

Digital sovereignty: What does it mean?

The meaning of digital sovereignty (DS) is not as complicated as many people are making it out to be.

The meaning of sovereignty

Sovereignty is a well-understood concept. The theory underlying it has been discussed and developed in political science and international relations for centuries, going back to Jean Bodin in the 16th century. From a practical standpoint, the concept of sovereignty has played a central role in the practice of international law and international politics for two centuries at least. From this elaborate and extended discourse, a commonly accepted definition emerges: sovereignty means that the state is the supreme and exclusive authority in a territory; it is subject to no internal competitors or no unwanted external influence.

Digital sovereignty?

When one adds “digital” to sovereignty the issue becomes more complex. But the reason is not that the meaning of “sovereignty” is unclear; the problem is the huge mismatch between sovereignty and the realities of cyberspace. The territorial control and exclusivity invoked by political sovereignty simply cannot be applied easily to the globally extended virtual space created by the Internet. The internet consists of open source software protocols that no one owns and over which no exclusive authority can be exercised. Digital Sovereignty is also inconsistent with the international division of labor and trade in the production of software and information technologies that has emerged since the 1990s.

The true meaning of digital sovereignty

The people who advocate digital sovereignty (DS), therefore, are at a minimum calling for an end to global free trade in software, information services and ICT equipment in favor of ICT autarky; or, at worst, they are calling for autarky *and* the partitioning or fragmentation of the global internet into national territories as well.

This is an unappealing vision. With the exception of the Chinese Communist Party and certain other authoritarian governments, no DS advocates are willing to embrace it directly and openly. They try to find ways to sugar-coat the idea or to obscure its meaning.

Individual sovereignty?

To back away from its true implications, DS advocates sometimes play on a more generic, idealistic notion that refers to the individual's right to self-determination. In other words, they conflate the call for digital sovereignty, which is the desire of states for political and economic autonomy, with the autonomy of the individual. This conflation can easily mislead people who are completely innocent of geopolitics, international relations, and the long term historical discourse about sovereignty. But most politicians know better. By claiming that DS will guarantee individual "sovereignty" via control of their own data, they can position the state as the protector of the individual.

This view suffers from two errors. The first is conceptual: unless one adheres to the impossible ideal of individualist anarchism, digital sovereignty for individuals makes no sense at all, because there is no way an individual can have absolute and exclusive authority over their own digital world. One can speak of individual *rights* with respect to data and digital technologies, but *sovereignty* is a feature of a collective, governmental power; for better or worse society has not yet figured out a way for every individual to have supreme control of anything and everything they interact with. The second error is factual: claims that DS is about individuals ignores how the idea is being used in the real world, particularly by European officials. And it ignores the fact that state-centric digital sovereignty will often limit the power of the individual to control their own digital world.

Daniel Lambach has written a couple of good papers about how the concept of DS is being used in Europe. He notes that the major manifestations of DS policy there revolve around a desire to position Europe as a producer of semiconductors, an attempt to create a European cloud (GaiaX), and an attempt to rely on exclusively European vendors for 5G infrastructure. All three of these manifestations are overtly protectionist and/or tech nationalist. None of them pertain to individual autonomy; in fact they would reduce an individual's right to use the cloud service provider of their choice or to make their own decisions about whose semiconductors or 5G equipment they want to use. Lambach concludes: "DS is used to construct a European identity around the idea that the EU is (or will become) a core player in global geostrategic competition and the digital economy." Similarly, The European Parliament Research Service, tells us that digital sovereignty will promote European "leadership and strategic autonomy" in the digital world. So the European notion of DS is decidedly collective and state-focused; it's not about autonomy for individuals.

What Digital sovereignty really means

If we root our concept of sovereignty in international relations and the actually existing state system we find that DS means essentially three things:

- 1) The power to erect borders around incoming information;
- 2) Trade protectionism in the digital sector, and
- 3) Enhanced state power over the online accounts, data and PII of its residents

All of these aspects of DS are perfectly consistent with an attempt to apply classical notions of state sovereignty to the digital world. They seek to territorialize and information flows and border and protect ICT markets.

China's notion of digital sovereignty is thus a more honest one, less draped in misleading rhetoric. It simply tries to extend to cyberspace the territorial sovereignty the state already exercises over its people. China discovered early on that the internet worked against the government's supreme authority over its information environment. So it constructed the Great Firewall, and employed an army of domestic censors. More recently, it has moved to assert territorial control over digitized data and platform services, instituting severe data localization, restricting access to external cloud service providers, cutting off platforms' access

to foreign capital. In Hong Kong, the notion of sovereignty has, among other acts of domination, led to the forcible suppression of public media and public demonstrations that criticize the political system. China pushes all three of the sovereignty buttons identified above. One could not find a purer expression of DS than China.

But China is an authoritarian state, you say. How can we possibly relate European DS to that? To which I reply: The concept of sovereignty is totally agnostic as to the system of government involved. Sovereignty recognizes the supremacy and exclusivity of the state. As such, it protects the autonomy of a dictatorial state as well as a democratic state. It makes no concessions to international human rights standards, unless, of course, the state wants to. Chinese understand the concept – correctly – as state-centric and thus as the perfect and complete trump card to be thrown down to justify any domestic policy, and of course that is why they invoke it so regularly and so consistently in matters of internet governance and digital policy.

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