Cyber Governance and the Moral Limit of the Market

Professor Robin Mansell

The UN Secretary-General's High-level Panel on Digital Cooperation Report, *The Age of Digital Interdependence*, is a welcome call for a global commitment to digital cooperation. The Foreword says that 'no one knows how technology will evolve' (p. 3). No one can know exactly how technology will evolve, but history and current practice provide indications. There is ample evidence of an overemphasis on economic growth and technology innovation which downplays the preservation of human dignity in a competitive technology innovation race. The Report misses an opportunity to emphasise this core imbalance.

Multiple efforts are underway around the world to devise rules and norms to govern cyberspace in ways that mitigate social harms. Yet the evolution of the digital ecology continues to be associated with an information crisis. This crisis is visible in growing confusion, cynicism, fragmentation, irresponsibility and apathy among populations whose lives are intertwined with digital technologies.[1] The private sector business model for the digital age is based on an advertising model that plays into people's fears and prejudices. There is diminishing trust in authority, while power over the collection, processing and interpretation of data is held by organisations existing largely outside lines of accountability. Without fundamental change, the future of cyberspace is likely to bring more widespread surveillance and a privacy invasive culture inconsistent with values of fairness, solidarity, accountability and democracy.

There is a need for processes for reaching consensus about standards, ethical codes, privacy and data protection, liability for illegal and harmful content, open data, and competitive practices. But neglected in the UN Report is the need for a challenge to a private sector-led advertising supported drive towards increasing datafication. A core challenge facing participants in global efforts to strengthen cyber governance is to reach agreement about where the moral limit of the private provision of digital technologies and services should rest. What is the appropriate boundary between public or community provision and private sector supply? Put differently, cyber governance needs to be underpinned by a commitment to tackle the logic of datafication and to decide what the moral limit of the profit logic of the market is if human dignity is to be preserved.[2]

Improving governance through global coordination to achieve more transparency and improved private sector accountability will not be sufficient to redirect the evolution of cyberspace to secure values associated with human dignity. Strengthened governance processes will succeed only if they embrace the capacity to fundamentally contest a technology innovation pathway that risks increasing loss of human dignity, with social and economic inequalities being replicated along the way. The UN Report does signal the need for a data commons. It says that if advanced AI driven algorithmic data systems are to be consistent with values of inclusiveness and respect for human rights, they must be provided in some instances as public goods, especially if they are to contribute to sustainable development. Missing, however, is acknowledgement that a principal factor that will guide how digital technologies evolve is decisions about the boundary been public and private goods provision of the digital services and applications upon which societies are coming to depend.

The report supports 'a multi-stakeholder "systems" approach for cooperation and regulation that is adaptive, agile, inclusive and fit for purpose for the fast-changing digital age' (p.5). The emphasis is rightly on process (as well as on human and institutional capacity building). But this emphasis on the process of cooperation means the fundamental problem which makes coordination of multiple

interested parties challenging is neglected. That problem is conflicting preferences for the provision of digital services and applications as public or private goods.

A robust global governance framework for cyber peace and digital cooperation is sorely needed. But for progress to be made toward a cyberworld consistent with global security and stability, it is essential to embed a commitment to challenging existing unequal political and economic power relationships. This requires a process that will ensure that cyber rules and norms are predicated upon commitments to openness and the protection of human rights, bolstered by recognition that market forces on their own cannot deliver this. A prerequisite for cooperation is therefore a commitment to limiting private-led development of digital services and applications when it is shown that these developments risk diminishing the dignity and autonomy of human beings.

Neglecting this fundamental issue means that the information crisis is likely to worsen, yielding deeper socio-economic inequalities and an incremental devaluation of human dignity. The urgent need is for a forum providing opportunities to assess the limitations of the market and to devise policy solutions and norms, rules and standards in an environment where the limit of market provision can be contested and decided over time. The IGF+ model in the UN Report, given the IGF's track record, is a forum that is well-placed to tackle this core cyber governance challenge.

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[1] *Tackling the Information Crisis: A Policy Framework for Media System Resilience, LSE, London, 2018.*

[2] Drawing on I. Kant, 'Transition from popular moral philosophy to the metaphysics of morals', 1785.