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The Global Digital Compact we need for people and the planet

**By Anita Gurumurthy, Nandini Chami,
Shreeja Sen, Merrin Muhammed Ashraf**

The Zero Draft of the Global Digital Compact (GDC) to be adopted at the Summit of the Future is crucial to international digital cooperation under a transformative vision of global digital governance. It should identify the means for achieving equitable participation, sustainable development, gender equality, increased local capacity, public ownership of core digital infrastructure and address the concentration of power in the digital economy. This SouthViews considers some of the shortcomings of the draft GDC, particularly in attaining equitable international data governance and democratic participation in a digital multistakeholder scenario to avoid data monopolies and ensure inclusive policy-making processes, while recentering the objectives of Internet governance for inclusive and development-oriented information societies.

Le projet zéro du Pacte Numérique Mondial (PNM) qui sera adopté lors du Sommet de l'avenir est crucial pour la coopération numérique internationale dans le cadre d'une vision transformatrice de la gouvernance numérique mondiale. Il devrait identifier les moyens de parvenir à une participation équitable, au développement durable, à l'égalité des genres, au renforcement des capacités locales, à la propriété publique de l'infrastructure numérique de base et aborder la concentration du pouvoir dans l'économie numérique. Ce SouthViews examine certaines des lacunes du projet de PNM, notamment en ce qui concerne la gouvernance internationale équitable des données et la participation démocratique dans un scénario numérique multipartite afin d'éviter les monopoles de données et de garantir des processus d'élaboration de politiques inclusifs, tout en recentrant les objectifs de la gouvernance de l'internet pour des sociétés de l'information inclusives et orientées vers le développement.

El borrador cero del Pacto Digital Global (PDG) que se adoptará en la Cumbre del Futuro es crucial para la cooperación digital internacional bajo una visión transformadora de la gobernanza digital mundial. Dicho borrador debe identificar los medios para lograr una participación equitativa, desarrollo sostenible, igualdad de género, aumento de la capacidad local, propiedad pública de la infraestructura digital básica y abordar la concentración de poder en la economía digital. Este SouthViews considera algunas de las deficiencias del Borrador del PDG, en particular en lo que respecta a lograr una gobernanza internacional equitativa de los datos y la participación democrática en un escenario digital de múltiples partes interesadas para evitar los monopolios de datos y garantizar procesos inclusivos de elaboración de políticas, al mismo tiempo que se recentran los objetivos de la gobernanza de Internet para sociedades de la información inclusivas y orientadas al desarrollo.

1. What's the Global Digital Compact?

The [Global Digital Compact](#) (GDC) is a framework for international digital cooperation that is currently being negotiated as an annex to the [Pact for the Future](#), an intergovernmental agreement that seeks to “build a multilateral system that delivers for everyone, everywhere” with concrete actions towards ensuring a better future for “all of humanity” along the three pillars of the United Nations (UN) system: development, peace & security, and human rights. The first reading of the Zero Draft of the Global Digital Compact is currently underway. What this means is that for a future of a transformative, human rights-based and development-oriented international digital cooperation, the time is now to engage in concerted advocacy for influencing the final text being negotiated. This commentary provides a critical stock-taking of the Zero Draft from a digital justice standpoint, highlighting the gains and gaps, and a set of concluding recommendations on how the Compact can deliver on the promise of transformative global digital governance for people and planet.

2. The Positives – what's good about the Zero Draft

The end goal of the GDC, as explicated in the Zero Draft, is “international cooperation and governance that closes digital divides and advances an equitable and inclusive digital world” (para. 3). The Zero Draft expands the remit of digital cooperation from the traditional agenda of technical and public policy issues of Internet governance as defined in the World Summit on the Information Society (WSIS) consensus to account for new challenges. These include: (a) a human rights-based governance of data and Artificial Intelligence (AI) technologies, and (b) accelerating development cooperation to enable developing countries to unlock innovation dividends. References to “digital public goods” (DPGs) (para. 13), “digital public infrastructure” (para. 14), “data commons” (para. 37), and “AI compute, data, talent and benchmarks” (para. 49) are significant in this regard.

In pursuit of this expanded agenda of global digital cooperation and governance, the Zero Draft is grounded in a human rights-based digital constitutionalism. It upholds “equitable participation of all states and people” in the digital order, “sustainable development”, “international human rights law” and “gender equality” as foundational principles/ground norms (para. 7).

In the concrete action commitments that it proposes, the Zero Draft makes some useful proposals on how the UN system can provide guidance/establish soft law in the fragmented domains of data and AI governance. The proposal for establishing a UN Digital Human Rights Advisory Service to provide practical guidance on human rights and technology issues to governments, the private sector and relevant stakeholders (para. 22) is concrete and constructive, given that a binding agreement on a new class of human rights in data and AI is unlikely to be an immediate reality (and even if initiated in the UN, likely to be a protracted process). Similarly, the call for an International Scientific Panel on AI at the UN level to serve as an early warning system at the global level to track national and regional AI developments is also timely (para. 49). Urging platform companies to incorporate transparency and accountability in system design and user redress is a necessary move to achieve information integrity, freedom from harm and digital trust, contextualising the UN principles on Business and Human Rights for the digital domain.

3. Missing pieces – where the Zero Draft falls short

The Zero Draft of the GDC attempts to take on some of the most contested albeit urgent issues for global digital cooperation – the concentration of power in the digital economy, data free flows, and the democratic deficit in digital multistakeholderism.

3.1. The concentration of power in the digital economy - the elephant in the room

The Zero Draft acknowledges that “digital access to encompass opportunities for the acquisition of

knowledge, research, and capacity as well as technology transfers” is the only way to “unlock the potential of the digital economy for every society” (para. 16). This, however, glosses over the unequal distribution of innovation capabilities in the international digital economic order. The solution to the lack of compute capacity in the Global South is limited to the application of existing AI models to localised data sets (para. 50 (b)(ii)) and the promotion of multistakeholder partnerships to develop technological solutions for the Sustainable Development Goals (SDGs) through digital public goods – treated as synonymous with “open-source software, platforms, data, standards and content” that are interoperable (paras. 13 and 15).

This ignores the elephant in the room – that innovation capabilities in the digital economy are currently concentrated in two countries; [the United States and China stand out](#) in terms of capacity to engage in and benefit from the data-driven digital economy, and account for about 90 per cent of the market capitalisation of the world's largest digital platforms. In this scenario, while pragmatism for the short run may need localisation of dominant AI models, (which currently come from US corporations), contextual and culturally appropriate digital innovation demands policy strategies for building longer term capacity for local AI models. Similarly, multistakeholder solutions for digital public goods must go hand in hand with investment in vibrant communities of practice in the local context. Unless digital innovation is anchored in local ownership, we are bound to see more of the same with digital leviathans consolidating their global domination in emerging innovation ecosystems in the Global South.

The Zero Draft reduces the idea of digital public infrastructure to “shared digital systems” without critically interrogating how the essential publicness of key aspects of digital infrastructure will be transferred into public hands (para. 14). The right to digital innovation requires that ownership and control of core digital infrastructure are public. The

prevailing *status quo* of corporate control of foundational digital systems – responsible for a perverse innovation dynamic that prioritises commercial goods over socially meaningful goods – remains unaddressed. As [Correa et al. \(2023\)](#) have observed, the Global Digital Compact could have been leveraged as an opportunity to initiate “actions towards national pro-competition, antitrust rules that can enable the growth of smaller market players in developing countries or the establishment of mutually beneficial digital value chains”.

The Zero Draft is equally unsatisfactory when it comes to establishing state duties for the protection of digital human rights, especially in relation to corporate accountability. Though the Draft urges states to enact national legislation in the domain of surveillance and encryption to protect “privacy, freedom of expression, due process and access to information and effective recourse” (para. 28(d)), it fails to demonstrate equal zeal in upholding state duties to curb the abuse of market power in digital value chains. It does not contain concrete commitments for state parties to regulate business enterprises for digital human rights compliance (missing in para. 21). More importantly, it does not invoke the language of extraterritorial obligations of states to prevent businesses originating in their jurisdiction from violating human rights in cross-border digital operations.

3.2. Equitable international data governance – what about equitable development?

The Zero Draft proposes a model of “equitable and international data governance [...] to advance development objectives, protect human rights and foster innovation” (para. 33) that eludes a vision of data governance for [equitable development](#) and digital sovereignty of nations and peoples. Maximizing “data flows within and between countries while respecting relevant data protection and privacy norms” (para. 41) is seen as automatically enabling all nations and peoples to participate in the digital economy on an equal footing, ignoring the extractivist dynamics that characterise cross-border data value chains. In the

absence of concrete commitments to [dismantle data monopolies in global value chains](#) and preserve the policy sovereignty of all countries to determine the extent of integration into the global data economy, the liberalisation of cross-border data flows will end up reinforcing the *status quo* on digital industrialisation. Developing countries will continue to be locked into the lowest value segments as mere providers of data and consumers of digital products and services, without any potential for domestic value creation.

On related lines, the Zero Draft also operates on the glib assumption that accessibility to data and the promotion of data exchanges and standards (paras. 36 and 37) and data sharing (paras 39 and 40) will automatically close the divides in data innovation. Proposals for open data exchanges and data commons are not backed by concrete recommendations on appropriate governance of these public data resources (para. 37). Both, the elimination of data harms and the equitable distribution of data value, are contingent on agile governance. Collective economic rights and ethical considerations in the data commons are short-shrived. The Zero Draft has no concrete recommendations on how exactly “states, communities, groups and individuals, respectively” will be supported to “utilize and leverage” the data commons and data exchanges to be set up for unlocking the potential of data for their development and wellbeing (para. 37). The complex challenge of designing multi-scalar data stewardship mechanisms for these structures in order to enable overlapping data communities to democratically determine how collective data resources [are accessed and used to produce economic and social value](#) is completely overlooked.

3.3. Democratic deficits in digital multistakeholderism – glossed over?

Multistakeholder cooperation mechanisms in the digital arena have failed to implement the WSIS Tunis Agenda’s recommendations on appropriate institutional processes for “enhanced cooperation”.

The enhanced cooperation proposal in the Tunis Agenda – in paras. 69 and 71 -- recognises that governments, “on an equal footing”, need to carry out their roles and responsibilities in international public policy issues pertaining to the Internet. Unfortunately, since then, the United States and its digital corporations have systematically blocked any attempt in the international arena to [take forward this process](#). They have instead maintained the narrative that the UN Internet Governance Forum (IGF) is the mechanism through which a process of enhanced cooperation has to be determined – conveniently ignoring the fact that such an interpretation amounts to a flagrant violation of the WSIS mandate that strictly limits the role of the IGF to that of a purely dialogic space. Two Working Groups on Enhanced Cooperation set up under the aegis of the UN Commission on Science and Technology for Development (CSTD) in order to fulfill this agenda have only ended in a stalemate, thanks to this mis-framing, and despite efforts from developing countries to move on this incomplete agenda.

The Internet governance cluster of actions in the Zero Draft ignores the historical context of global negotiations and consensus. In an even more egregious omission, it fails to recognise the continuities between the “internet-related public policy issues” agenda of WSIS present-day data and AI governance issues. Instead, it separates data and AI governance mechanisms from the discussion on Internet governance, and completely evades the question of what it would take for governments to achieve effective policy outcomes through multistakeholder engagement and consultations (especially civil society) envisioned in the WSIS consensus.

4. The Global Digital Compact we need

The present historical moment is witness to deep faultlines in the digital agenda and a major fragmentation (as discussed in Correa *et al.*, quoted above). Unless states can step up to a strong and visionary idea of our digital present, our collective digital future is likely to be at grave risk. We need a Global Digital Compact that offers a robust framework

of economic justice, grounded in the [right to development](#), that includes the “right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development”. This means acknowledging that international regimes on trade, intellectual property, taxation, financialisation and more – are all entangled with the unjust digital *status quo*.

The concentration of innovation capabilities and the resultant global inequality calls for better linkages between human rights and sustainable development through a dedicated strategy for a just digital transition that ensures freedom for all and development sovereignty for countries of the Global South.

The Compact must devote greater attention to clear public financing commitments for the development of a people-owned and operated, and publicly controlled, foundational digital infrastructure, moving beyond an uncritical celebration of openness and interoperability. Digital public goods cannot be construed as automatic enablers of inclusive innovation; their functional merit lies solely in public interest governance.

On similar lines, the Compact must re-centre ‘data for equitable development’, and explore strategic

pathways for decolonisation of the data economy. As [Sampath argues](#), the data economy continues to permeate and promote notions of subordination and dispossession that are similar to the earlier epochs in history. The dominant narrative of data flows for development needs to be rejected; there is no one-size-fits-all pathway to digitalisation.

The Compact needs to return to the WSIS ideal of Internet governance for inclusive and development-oriented information societies – and lay down clear rules for preserving the Internet as a global public good. Public interest objectives are paramount for digital governance, and need to be held as sacred, so that the call to multistakeholderism is inclusive of the most marginal voices, and not oblivious to [structural power](#). Clear direction is needed on how the UN CSTD, through its WSIS review mechanisms, can enable effective global digital cooperation. Such cooperation must encompass the ever-expanding digital public policy issues, including data and AI. On a final note, critical Internet resources are still under US jurisdictional control, and need to be [internationalised](#). Contemplating a roadmap for this is a vital agenda in the run-up to the upcoming WSIS+20 process.

The authors are from IT for Change (<https://itforchange.net/>).

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**For more information, please contact Anna Bernardo of the South Centre:
Email abernardo@southcentre.int, or telephone +41 22 791 8050.**

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