrict the exercise of human rights on the Internet.

Procedural Concerns Regarding the GDC

In addition to the substantive concerns regarding the GDC, we have encountered several procedural concerns regarding the GDC process. Such concerns include:

- **Fast-paced nature of the GDC process:** The GDC process, and the related outputs proposed by the UN Secretary-General, are moving very quickly and duplicating existing well-established internet governance initiatives. As mentioned above, the UN Secretary-General issued his Policy Brief before any of the GDC input had been analysed, therefore unilaterally setting the agenda and actions moving forward. Concerningly, the UN Tech Envoy put out a call for nominations for the soon-to-be-established High-level Advisory Body on Artificial Intelligence on August 4, 2023 with a deadline of August 31, 2023, with many on holidays there is a real risk that some strong candidates will miss this tight deadline. Overall, the fast paced and unilateral nature of these decisions is deeply concerning as it can equip authoritarian governments with the opportunity to advance their dangerous internet governance agendas.

- **Lack of meaningful civil society engagement:** Meaningful civil society engagement remains a concern within the GDC, particularly during the Thematic Deep Dive Consultations (March - June 2023). On 24 May 2023, civil society organisations wrote a [letter to the co-facilitators](#), the Government of Sweden and the Government of Rwanda urging them to ensure meaningful participation of civil society in GDC discussions. The letter highlighted three main concerns: (1) notable preference given to Member States, UN agencies, and the private sector, at the expense of human rights civil society organisations, particularly during the Human Rights Online Thematic Deep Dive; (2) lack of transparency regarding the speaker selection process for making an intervention from the floor in the Thematic Deep Dives; (3) reducing the GDC Thematic Deep Dives from a full day (6 hours) to a half day (3 hours) and the impact on civil society participation and the potential consequences of this decision initiating with the Human Rights Online Thematic Deep Dive, as it relates to the priority theme of Human Rights Online within the GDC itself. While civil society has appreciated further follow-up conversations to raise concerns with one of the GDC co-Facilitators, we remain concerned about the lack of public accountability and transparency to address these issues to date and moving forward.

- **New York based process:** We are concerned that the GDC centres its consultation and decision-making process in New York. The UN environment in New York is highly politicised, state-centred, less inclusive, and lacks experience with and recognition of the multistakeholder governance model. Delegations tend to be generalists, diplomatic representatives rather than subject matter experts. It is a very different environment from more collaborative, inclusive processes related to internet governance that have been developed in other UN agencies. The New York-based processes could make multi stakeholder engagement extremely difficult. As highlighted above, the Thematic Deep Dive consultations serve as a good illustration of all the drawbacks of the New York processes in relation to stakeholder engagement. Combined with our substantive concerns about the shift toward multilateralism, centering the process in New York will leave much fewer opportunities for diversity, inclusion, collaboration, and engagement.

Recommendations to FOC Member States

FOC Member States should ensure that their policy priorities call on the GDC to:

1. Empower and support civil society groups and governments in making responsible decisions together rather than pushing responsibilities back onto private platforms and companies.
2. Avoid duplicating existing, well-established, and inclusive UN internet governance processes, and instead strongly and meaningfully commit to the multistakeholder model of internet governance.
3. Recognize the essential role of the technical community in the development and evolution of the internet, its global connectivity, openness, and stability, and treat this community as a separate stakeholder.
4. Preserve, improve, and streamline successful multi stakeholder governance fora, such as the IGF, WSIS+20 and other relevant processes.

Overall, FOC Member States should:

1. Actively seek input from their constituents and to recognize that there is a wealth of knowledge and experience out there with communities spanning countries and regions.
2. Leverage the FOC to take a strong position and coordinate to ensure that the multi stakeholder model of governance is not jeopardised.

Resources

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