

## High-level panel on progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society at the regional and international level

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### 1. Bringing the WSIS spirit to the changing context

On behalf of many civil society organizations from the global south – I wish to underline the sense of hopeful urgency that many of us bring to this CSTD session and to the upcoming milestones in the UN system geared to discuss digital issues. In fact, one may ask, is there anything not implicated in the digital society? The force of digitalization has bound everything and everyone in a mutuality that is unprecedented. You may be unconnected; but you are invariably, co-implicated.

The [Report](#) from the UN Secretary General (UNSG) notes this quite simply - *“It is increasingly difficult... to separate digital from non-digital activity in Government, business and individual behaviour.”* In fact, the last year’s [Report](#) explicitly noted that *“ [The internet is] only part of a constellation of innovative technologies that rely on digitalization, including machine learning and artificial intelligence, algorithmic decision-making, robotics, virtual reality and quantum computing... [with] the potential to transform societies and economies more radically than the Internet alone and will interact profoundly with efforts towards achieving sustainable development”* (Paras 10 & 11).

So – as we move towards the WSIS plus 20 mark, we stand at the frontier of next generation network-data technologies that have infinitely widened the scope of Internet-related public policy issues – far beyond what was on the agenda at Tunis in 2005. Our tryst with the technological epoch is full-on, yet the business of “enhanced cooperation” among member-states to define and address international public policy issues pertaining to the Internet remains unfinished. The [July 2022 resolution](#) of the Economic and Social Council on the assessment of progress on WSIS outcomes did call attention to this, urging *“continued dialogue and work on the implementation of enhanced cooperation as envisaged in the Tunis Agenda”* (Para 94).

This may be unsurprising; the digital, after all, is a lever of power and it is no accident that those who control these technologies have little incentive to change the status quo. This is not just a vexatious impasse. It is a crisis of sensibility, of wisdom, despite all the intelligence. The World Economic Forum

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1 This input draws upon the public policy research of colleagues at IT for Change.

has been coming up with its Global Risks Report – for 4 years now. This year, the [Report](#) points to a future shaped by the technological paradigm – in which a geopolitics and geoeconomics of distrust and competition is likely to drive nature to collapse and societies to distress.

The idea of risks useful as it may be, is inadequate. Based on economic thinking that dichotomizes the technical and ethical, the market and society, risk mapping and mitigation distracts from the tremendous inequalities that result in the differential risk burdens borne by different people. In a “world of worry” – as the [Human Development Report](#) – described our shared existence last year, hunger, despair and suffering are not incidental risks that can be fixed; they are the consequences of unaccountable actions by some, foisted on the majority.

The digital paradigm is therefore not merely unequal, but extremely unjust, with all things tech – fintech, edtech, govtech, media tech, and more – representing an undemocratic juggernaut. We will soon be twenty years from the WSIS Tunis moment, and can least afford to sustain the digital democratic deficit. We are not here to fix the collateral risks of digital innovation. We are here with the singular commitment to revamp an unjust paradigm. Taking a leaf out of the UNSG’s Report, we must therefore build the consensus and the norms that are true to the spirit of the [WSIS Action Lines](#), responsive to the realities of the emerging context.

## **2. Realizing the WSIS agenda through a bold and just Global Digital Compact**

The proposed UN Global Digital Compact (GDC) to establish an “open, free, inclusive and secure digital future for all” is “an opportunity for Governments and other stakeholders to revitalize international cooperation in the light of the dramatic changes that have taken place in digital technology since WSIS” (Para 98, [A 78/62-E/2023/49](#)).

Steering the multilateral mandate to address injustices inherent in the current digital order, the GDC must work in the following directions:

### **2.1 Initiate consensus for a global digital human rights constitution backed by a robust mechanism to enforce corporate accountability**

The nature of individual and collective autonomy as well as the right to development in the era of data and AI ([echoing UNCTAD’s call](#)) need to be rearticulated.

In an economy increasingly redefined by digital intelligence, due diligence guidelines have failed to address the “ethical dimensions of the information society” (C10 in the [WSIS Action Lines Annex](#)). The impunity of transnational digital corporations requires urgent action through mandatory obligations in the development and deployment of new data and AI innovations in all jurisdictions of their operation. Only then we can realize the spirit of caution in the UN SG’s [Roadmap for Global Digital Cooperation](#), that “advances in artificial intelligence-related technologies, such as facial recognition software and digital identification, must not be used to erode human rights, deepen inequality or exacerbate existing discrimination”.

The category of digital human rights, proposed by the SG’s Roadmap also requires some rethinking so that we move beyond the idea of ‘applying human rights online’. Post-human life needs new categories of rights that address our coterminous existence offline and online – including the right to connectivity and data public goods, the right to be forgotten, the right to be represented (or not) in digital systems, data rights for algorithmic work environments and so on.

Crucially, the data rights agenda cannot stop with privacy and personal data protection, but must promote economic, social and cultural rights implicated in network-data ecosystems (extending to the rights to decent living, health, education, enjoyment of the benefits of scientific progress and so on).

## **2.2 Meaningfully internationalize Internet Governance**

In order to reclaim the Internet as a global communication commons, it is imperative that the control of Critical Internet Resources and governance of all digital services operating on the Internet be truly internationalized. This may need a new arrangement to oversee the technical governance of the Internet, an issue that was dropped from the policy table at the WSIS moment.

The 2021 [UNESCO Report](#) on WSIS Outcomes notes rather unequivocally that “many of the most pressing urgent challenges... relate not to connectivity and access, but to a host of usage and content issues – including misinformation, hate speech and the control of a few global companies.” The global commons of the Internet hence needs a binding framework, grounded in human rights principles, for social media and other digital services platforms. (The [UNESCO Draft Guidelines for Platform Regulation](#) is an important milestone for national laws, but the global nature of the Internet paradigm (the platform of platforms) also requires a global/international governance regime.)

### **2.3 Effectively govern global data public goods**

At the WHO and the UN Committee on Food Security, new rules and guidelines to pool and manage data resources from around the world as global public goods (GPGs) are [currently being discussed](#). The intent is to enable easy discoverability and openness of data sets for innovation.

Unfortunately, in the absence of a clear institutional governance framework, the idea of ‘data as GPGs’ only entrenches power in the hands of a few. Under the existing intellectual property (IP) regime, processed data and data-based intelligence can be enclosed in perpetuity. Open data in health and food systems will only further the interests of Big Tech, and traditional Big Pharma and Big Agri corporations. In other words, placing a resource under a more open, rather than standard private property, regime without corresponding institutional processes for regulating the terms of data access and use will not make valuable data resources available for public benefit.

Three [interrelated aspects](#) are important in the provisioning of GPGs: financing and burden sharing, mutual restraint, and coordination and global standards. Given the global asymmetries in data capabilities, it may be useful to [consider rules for varying contributions](#) from different groups of actors (such as for instance, common-but-differentiated responsibilities, explored in various international negotiations). Also, and as discussed below, the trans-boundary dimension of [GPG financing](#) is particularly relevant when the provision process is marked by asymmetry.

Controls on who can access global data public goods and under what conditions are essential in order to prevent free-riding and consolidation. The enthusiasm around the promotion of global data public goods in the UN system needs to be matched by a commitment to the establishment of dedicated institutional mechanisms at the multilateral level so that access and benefit sharing are well balanced (as in the Nagoya Protocol under the Convention on Biological Diversity).

Additionally, the right and duty of every state to provision and govern the economic resource of data to further the development of all its citizens is a vital ingredient of any global data regime. The GDC must reclaim the WSIS mandate for an enabling environment (C6 in the [WSIS Action Lines Annex](#)) by: a) recognizing the autonomy of nation-states for data infrastructure development; b) setting clear boundaries for the operations of the data market and to protect human rights; and c) creating an institutional mechanism to maximize the public and social value of data. Without such multi-pronged action, the rights question in data resources is likely to be whittled down to personal data protection

(even though non-negotiable in and of itself) and the developmental value of data relegated to coercive provisions in trade agreements for cross-border data flows.

## **2.4 Mobilize public financing to galvanize public digital innovation ecosystems**

The WSIS mandate for “creation of information and communication infrastructure” and “promotion of ICT applications to benefit all aspects of life” (C2 and C7 in the [WSIS Action Lines Annex](#)) acquires new meaning in the AI economy. Without committed public investments in platform and data infrastructure as well as foundational [digital public goods](#)<sup>2</sup>, low and middle income countries (LMICs) struggling with rising debt burdens and shrinking fiscal resources cannot secure their futures.

However, the volume of multilateral financing provided to developing countries has not been able to meet the needs generated by successive crises. Total commitments from multilateral organisations allocated to LMICs in 2020 amounted [to a mere 1.3% of their 2019 GDP](#), compared to a 9.6% output loss. The multistakeholder model for creating/provisioning digital public goods has more often than not ended up opening markets in the global South to foreign digital capital, not doing much for domestic digital innovation. Also, as the experiences of digital health and agtech sectors reveal, market-led innovation [does not tackle real developmental needs](#), as there is a divergence between developmental and commercial value in many cases. The majority of ag-tech investments tend to be concentrated in segments of the agricultural value chain that are [most profitable](#) to corporate farming such as market linkages rather than local farmers’ knowledge needs. AI applications in healthcare have brazenly [ignored representativity](#) (for sex, gender, race and ethnicity) in data-based disease tracking and intervention during the pandemic. Commercial actors in AI also tend to [under-invest](#) in the crucial work of good quality data collection and annotation, given that this is “time-consuming, invisible to track, and often done under (investor) pressures to move fast due to margins.”

A well-resourced and dedicated line of funding for a new global work programme is needed to catalyze rights-enabling public digital ecosystems in LMICs and Least Developed Countries (LDCs) and not just investments in connectivity infrastructure.

The Digital Development Tax mechanism proposed by the UN Secretary General in his 2021 report, *Our Common Agenda*, must be set up and used to finance this work programme. Public finance is vital to ensure that public digital and data infrastructural capabilities in developing countries are built in the

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<sup>2</sup> Adaptable and reusable technological building blocks that adhere to privacy and other applicable international and domestic laws, standards and best practices for harm prevention. DPGs can be open source software, open data, open artificial intelligence models, open standards, open content and so on.

short run. The language of capacity building and technology transfer often eclipses the structural inequities that lock certain countries in perpetual dependence and often without recourse to remedies in the event of societal harms.

As the mid-term review of the SDGs approaches, Official Development Assistance (ODA) must measure up so that 50% value from the digital economy accrues to the bottom 50% nationally and globally, by 2030. International financial institutions must redefine their mandate to meet the challenges of a new epoch, providing assistance to build equitable and just digital societies. (As the UN SG observed in his passionate address at the LDCs Summit in Doha, ‘a new Bretton-Woods moment is needed’ – we may add, and needed *now*).

### **3. Enhanced cooperation – WSIS to GDC and beyond**

The UN SG’s Report to the CSTD in January 2023 does note that the consensus produced from the GDC, especially on directions for the governance of the digital commons, needs to be actioned through a new mode of global digital cooperation. The details of this are left unspecified, but the Report’s specific recommendations on arriving at a new framework for the global governance of data flows suggest that the GDC is putting its weight behind a “meaningful multistakeholderism” for global digital cooperation.

This is also the direction the SG has pointed to in the *Our Common Agenda* report, urging a networked multilateralism that is more “flexible, allowing for variable participation by a wide range of actors”, with the caveat that “networks do not, however, replace our core international institutions, which have a unique role in galvanizing diverse actors and making space for marginalized voices.” As in most cases, the caveat here holds the key.

Meanwhile, as per the WSIS mandate of enhanced cooperation, the UN Internet Governance Forum (IGF) has an important role as a multistakeholder dialogic space. Going back to the WSIS consensus that “ *the process towards enhanced cooperation and the convening of the Internet Governance Forum, are to be pursued by the Secretary General through two distinct processes, and ... that the two processes may be complementary*” (Para 65), the WSIS +20 review must institute a new institutional process of enhanced cooperation through the establishment of a new UN body on digital issues, to create a home within the multilateral system for ensuring coordination across the WSIS action lines, (including the new ones agreed to after the GDC) and system-wide coherence on digital issues. This

home is necessary to preserve and advance a shared vision of digital human rights, data justice, and the full realization of SDGs in the AI order.<sup>3</sup>

The role of the UN is at a crossroads, and our expectations, very high. But democracy, global or otherwise is about the art of the impossible. Even otherwise, a world of worry cannot be rescued with half-hearted attempts.

At IT for Change, we also believe that global civil society, with all its flavours, must measure up to this moment, saying what we must say and acting to support a radical departure from the past.

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3 Also emphasized by the Secretary General in his 2022 Report to the CSTD; “The proliferation of multilateral forums concerned with aspects of the digital society risks duplication and disharmony, while partnership and collaboration are essential to achieving common international goals. Multiple or competing decision-making spaces make it more difficult for developing countries to play a full role in decision-making” (para 21).