Response to the Structural Elements of the Global Digital Compact

IT for Change

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IT
for
Change

IT for Change's Input to the Structural Elements of the
Global Digital Compact

I. Do you consider that key priorities for a Global Digital Compact are captured in the structural elements circulated?

Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree

Disagree

II. If you selected 'disagree' or 'strongly disagree' please specify which different or additional priorities should be addressed in the Global Digital Compact.

While we note and commend the thoughtful effort to develop the key priorities, we would like to see within these an explicit and unequivocal call to global equity, justice, and wellbeing of all as the overarching goals guiding the elements. Business-as-usual cannot tackle the emerging challenges of digitalization.

The preamble must explicitly recognize meaningful democratic participation as the foundational principle in multilateral processes for digital governance to enable a digital cooperation that does not perpetuate or consolidate existing inequalities among countries and peoples. The preamble should, in fact, recognize and address inequalities that are aggravated by digitalization.

Additionally, within the commitments, it is significant for the GDC to note the baseline – the current status of the pertinent issue, and plot the necessary changes in relation to these concerns. In particular, the GDC principles must recognize the WSIS process, and the Geneva Plan of Action which lays down a vision for a people-centred, inclusive, and development-oriented information society.

III. Section 2: Principles.

The principles, while commendable in their scope, must emphasize the development of institutions that can translate principles into tangible pathways with meaningful participation of peoples and adequate oversight and governance mechanisms. Specific language of these principles must also adhere to international human rights frameworks and structural justice through democratic economic regimes, as well as the urgent and immediate calls to take action with regard to the climate crisis.

Please note the following language inputs in CAPS.

1. Close the digital divides, including gender divides, WHILE RECOGNIZING THE IMPACT OF DIGITALIZATION AND DATA EXTRACTIVISM, ESPECIALLY FOR MARGINALIZED COMMUNITIES.

Rationale: A recognition of the digital divides, including gender digital gender divides, must include acknowledgement of the complexity of these divides, in particular how the digital divide exacerbates existing divides.

2. Accelerate achievements of all the Sustainable Development Goals (SDGs), WITH SPECIFIC PUBLIC OVERSIGHT OBLIGATIONS AND IDENTIFY INTERSECTIONS WITH INEQUALITY AND THE CLIMATE CRISIS.

Rationale: This text addition ensures there is explicit recognition of the existing inequality and the looming planetary considerations that impact those on the margins the most. The principle must also recognize the role of public oversight in mapping the application of tech with advancement of SDGs and that they should be in line with public interest, public scrutiny and public control.

3. Promote and protect human rights, AND ABIDE BY PRINCIPLES OF NECESSITY, PROPORTIONALITY, AND LEGALITY IN ASSESSING RESTRICTION OF HUMAN RIGHTS

Rationale: Any restriction on human rights brought about by digitalization processes should pass the test of necessity, proportionality, and legality which are fundamental principles of international human rights law. It is not sufficient that the restrictions serve the permissible purposes; they must also be necessary to protect them. Restrictive measures must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they must be the least intrusive instruments amongst those, which might achieve the desired result; and they must be proportionate to the interest to be protected (https://tinyurl.com/4mnub4ah).

4. Advance an inclusive, open, safe, AND EQUITABLE digital future for all.

Rationale: This text addition recognizes the need for a digital future that caters to the needs of all within the principles of the GDC and the Pact for the Future.

5. Encourage MEANINGFUL innovation and participation, THROUGH STRUCTURAL CHANGES TO THE EXISTING MARKET DYNAMICS, to unlock the benefits of the digital economy for all.

Rationale: When discussing principles for a digital cooperation that serves all, the GDC process must question the mainstream narrative of innovation and understand what innovation serves whom. We are in a moment when digital technologies have put power in the hands of a few who determine the direction of the data and AI market. In fact, there cannot be any effective unlocking of benefits of the digital economy without significantly altering the manner in which the global data economy functions. This requires structural changes in the nature of:

   a. Fair market rules like robust competition enforcement and economic regulation to dismantle monopolistic business practices of Big Tech companies (http://tinyurl.com/yck5bb5c) and hold them accountable for market distorting activities.
   b. Governance mechanisms to enable allocation, distribution and redistribution of resources and benefits of the data economy so that small actors and marginalized communities can claim the opportunities for innovation. This can happen through the creation of data commons with differential access for public welfare and research, public data sharing rules to enable governments and public interest organizations to benefit from vast amounts of privately held data (http://tinyurl.com/58u6ce75), and enabling MSMEs the public-backed infrastructure needed to function sustainably.

6. Advance MEANINGFUL and inclusive access, including knowledge, research and capacity, to digital technologies ENABLED BY A ROBUST INSTITUTIONAL MECHANISM NATIONALLY AND INTERNATIONALLY.

Rationale: Access to knowledge, research and capacity to be meaningful and inclusive can only be achieved through a participatory and robust institutional mechanism which enables this access in an equitable manner, with focus on those who are often left behind – in particular the developing and least developed countries (http://tinyurl.com/mr44umac). This institutional mechanism can be created through a global data governance mechanism discussed later.

7. Promote responsible and accountable development, and mitigate risks AND HARMS, of digital technologies including AI.

Rationale: Digital technologies must be developed in a manner that is cognizant of their potential harm to people, society, and planet. Without this caveat, the process of technology development can often be indiscriminate and unfair.

8. Promote AND ENABLE a responsible, EQUITABLE, and interoperable GLOBAL data governance THAT PROVIDES FOR EFFECTIVE ACCOUNTABILITY MECHANISMS.

Rationale: A robust data governance mechanism has to be one that is negotiated democratically at the global level to ensure these rules benefit all peoples of the world, and not just of dominant economies where Big Tech corporations are headquartered. Additionally, the principles of the GDC must make a commitment towards actual impact and not merely promotion of data governance mechanisms. In that regard, the addition of the word "enable" is significant.

9. ENSURE THAT emerging and future technological change, including AI, ARE CONSISTENT WITH THE PRINCIPLES ENUNCIATED IN THIS COMPACT

Rationale: Merely 'adapting' to technological change denies agency to most actors to influence what kinds of technological change are most beneficial for all of humanity. It is critical that institutional mechanisms are built in for democratic deliberation and people's oversight about technological pathways.

10. Recognize the role and responsibility of governments, as well as private sector, civil society, technical and academic community, and the United Nations and other international organizations within their respective mandates IN UPHOLDING THE PUBLIC NATURE OF THE INTERNET AS A RESOURCE.

Rationale: The responsibility of all actors and stakeholders, including governments, private sector, civil society, and the UN must be explicitly understood in the GDC principles and must be oriented towards enshrining the internet as a public resource, as opposed to a privately-owned, platformized, walled-garden that has become its unfortunate present destiny.

IV. Section 3: Commitments.

A) On closing the digital divides and accelerating progress across the SDGs:

Please note the following language inputs in CAPS:

1. Invest in literacy, skills and capacity-building TO ACHIEVE DIGITAL COMPETENCE OF ALL PEOPLE.

Rationale: Investment in literacy, skill and capacity building needs to emphasize digital competence i.e knowledge, skills and attitudes that help citizens engage confidently, critically and safely with digital technologies, and new and emerging ones such as systems driven by artificial intelligence (AI). The five prongs of the digital competence framework developed by the European Commission is useful to refer to here (http://tinyurl.com/4rfa55wv).

2. Accelerate access to digital technologies and innovation WITHOUT UNDERMINING THE RIGHT TO DIGITAL SELF-DETERMINATION OF COUNTRIES, COMMUNITIES, AND INDIVIDUALS.

Rationale: Commitment to accelerate access to digital technologies and innovation must be pursued without compromising the right to self-determination of countries, communities, and individuals to decide how their data is managed in ways that benefit themselves and society. Legal, social, and technical empowerment to participate in the digitally connected world on their own terms and development trajectories is vital.

3. Promote digital public infrastructure for inclusive development BACKED BY A COMMITMENT TO THE ESTABLISHMENT OF DEDICATED INSTITUTIONAL MECHANISMS AT THE MULTILATERAL LEVEL FOR ACCESS AND BENEFIT SHARING.

Rationale: The emphasis on promoting digital public infrastructure for inclusive development is commendable. However, development of digital public infrastructure without corresponding institutional processes for regulating the terms of data access and use will not make valuable data resources available for public benefit. Controls on who can access global data public goods and under what conditions are essential in order to prevent free-riding and consolidation of intellectual monopolies at the root of inequalities in the digital economy. Also necessary are guarantees to recognize the sovereignty of communities from whom data is aggregated, and mechanisms for equitable benefit-sharing (monetary and non-monetary) from data processing with such communities.

B) Fostering an inclusive, open, safe, secure digital space

Please note the following language inputs in CAPS:

1. Fostering an inclusive, open, EQUITABLE, DIVERSE, safe, secure digital space

Rationale: This text addition recognizes the need for a digital future that caters to the needs of all within the principles of the GDC and the Pact for the Future, and a digital space that ensures more diverse content motivated by serving the public interest.

2. Ensure that human rights are protected online and offline, AND REFLECT THE TRANSFORMED HYBRID REALITY

Rationale: It is vital to recognize that digitalization presents us with the need to update the traditional human rights language to adequately protect political, social and economic freedoms in the current conjuncture. These include, but are not restricted to, the right to privacy and decisional autonomy, the right to data access, the right to explanation, the right to be forgotten, the right to opt out, the right to be represented (or not) in digital systems, the right to participate in decisions about data innovations, protection against all forms of data discrimination including unfair denial of citizen entitlements, the right to contest automated decisions and workers' data rights in algorithmic workplaces. The idea of 'applying human rights online' does not adequately capture these new categories of rights adequate to posthuman sociality. It is also imperative to safeguard the rights of nature associated with natural ecosystems and species inherently implicated in the socio-institutional architecture of digitality.

3. Advance digital trust and safety, including specific measures to protect women, children, youth and persons in vulnerable situations against harms BY ADOPTING A RIGHTS-BASED FRAMEWORK THAT IS INTERSECTIONAL, AND ENSURING ACCOUNTABILITY OF STATE AND NON-STATE ACTORS.

Rationale: Measures, regulatory and otherwise, to advance digital trust and safety, particularly for women, children, youth and vulnerable communities should be rooted in a rights-based framework in which human rights are considered as non-negotiable and they must be respected regardless of a risk level associated with external factors. In other words, a risk-based approach should not be seen as an alternative to a rights-based and rights-respecting approach, but rather as a scalable and proportionate approach to compliance. There should also be an adoption of an intersectional gender lens in devising measures to protect these groups from adverse effects of digitalization.

Further, the GDC should create the mandate to develop a binding governance framework to hold states and corporations to account for a range of human rights violations vis-a-vis content platforms and AI development and deployment. It should also call for mandatory adherence to human rights in the development of frontier platforms, data and AI technologies and penalties for corporate impunity.

4. Promote information integrity and address misinformation and disinformation THROUGH MEASURES THAT ARE PROPORTIONAL, NON-DISCRIMINATORY, AND NECESSARY FOR LEGITIMATE AIMS IN ACCORDANCE WITH INTERNATIONAL HUMAN RIGHTS LAW

Rationale: In the absence of a commonly agreed definition and the politically contested nature of the terms disinformation and misinformation, it is vital to guard against the risks inherent in the regulation of expression. This requires a carefully tailored approach that complies with the requirements of legality, necessity and proportionality under human rights law, even when there is a legitimate public interest purpose.

5. ACTIVELY PROMOTE DIGITAL MEDIA CONTENT DIVERSITY AND PLURALITY OF OWNERSHIP, INCLUDING NON-PROFIT, COMMUNITY AND PUBLIC SERVICE DIGITAL MEDIA.

Rationale: Integrity of individual items of information is only a part of the problem we face today in digital media. The media eco-system as a whole must be refocused around serving the public interest and ensuring more diverse content motivated by serving the public interest.

C) Advancing data governance

Overall comments: We note and applaud the inclusion of the commitment of advancing data governance within the GDC. A democratically-negotiated, equitable data governance regime is the need of the hour to address current and emerging challenges of the digital economy. Such a governance regime cannot and must not be driven by the whims and directions of deep pockets and exclusive centres of power.

A data governance regime must also address the impact that the data and AI economy has on all generation of rights – civil-political, economic-social and developmental rights – while being cognizant of the sovereign right of nations over the data of their citizens to ensure just and equitable development, and protecting against data exodus in the name of data free flows that are invariably imposed through on the Global South through provisions in free trade agreements
http://tinyurl.com/4tmu8uvj

Please note the following language inputs in CAPS:

1. Protect data, privacy and security IN A RIGHTS-BASED FRAMEWORK THAT IS INTERSECTIONAL, IN PARTICULAR FOR THOSE ON THE MARGINS

Rationale: The protection of data, privacy and security must happen in a way that adheres to the principles of legality, necessity, and proportionality, and protects rights of those on the margins, who are disproportionately affected by data processing mechanisms.

2. Foster DEMOCRATIC, representative, interoperable and accessible data exchanges and standards THAT SAFEGUARDS PERSONAL AND COMMUNITY RIGHTS OVER DATA

Rationale: Data exchanges and standards must not be determined only by powerful economies and private entities. The text inclusion enables these processes to be mindful of the unequal global dynamics around data transfers, and creates safeguards to ensure sufficient consideration is given to those on the margins. It is imperative also for any data governance standard to safeguard and protect personal and community rights over data, and this must be recognized explicitly in the text.

3. Harness data, BOTH PUBLIC AND PRIVATE, to track, target and accelerate progress across the SDGs.

Rationale: It is important to use data to track progress on important indicators of the SDGs. However, it is significant to note a large amount of this data is proprietary, held by tech companies through their platforms and backing algorithms. Without mandatory data sharing obligations, the welfare aspect of this data is lost. An example of mandatory data sharing is captured with the EU Digital Markets Act, which requires gatekeeper platforms to share data with other businesses operating on them. Similar obligations must be placed for public welfare purposes to enable countries to make public policy decisions for their citizens.

4. Promote safe, secure, ~~and~~ trusted AND EQUITABLE cross-border data flows.

Rationale: Equitable distribution of the benefits of data and its movement across borders is an important consideration for a data governance framework (http://tinyurl.com/bdcmm72k). It is a must for the GDC to ensure that the benefits of the current data-driven era are equitably distributed across nations and peoples and not hoarded by a few.

D) Governing emerging technologies, including Artificial Intelligence, for humanity

Development and governance of emerging technologies including AI must be oriented towards human-centric innovation, epistemic justice and regenerative development. Regulatory approaches must address the structural imbalances that shape a highly unequal AI paradigm, and rein in Big Tech that currently controls the playing field.

To address these challenges, there is a growing need to strengthen the relationship between ethics and rights in the development and deployment of emerging technologies like AI. This includes moving beyond the current liberal human rights view to ensure that AI systems and digital technologies are equitable.This would entail not just tackling issues of bias and discrimination, but also addressing the issue of maldistribution by redistributing the gains of the AI paradigm equitably to encourage locally embedded development innovations. A multi-scalar governance model with justiciable rights, norm-building at the multilateral level, and room for contextual local implementation needs to be designed. The development of such governance models should embrace a consultative approach and include the participation of civil society and marginal actors.
Finally, it is highly imperative to programme sustainability considerations in the development of emerging technologies to tackle extractivism, hyper-consumptive models and other downstream effects.

V. Section 4: Follow-up.

Please note the following language inputs in CAPS:

1. Follow up and review ~~could~~ MUST:

2. Monitor implementation and review progress against commitments, INCLUDING DUTY TOWARDS ACCOUNTABILITY.

Rationale: Review processes set up within the GDC commitments must ensure that international organizations, national governments, private actors and other agencies taking up responsibilities have to report back on their progress, and are accountable to the people to uphold these commitments.

3. Build on existing mechanisms and avoid duplication.

It is important for the GDC to use existing mechanisms for democratic deliberation and consensus-building. A mandate on the future governance of the digital world should be obtained through appropriate review at WSIS, which completes its 20th year in 2025. Additionally, there should be adequate follow up on digital cooperation using IGF as a platform for knowledge sharing, dialogue, debate among people and institutions from different sectors, disciplines, and stakeholder groups.

4. ENABLE RIGHT TO INFORMATION ACCESS FOR ALL STAKEHOLDERS

Rationale: Processes within the GDC and beyond must be transparent and accountable to all affected parties already mentioned in this document – governments, civil society, private sectors, and so on. Without such access, the process becomes a closed door and exclusionary meeting of those in power.

4. ENSURE MEANINGFUL PARTICIPATION, INCLUDING PRIOR CONSULTATION OF AFFECTED COMMUNITIES, LIKE INDIGENOUS PEOPLES.

Rationale: Opportunities must be created to ensure meaningful participation of all people and communities whose interests are/can be potentially impacted by GDC. In particular, communities like indigenous peoples and other vulnerable communities should be consulted prior to important processes and consensus on GDC and beyond.

VI. Any additional comments

While we note and commend the thoughtful effort to develop the key priorities, we would like to see within these an explicit and unequivocal call to global equity, justice, and wellbeing of all as the overarching goals guiding the elements. Business-as-usual cannot tackle the emerging challenges of digitalization.

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Additionally, within the commitments, it is significant for the GDC to note the baseline – the current status of the pertinent issue, and plot the necessary changes in relation to these concerns. In particular, the GDC principles must recognize the WSIS process, and the Geneva Plan of Action which lays down a vision for a people-centred, inclusive, and development-oriented information society.