

ICC Sweden Input to the Global ICC Survey on the UN Global Digital Compact

We appreciate this opportunity to share our comments on the UN Global Digital Compact, its purpose, and what topics it should cover. In this paper, we have summarized our overarching views of the process and responded to selected parts of the survey that was circulated on 22 February. This response has been prepared in close collaboration with the members of the ICC Sweden Digital Economy Committee.

General

In general, it will be important for the ICC to shape the overarching narrative around the process. Judging by the initial consultations and what has been expressed by delegations, there is a worrying tendency that the business community in general, and the tech sector in particular, is portrayed as the main antagonist. Instead, the Compact must be framed in such a way that it recognizes technology and businesses as the enablers of a successful and sustainable digitalisation, and digitalisation itself as a key driver in achieving the UN Sustainable Development Goals.

The scope of the Compact is very broad and it is therefore difficult to provide concrete input at this stage, without knowing what each topic might actually contain. However, in view of the different topics outlined by the UN, in a worst case scenario, the consequences for the business community could be far-reaching. E.g., judging by the initial consultations and the discourse on technology transfer and who has the right to data, the topic of global digital commons could become a serious threat to IP rights. It will be important for the ICC to monitor what delegations try to include under each heading and to the best of our ability limit the scope of the process to areas where the UN has a natural role to play. One such area is human rights. We recognise the importance of UN member states confirming that the same rights that apply offline are also applicable online. This also touches on other topics that have been enumerated, such as the need to address discrimination online, but should also include protection of property rights and ensuring that “global digital commons” do not undermine the IP system. It must be recognized that, in addition to existing IP treaties (the WTO TRIPS Agreement, the Berne Convention, the Paris Convention and various WIPO treaties etc.), the UN Convention on Human Rights and the European Convention on Human Rights, as well as the EU Charter of Fundamental Rights all stipulate that intellectual property rights, such as copyright, patents, etc., are all human rights, and thus inviolable, whether offline or online. ICC Sweden wants to further emphasize that all discussions about the Compact should have their starting point in existing agreements and that ICC should expressly oppose attempts to use the current process to “renegotiate” or limit the content of existing conventions.

In many other instances, work is already ongoing in other fora to develop principles, frameworks, as well as regulation. The UN and the Compact should take caution not to duplicate already existing initiatives and should not expand its regulatory role into new areas, such as AI. Rather than reinventing the wheel, the Compact should focus on recognizing and supporting the important work that has already been done elsewhere. Here the ICC has an important role to play in highlighting such existing work, as we have already done when

drawing attention to the OECD AI Principles and the role and importance of the Internet Governance Forum in our initial response. In terms of AI, the UNESCO Recommendations on the Ethics of Artificial Intelligence, could also be noted as an already existing framework. Not duplicating the work of other organisations will be a key point for the ICC to stress throughout the process.

We agree with the input already provided by the ICC in the autumn of 2022 and the importance of the topics and recommendations already raised in the process. With regards to the general questions in the survey on issues to cover and how to prioritize them, we mostly agree with the topics included. However, one area that we feel is lacking is digitalisation and sustainability. It is a topic that should be more clearly considered, both in terms of how digitalisation enables sustainable development, but also how to address sustainability challenges arising from digitalisation such as increased energy consumption. It is therefore welcome that many delegations have already emphasised the close connection between digitalisation and the Sustainable Development Goals. This is something that the ICC should emphasise as well and also try to illustrate with concrete examples.

Next Steps

Moving forward, we believe that it will be central to ICC's advocacy that we engage directly with policymakers in capitals, organise roundtables with government officials, and share our input as well as examples and best practices from the private sector. Seeing the important role that Sweden has as co-facilitator, we see this as an important priority for the ICC Sweden Digital Economy Committee. Central to our advocacy both globally and in capitals should, as has already been stated, be to highlight existing guidelines and frameworks, as well as national and regional regulations, that are either under development, already agreed, or currently being implemented.

Furthermore, we believe that it is of great importance that we spread knowledge of this process and its implications within the business community. Understanding the risks involved is important to ensure strong business engagement in the process. Without proper knowledge of the initiative, there is, as some of our members have pointed out, the risk that businesses conflate the Global Digital Compact with the UN Global Compact, thus associating this process with the positive role the UN Global Compact plays for corporate sustainability.

Finally, to avoid that the process amplifies the divide between the Global North and the Global South, as initial consultations have suggested, it is important both for the UN Envoy on Technology and the co-facilitators to ensure a diverse multistakeholder process. For the ICC to be able to positively impact the process, it is also important that we base our advocacy strategy on trying to overcome this divide. While we can easily collect a plethora of examples from large multinational tech companies in Europe or North America, the key to our advocacy efforts, we believe, will be our ability to showcase examples from developing countries, e.g., how SMEs are partnering with tech companies to enable digitalisation, economic growth, and integration into global markets. We must draw on our broad network and representatives from developing countries to ensure that the business voices from these countries are actively heard in the consultations in order to show that the issues from a business perspective do not only affect multinational tech companies.