

# **Input at the Virtual Consultation on the Global Digital Compact**

**Global Digital Justice Forum**

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# Virtual Consultation on the Global Digital Compact

## Global Digital Justice Forum<sup>1</sup>

By incorporating the imperative to address the concentration of market power and technological capacity, as well as integrating a right-to-development perspective in its preamble, Rev 1 (Revised Text 1) has expanded the ambition of the Global Digital Compact (GDC) from the Zero Draft stage.

However, we would like to flag three critical areas where Rev 1 needs to intensify concrete commitments in order to ensure the GDC is effective:

### **1. Stronger commitments on human rights**

The concrete action commitments in the Human Rights section have been reduced to the mitigation of bias, discrimination, and rights violations in the product life cycle. This ignores the violation of livelihood rights, environmental rights, decent work guarantees, citizen guarantees in public services, and so on through data extractivism and neo-colonial exploitation in (artificial intelligence) AI value chains, especially in developing countries.

Further, the Human Rights section does not contain explicit directions on how State Parties have a duty to prevent human rights abuse by business enterprises within their territory or jurisdiction.

Also, the duty of States to clearly set out the expectation that all business enterprises domiciled in their territory and/or jurisdiction should respect human rights throughout their operations is also missing.

### **2. Failure to recognize the interlinkages between infrastructural sovereignty and the benefits of the digital economy for all**

Rev 1 needs to explicitly recognize that countries need:

- Policy space for affirmative action to protect fledgling digital industries and this is not in violation of the call for a non-discriminatory innovation environment
- Data and AI technology transfer works only when supported by flexible IPR regimes that enable domestic firms to internalize these capabilities; and
- Public financing is key for digital public infrastructures

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<sup>1</sup> IA representative of the Global Digital Justice Forum made this input at a virtual meeting convened by the co-facilitators of the Global Digital Compact (GDC)—Permanent Mission of Sweden to the UN and Permanent Mission of the Republic of Zambia to the UN—on 21 May 2024.



### **3. Overlooking data flow and AI governance synergy**

Finally, Rev 1's proposal to institute a UN GA process on the contentious issue of governance of data, particularly data flows, is a good move. However, the failure to consider the interlinkages between data flows/capabilities and AI governance will undermine the end product of the negotiations for developing countries.