

Review of the Report *Digital Sovereignty: From Narrative to Policy?* — A Chinese Perspective

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Abstract

The report *Digital Sovereignty: From Narrative to Policy?* provides insights on the evolving digital sovereignty landscape, focusing on the relationship between European narratives and policy initiatives. It features contributions from eight scholars and explores the blurred definitions of concepts like “digital sovereignty” and their impact on the EU’s geopolitical, norm-setting, and industrial ambitions. The report highlights the EU’s aspiration to be a global leader in rule-making but also challenges, such as protectionist accusations and internal obstacles. From a Chinese perspective, the report underscores the importance of rule-making and policy innovation, suggesting that China can contribute to international law research, refine its “network sovereignty” theory, and enhance its global influence.

Keywords: EU digital sovereignty, digital policy initiatives, international rule-making

1. Introduction

On March 18, 2022, the EU Cyber Direct — EU Cyber Diplomacy Initiative team collaborated with The Hague Program on International Cyber Security to organize a seminar titled “Digital Sovereignty: From Narrative to Policy?” The event focused on discussions and narratives surrounding European digital sovereignty and strategic autonomy, exploring their impact on policies supporting the EU’s new strategic autonomy and geopolitical positioning. As a key outcome of the seminar, the report “Digital Sovereignty: From Narrative to Policy?” was published by the EU Cyber Direct in December 2022.

The report, edited by Professor Dennis Broeders of Leiden University, compiles seven articles contributed by eight scholars. Among them, *EU Digital Sovereignty: When Top-Down Meets Bottom-Up*, summarizes the seminar’s findings, analyzing fundamental concepts and conclusions while elucidating the impact of digital sovereignty and strategic autonomy on the EU’s ambitions as a “normative power”. The second article, *How to Achieve Digital Sovereignty — A European Guide*, provides a macro-level perspective, including an analysis of the EU’s digital sovereignty narrative and policy recommendations. The third paper, *Investment Policy for Digital Sovereignty: from Policy to Action*, digests the EU’s digital investment policies, proposing various policy tools in the realm of digital strategic investments and emphasizing the need for a framework for strategic autonomy analysis. The remaining articles, such as *The EU’s Chips Act: A New Piece in the Digital Sovereignty Puzzle*, *EU Competition Law and Digital Sovereignty*, *The General Data Protection Regulation through the Lens of Digital Sovereignty*, and *European 5G Policy: Legal and Geopolitical Approach*, respectively analyze the Chips Act, competition law, the General Data Protection Regulation (GDPR), and 5G policies of EU, aiming to answer core questions about how these policy areas have been leveraged geopolitically in the past, how they were applied, the timing of these efforts, the constraints involved, and the benefits and losses for the EU and its member states, in relation to the EU’s role as a regulator and normative power in these fields.

2. Analysis

2.1 “Digital Sovereignty” Within the Geopolitical Context

Against the backdrop of a multipolar international system, economic and political competition between China and the United States, and the Russia-Ukraine conflict, the European Union has begun to employ the discourse of digital sovereignty and strategic autonomy on the international stage, reflecting a clearer geopolitical stance.

The discourse of European digital sovereignty forms the basis for EU actions in the digital domain. Terms like “digital sovereignty,” “strategic autonomy,” and “technological sovereignty” are often used in parallel at the EU level. However, the definitions of these concepts remain somewhat ambiguous, reflecting the EU’s ambitions in terms of geopolitics, norm-building, and industrial development. As Marvin Minsky pointed out, “For the EU, digital sovereignty is like a ‘suitcase word,’ a powerful expression with diverse meanings.” *The Cyber Sovereignty: Theory and Practice (3.0 Edition)*, released at the World Internet Conference in Wuzhen in September 2021, focused on concepts related to cyber sovereignty, technological sovereignty, and digital sovereignty, emphasizing the evolving focus of these concepts and providing a specific analysis. The report confirms the accuracy of these analyses, arguing that these concepts all point to two core issues: first, the EU needs to strengthen its international position in the digital domain by addressing structural weaknesses and vulnerabilities and leveraging its advantages, and second, the EU is concerned with maintaining its position in geopolitics and economy.

“Cyber sovereignty” is a concept advocated and promoted by China in international forums like the United Nations and has gained wide recognition internationally. While both “Cyber sovereignty” and “Digital sovereignty” are concepts introduced in the field of Information and Communication Technologies (ICTs) and share common keywords of “sovereignty,” they differ significantly in terms of their theoretical foundations, starting points, and specific content. In short, cyber sovereignty has a clearer legal meaning compared to digital sovereignty, as it represents a mapping of the traditional sovereignty concept under international law into cyberspace. However, as the report points out, digital sovereignty is not sovereignty in the traditional sense since the EU lacks the traditional authority of sovereignty under international law. The concept is not a legal paradigm but part of the EU’s geopolitical discourse, and the term “sovereignty” does not imply a new transfer of power from member states to the EU.

2.2 The Role and Challenges of Rule-making and Innovation in Enhancing International Status

Inspired by the success of the GDPR, the EU aims to continue shaping and extending its “Brussels Effect,” positioning itself as a global leader in international rule-making through its regulatory influence to enhance its global standing. The report indicates that the EU is striving to become a pioneer in shaping digital service rules through a series of legislative efforts, hoping to motivate other countries to make similar legislative efforts.

However, as questioned by Kristina Irion in the report, the “Brussels Effect” of the GDPR did not emerge in universal harmony but was born out of legal pluralism and controversies about what constitutes data privacy protection. Strong regulation of tech companies and restrictions on entry into the European market have led to protectionism accusations against the EU, which is inconsistent with EU officials’ statements about the importance of free data cross-border and digital innovation. Given the EU’s declining relative global market share, it remains doubtful whether these policies will continue to have the same “Brussels Effect.” If the EU persists in instrumentalizing its market policies, its commitment to a free market will be compromised, and its international reputation will be affected.

Additionally, the EU faces obstacles in policy implementation and enforcement. Within the EU, different member states have varying positions on the management of critical technologies and relations with China. Some member states may resist EU control over technology governance, and competition among member states over funding can also hinder policy implementation. Furthermore, the EU currently has a multitude of legislation on the digital economy, which is relatively complex, possibly exceeding its capacity for execution. This may result in rule implementation and enforcement struggling to match the pace of development in digital services and products.

3. Insights for China

The world is currently in a period of evolving and adjusting international order. In order to achieve digital sovereignty within a complex geopolitical landscape, the European Union attaches great importance to its partnership with the United States but also needs to address its relationship with China. Factors such as conflicting interests between the United States and the EU, varying positions of EU member states towards China, and conflicts of interests among member states conflicts, there are all suggest the potential for improving and deepening cooperation between China and the EU, presenting strategic opportunities for China.

The emergence of the “Brussels Effect” and the EU’s efforts to achieve its strategic goals and enhance its global

position through rule-making and policy innovation confirm the importance of these approaches. Currently, China's digital economy plays a significant role in the global economic landscape, and the "Cyber sovereignty" advocated by China has gained broad international recognition. These have won certain strategic advantage for China in the global digital field. In this context, China is supposed to strengthen research and application of international law, promote the refinement of the "Cyber sovereignty" theory. Along the way, China can enhance the influence of their own legal research worldwide and contribute to the construction of a shared human destiny.

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