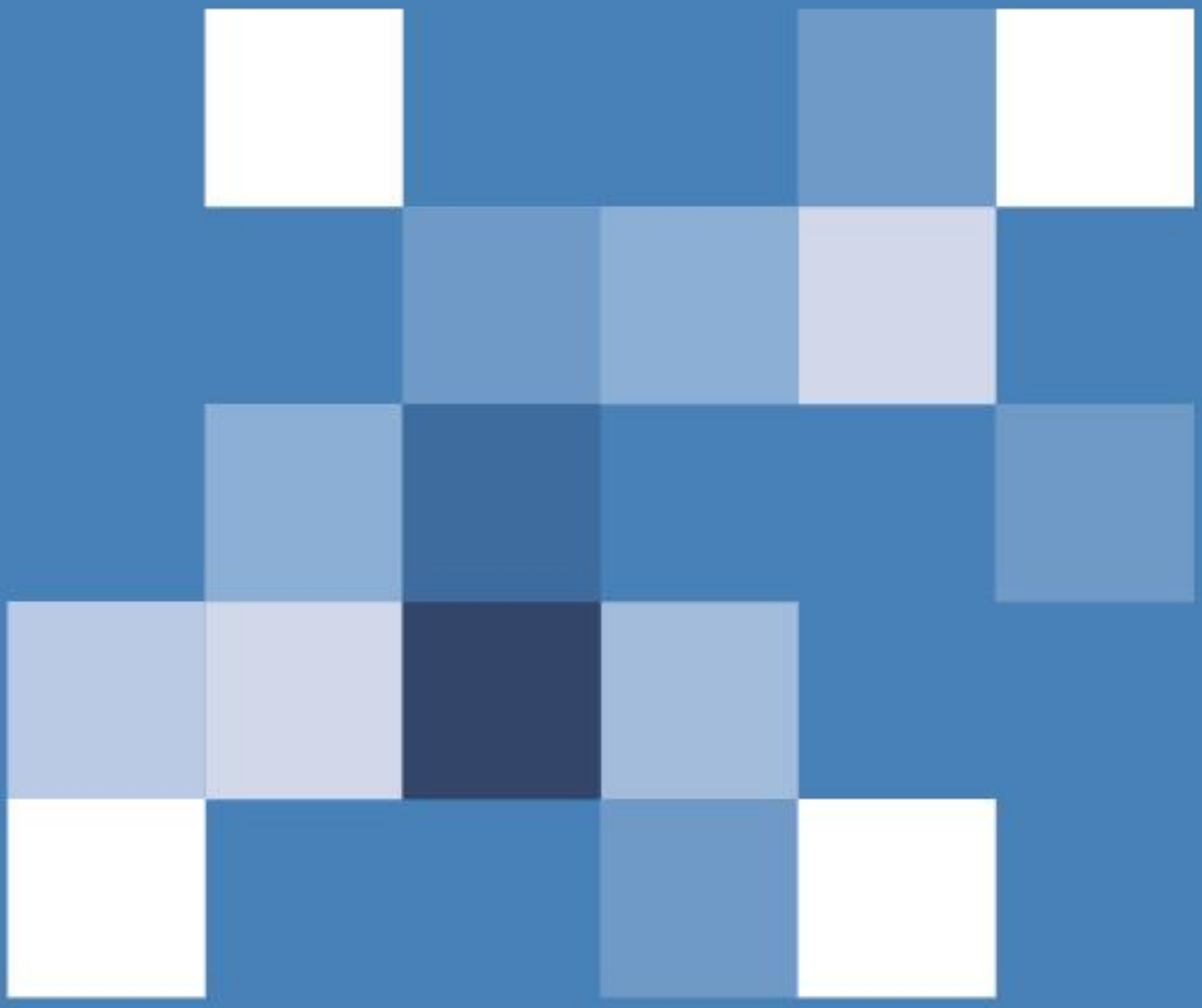
development initiatives



September 2024

Digital Compacts: Global ideals, regional realities

discussion paper

Contents

Acronyms and key terms

Acronyms

Acronym	Meaning
4IR	Fourth Industrial Revolution
ADC	African Digital Compact
AI	artificial intelligence
AU	African Union
CCS-UN	Committee of the Chief Statisticians of the UN
CCSA	Committee for the Coordination of Statistical Activities
EU	European Union
GDC	Global Digital Compact
GDPR	General Data Protection Regulation
HLCP	UN High-Level Committee on Programmes
IGF	Internet Governance Forum
OECD	Organisation for Economic Co-operation and Development
RIA	Research ICT Africa
UNCTAD	UN Trade and Development
UNDP	UN Development Programme
UNSG	United Nations Secretary-General
WEF	World Economic Forum

Key terms

Term	Meaning
Artificial intelligence	"An umbrella term for a range of algorithm-based technologies that solve complex tasks by carrying out functions that previously required human thinking."[1]
Big Tech	In this paper, 'Big Tech' refers to five of the biggest US technology companies: Alphabet, Amazon, Apple, Meta and Microsoft.
Data colonialism	"An emerging social order based on the extraction and appropriation of data for the benefit of elites."[2]
Data ecosystem	The systems, policies and culture involved in the production and use of data.
Data governance	The principles, standards, plans, strategies, policies, laws, regulations and guidance relating to the production, sharing, security and use of data.
Data landscaping	Development Initiatives' methodology "covers the political economy of data within a country; the structures and standards that govern the collection, production and sharing of data; the information systems themselves; and the culture that drives the demand for, and use of data."[3]
Data localisation	The practice of keeping data within the region it originated from. This means that companies must store and process data within the same jurisdiction as the user who is the source of that data.[4]
Data sovereignty	The principle that data is subject to the laws and governance structures of the country in which it is collected or stored.[5]
Digital divide	"At a high level, the digital divide is the gap between those with Internet access and those without it. But the digital divide is multifaceted and includes many factors such as access, affordability, quality, and relevance."[6]
Digital governance	The principles, standards, plans, strategies, policies, laws, regulations and guidance relating to the deployment of infrastructure and technologies to enhance the production and use of data.
Digital transformation	Digital transformation involves the deployment of infrastructure and technologies to enhance the production and use of data including: enabling environments, policy and regulation; digital infrastructure; digital skills and human capacity; and digital innovation and entrepreneurship. It embraces critical sectors: industry, trade and financial services; government; health; education; and agriculture. It covers cross-cutting themes: content and applications; ID; emerging

	technologies; cybersecurity; and privacy and personal data protection.[7]
Fourth Industrial Revolution	The Fourth Industrial Revolution is a term coined by the World Economic Forum. It "represents a fundamental change in the way we live, work and relate to one another. It is a new chapter in human development, enabled by extraordinary technology advances."[8]
Leapfrogging	"Leapfrogging occurs when a nation bypasses traditional stages of development to either jump directly to the latest technologies…or explore an alternative path of technological development involving emerging technologies with new benefits and new opportunities."[9]
Sovereign cloud	"A cloud computing environment that stores each organization's data (including metadata) on servers located within their local country. This means data is stored in compliance with local laws and is protected from foreign access."[10]
Techno-optimism	The belief that "that there is no material problem – whether created by nature or by technology – that cannot be solved with more technology."[11]

Overview

This paper discusses and compares the UN's Global Digital Compact (GDC) and the African Digital Compact (ADC). It examines whether the GDC's ambitions are realistically achievable, and how infrastructure and technologies can be effectively managed to enhance the production and use of data.

Following an extensive literature review, the paper quotes freely from a range of sources to build its arguments. It looks at the relationship between data and digital governance, and the extent to which technology can enable digital transformation in developing countries. It looks at how (and if) Big Tech fits into a multi-stakeholder consensus on digital and data governance. Finally, it asks if a single global authority – the UN – can solve problems rooted in political and economic inequity.

The paper advocates for the establishment of a set of universal data principles to complement digital governance. It finds that some solutions to digital transformation are not universal, which poses a challenge to the aim of the GDC to close digital divides. A challenge lies also in how to resolve the differences between those seeking data sovereignty and those who advocate for cross-border data flows.

The research conducted for this paper confirms DI's existing belief that digital transformation should be led from the bottom-up, at subnational, national and regional levels.

A comprehensive reading list accompanies the paper – to read further on this area, see the Bibliography.

This is the fourth in a series of papers Development Initiatives (DI) has produced about data governance. To explore more of our work in this area, see:

- Is the SDG monitoring framework broken?
- Data disharmony: How can donors better act on their commitments?
- The data side of leaving no one behind

Summary

In 2021, the UN Secretary-General released a report called 'Our Common Agenda'. It proposed a Global Digital Compact that outlines the shared principles for an open, free and secure digital future for all.

In September 2024, world leaders will gather in New York for the Summit of the Future.[12] The Summit is expected to adopt a *Pact for the Future*[13] that places UN-led multilateral solutions,[14] including on global digital cooperation, into a Global Digital Compact (GDC) built around the transformational potential of technology.[15]

> **"Digital and emerging technologies, including artificial intelligence, play a significant role as enablers of sustainable development and are dramatically changing our world. They offer huge potential for progress for the benefit of people and planet today and in the future. We are determined to realize this potential and manage the risks through enhanced international cooperation by promoting an inclusive, responsible and sustainable digital future."[16]**

In July 2024, a week after the second revision of the GDC draft was released, the African Union (AU) Executive Council adopted its own African Digital Compact (ADC).[17] It is aligned to yet distinctly different from the GDC.

The GDC lays out five objectives.

1. Close all digital divides and accelerate progress across the Sustainable Development Goals.
2. Expand inclusion in and benefits from the digital economy for all.
3. Foster an inclusive, open, safe and secure digital space that respects, protects, and promotes human rights.
4. Advance equitable and interoperable data governance.
5. Enhance international governance of artificial intelligence (AI) for the benefit of humanity.

On the surface there would appear little to disagree with in the well-intended aspirations of these objectives. But the GDC calls for commitments and actions. It is reasonable therefore to question whether its ambitions are realistically achievable.

There is universal agreement that both data and technology need better regulation. Data governance is about the use and abuse of data. Digital governance is about the deployment of infrastructure and technologies to enhance the production and use of data. This paper focuses on how these two critical issues can most effectively be managed.

We pose four questions:

1. What is the relationship between digital and data governance?
2. Can technology alone enable digital transformation in developing countries? What are the prerequisites for digital transformation in developing countries beyond technology?
3. Are digital technology companies and social media platforms (Big Tech) ready to abide by a global multistakeholder consensus such as the GDC?
4. Can a single global authority solve problems rooted in political and economic inequity?

There is a fifth question that requires further discussion. It is not clear how the GDC will overcome the financing challenges that the SDGs face. The role of regional bodies in its implementation is also not well articulated. Are there, therefore, adequate implementation and financing modalities/arrangements for the GDC?

We find that:

- There are parallel strands of work taking place within the UN on digital and data governance that the GDC seeks to merge. Strong arguments exist for first establishing a universal set of data principles that complement digital governance.
- There is a wide gap in the appropriate solutions and different approaches to achieve digital transformation between high- and low-income countries. Leapfrogging technologies, as proposed by proponents of the Fourth Industrial Revolution (4IR), are not universally applicable, particularly when the infrastructures, capacity and usable data are not available.
- There are unresolvable differences between those who advocate for the free flow of data across borders, and an increasing number of governments seeking data sovereignty.
- In its enthusiasm to involve the private sector, the GDC assumes a levelled playing field and overlooks the real intentions of Big Tech to control markets and exploit data.

It is therefore our view that:

- The GDC should in the first instance limit itself to developing a sustainable set of universal guiding principles and standards of digital governance. Ideally, these should be preceded by agreement on the principles of data governance.
- Digital transformation and regulation are best delivered through regional and national initiatives.

This paper makes few claims to uniqueness. It is based largely on a literature review of over 500 documents,[18] the vast majority of which have been published within the last five years.

At the outset of this research the authors were already of the view, based on our previous work,[19] that, when it comes to digital transformation and data for development, bottom-up processes (subnational to national to regional and then global) invariably work better than top-down global initiatives. In our view, these assumptions have been backed up in the

literature by a diverse range of institutions and individuals. We have, wherever possible, used the voices of others better qualified than ourselves to substantiate our arguments. We acknowledge and have quoted, among others, the opinions of Abeba Birhane, Alison Gillwald and Research ICT Africa, Anu Bradford, Shoshana Zuboff, Steve MacFeely, Tim Unwin. Their selective use and context in which we have placed them is our responsibility.

What is the relationship between digital and data governance?

In July 2018, the United Nations Secretary-General (UNSG) convened a High-Level Panel on Digital Cooperation.[20] In 2019, the Panel delivered a report, *The Age of Digital Interdependence.* It recommended that "as a matter of urgency, the UN Secretary-General facilitate an agile and open consultation process to develop updated mechanisms for global digital cooperation."[21] Consultations on this report led in 2020 to the *Roadmap for Digital Cooperation*.[22] It recommended that the well-established Internet Governance Forum (IGF)[23] be revamped by:

> **"Creating a strategic and empowered multistakeholder high-level body, building on the experience of the existing multi-stakeholder advisory group, which would address urgent issues, coordinate follow-up action on Forum discussions and relay proposed policy approaches and recommendations from the Forum to the appropriate normative and decision-making forums."[24]**

The following year the UNSG, planning for the *Summit of the Future*, launched *Our Common Agenda*[25] which again called for the reform of the IGF and:

> **"building on the recommendations of the roadmap for digital cooperation, the United Nations, Governments, the private sector and civil society could come together as a multi-stakeholder digital technology track in preparation for a Summit of the Future to agree on a Global Digital Compact. This would outline shared principles for an open, free and secure digital future for all."[26]**

To this end, the UNSG appointed an Envoy on Technology[27] to lead the work on the GDC. Initial consultations, involving over 400 submissions from governments, international organisations, NGOs, the private sector and individuals, were held between June 2022 and April 2023. A policy brief was published in May 2023[28], followed by a Zero Draft in April 2024.[29] The current, third revision, was released in July 2024.[30]

During the same period, in another part of the UN system, a parallel track of work was taking place. In 2020 Steve MacFeely,[31] then Head of Statistics and Information at UNCTAD, published a paper[32] in which he called for a "New Global Data Deal for safely

accessing and using data". UNCTAD's *Digital Economy Report 2021* focused on cross-border data flows and concluded that:

> **"global governance of data, as well as the digital economy and digital technologies, is clearly needed because of their global reach and implications on global development."[33]**

Based on the thinking already done by McFeeley and others[34] and in preparation for its *2021 World Development Report,*[35] the World Bank invited the Committee for the Coordination of Statistical Activities (CCSA)[36] to contribute a sub-chapter. It resulted in a concluding section arguing that:

> **"A global consensus is needed to ensure that data are safeguarded as a global public good and as a resource to achieve equitable and sustainable development."[37]**

The UN High-Level Committee on Programmes (HLCP)[38] followed the work of the CCSA. The HLCP invited the Committee of the Chief Statisticians of the UN (CCS-UN)[39] to lead a working group on international data governance. The working group was to take into account the emerging work on the GDC. This resulted in a confidential *Concept note on a UN system paper on international data governance*.[40] To share this work more broadly a paper was published by CCS-UN members which observed that:

> **"Many steps and challenges lie ahead, both foreseen and unforeseen. A few of the foreseen challenges are worthy of note, not least defining the scope and many elements that would comprise a Global *Data* Compact, setting out the principles that would form the backbone of such a compact and creating both the positive and negative incentives that would encourage all the different stakeholders to adhere to best practice international data governance."[41]**

Observing in September 2022 that "work at the UN to begin preparing a GDC is in its infancy", the paper argued strongly in favour of an initial focus on data principles:

> **"These principles will build on existing international norms and principles, balance different rights of stakeholders and integrate ontologies and standards that promote innovations in creative, trustworthy and ethical re-uses of data while safeguarding against harmful misuse. These principles must encompass important dimensions of quality, governance, equality of access, privacy, data protection, copyright and property rights, personal and non-personal data,**

human and non-human data, public and private sector data, data sharing, data ownership, data reuse and recursive data."[42]

The HLCP finally published its working group's findings in August 2023. Despite the GDC now being at the top of the UN's agenda the paper maintained that:

"The current development of the Global Digital Compact and the Summit of the Future represents a great opportunity that Member States could grasp to advance the agenda for global data governance."[43]

In other words, the statistical community continue to see data governance as an issue that cannot merely be consumed within digital governance. In the words of one chief statistician, data is the foundation of all things digital so an agreement on data governance needs to precede any digital compact.[44] As digital governance only exists to provide the infrastructure and technology required for data ecosystems, it makes sense to seek consensus on data governance first.

Can technology alone enable digital transformation in developing countries?

The GDC opens:

> **"Digital technologies are dramatically transforming our world."**

It aims to close all digital divides and include all in the digital economy. It calls for international, regional and national efforts to develop 'enabling environments' for digital transformation. These ambitious claims require some inspection.

Does digital transformation mean the same thing to everyone? According to the OECD:

> **"The current phase of the transformation is fuelled by a confluence of technologies, including artificial intelligence (AI), 5G, the Internet of Things (IoT), cloud computing, data analytics, virtual reality and other immersive technologies."**[45]

And here is the World Bank's view of Africa:

> **"Sub-Saharan Africa faces critical challenges for digital development, including underdeveloped digital infrastructure, lack of accessible and affordable connectivity, a stubborn digital gender gap, limited skills for digitally enabled industries, and inadequate regulatory and policy environments."**[46]

Are these two summaries referring to the same phenomenon?

In 2016 Klaus Schwab, founder and executive chairman of the World Economic Forum (WEF) wrote a book, *The Fourth Industrial Revolution*.[47] In the introduction he explains that:

> **"technology and digitization will revolutionize everything, making the overused and often ill-used adage 'this time is different' apt. Simply put, major technological innovations are on the brink of fuelling momentous change throughout the world – inevitably so."**

In 2022, the UNDP in Nairobi launched its Playbook on the 4IR:

> **"to guide Africa's leadership in a rapidly evolving era driven by technologies and kickstart the process of Africa leading the global transformation in the way we live, work, produce and consume."[48]**

Can Africa lead such a global transformation? Is this techno-optimism justified? The South African Government established an Affiliate Centre of the WEF's Centre for the Fourth Industrial Revolution Network.[49] Referring to the South African Government's role, Alison Gillwald, executive director of Research ICT Africa (RIA) commented:

> **"The adoption by South Africa of 4IR models and policy designed by WEF partner consultants is based on a number of assumptions that don't apply to developing countries. These include mature, competitive markets and functioning democracies, capable institutions and educated and healthy populations. As a result, the proposed policies are unlikely to contribute to economic growth, job creation and the empowerment of women."[50]**

The AU's AI strategy adds to this reality check, nothing that:

> **"there is a significant gap in the quality, inclusiveness and availability of data for AI models in Africa. Most data from the public and private sectors remain inaccessible. Public and private organisations often do not have sufficient infrastructure, resources, and data-management protocols in place to collect data and make it accessible for accelerating AI uptake."[51]**

Technology has transformed the world on many occasions throughout history. These transformations have invariably led to inequities which have been the root cause of economic inequality for centuries. The digital revolution is no different and there is nothing intrinsically new in the digital divide between rich and poor countries and communities. What is new is the idea that technology itself can level the playing field.

Tim Unwin gives this idea short shrift:

> **"The so-called 4IR is just a construct developed by those promoting a heroic vision of technological scientism, and it ignores the argument that the current rapid expansion of digital tech is merely a product of the existing logic of capitalism."[52]**

Improving technology infrastructures for all is the argument made for bridging this divide. It is not that simple. RIA were commissioned by South Africa's National Planning Commission to review the country's readiness for the 4IR. In its report, it introduced what it called the 'digital inequality paradox':

> **"Paradoxically, as more people are connected, digital inequality is increasing. This is not only the case between those online and those offline…but also between those who have the technical and financial resources to use the Internet optimally and those who are barely online. The latter includes those who only have partial access to poor-quality or expensive data services that do not permit them to be 'always on' or to use data-intensive services. The gap is widening between those who passively consume a limited number of basic services and those able to put technology to full, productive use, some even to enhance their prosperity."[53]**

RIA, in a concept note for a research programme on data justice in relation to AI, raises further questions on technology's capacity to create a level playing field:

> **"Current work on data justice highlights that, while data-driven technologies could be harnessed to support Africa's development, at present, they often serve to further undermine the continent's geopolitical position and harm its people. Data-related practices reinforce historical imperialist processes, including resource extraction, the imposition of Western values, the misrepresentation of African people and particularly those at the intersections of multiple inequalities, and the misappropriation of indigenous knowledge systems."[54]**

This is not to deny the critical role of technology, only to be clear on the challenges. As argued by Tim Unwin:

> **"the most important issue is how to achieve equity in the impact of digital tech, so that rather than increasing inequalities digital tech can be appropriately used by the poorest and most marginalised to enhance their lives."[55]**

Cognisant of this, the ADC proposes a more holistic approach:

> **"Africa's digital transformation journey, aimed at socio-economic growth and inclusivity, encounters several hurdles, including the digital divide, cybersecurity threats, automation's impact on jobs, data sovereignty and privacy, reliance on foreign technology, skills gap, regulatory barriers, and socio-cultural effects. Solutions involve comprehensive strategies: bolstering digital infrastructure, enhancing cybersecurity measures, fostering digital literacy, implementing robust data protection laws, nurturing local technology ecosystems, modernizing regulatory frameworks, and deeply engaging community stakeholders."[56]**

The idea that technological innovation and big data are the solution to low-income countries' data problems is currently gaining currency in many development circles. As we have argued before,[57] this is a dangerous concept, and this leapfrogging is unrealistic. Local facilities need input devices to capture data. These devices need to be charged and have access to the internet. School teachers and nurses need skills in basic data literacy. The data ecosystem needs solid foundations and in many countries these are still being built. The data captured in a child's birth registration, a patient's health record and a pupil's progress through school is the kind of input needed for machine learning to develop useful algorithms. In low-income countries, this data does not exist in sufficient quantity or quality to be of any use. Yet every month a new data science challenge is launched by donors who appear not to grasp the fact that the data needed for AI to work comes from the very systems that proponents of AI wants to replace.

Is Big Tech ready to cooperate in a global multi-stakeholder consensus?

Central to the argument for the GDC's call for "inclusion in and benefits from the digital economy for all" is the need for data to flow freely across borders. The antithesis of this is the measures taken by several African and Asian countries that have adopted 'localisation' policies. These policies insist that nationally sensitive data, including personal data, should be stored on national servers in national data centres.

The AU Data Policy Framework, for example, recommends that:

> **"Member States should prioritise politically neutral partnerships that take into account their individual sovereignty and national ownership to avoid foreign interferences which may negatively affect the national security, economic interests and digital developments of AU Member States.**
>
> **AU Member States have the right to formulate digital and data rules in line with their priorities and interests, notably to protect the information security of the state and its citizens and to prevent third parties from unfairly exploiting resources and local markets."**[58]

A 2022 OECD study revealed that:

> **"data localisation is on the rise. By 2021, there were a total of 92 data localisation measures in place across 39 countries. More than half of these have emerged over the last five years. Importantly, the measures themselves are becoming more restrictive; by 2021, two-thirds of measures in place involved a storage requirement with a flow prohibition (often implemented by non-OECD countries)."**[59]

There is some recognition from Big Tech that localisation is here to stay. Microsoft has invested in data centres in Egypt, Kenya, Morocco, Nigeria and South Africa.[60] Amazon Web Services and Google also have 'cloud regions' based in South Africa.[61] In total there are currently 119 data centres operational in 22 African countries.[62] Sovereign clouds,

either physically located within the client country or located in foreign data centres fully under national control, are on the agenda for all the big data storage providers.

In January 2019 Shinzo Abe, then Prime Minister of Japan, addressed the WEF in Davos:

> **"We must, on one hand, be able to put our personal data and data embodying intellectual property, national security intelligence, and so on, under careful protection, while on the other hand, we must enable the free flow of medical, industrial, traffic and other most useful, non-personal, anonymous data to see no borders, repeat, no borders. The regime we must build is one for D.F.F.T., Data Free Flow with Trust."[63]**

Data Free Flow with Trust was adopted by the G20 in 2019 and the G7 in 2021. The OECD now plays a leading role in attempts to operationalise the concept.

Its problem statement has been outlined by the WEF:

> **"Many countries are putting forward regulations to constrain data flow in order to deal with the challenges of privacy, national security and intellectual property, or for economic reasons such as protecting domestic jobs. Such restrictions, even if well-intentioned, can lead to regulatory fragmentation and challenges for business, especially when combined with data localization requirements. If undermined, this could ultimately weaken global trade flows and limit the societal benefits for all. Unfortunately, the current fragmented approach has stalled (or even potentially set back) policy efforts to implement frameworks for cross-border data flows."[64]**

The solution, according to the OECD, is:

> **"an integrated policy approach, both domestically and internationally, to build trust. Governments and regulators, including privacy regulators but also sectoral regulators, need to co-operate across silos, borders and at different levels simultaneously to support companies in their efforts to build trust and multi-jurisdictional compliance."[65]**

Yet in the preceding paragraph the authors note that:

> **"businesses report that they are struggling to comply with an increasing number of obligations required of them as the natural corollary of such development of data protection laws globally. In other words, the challenge does not lie with the existence of data protection laws as such, which are a critical element of trust. But the constraints attached to the cumulation of multiple compliance obligations, even when stemming from comparable or even identical principles, can be such as to undermine the very purpose that each regulation intends to serve."[66]**

Taking this into account, we need to question what the GDC thinks it can achieve by pledging that:

> **"We will identify innovative, interoperable and inclusive mechanisms to enable data to flow with trust within and between countries to mutual benefit, while respecting relevant data protection and privacy safeguards and applicable legal frameworks."[67]**

Again, the ADC takes a more nuanced approach, promoting:

> **"regional integration and cooperation to facilitate the cross-border flow of digital services and harmonize digital policies, enhancing the continent's competitiveness in the global digital economy"[68]**

While key actors in the private sector such as Meta[69] are careful not to be seen to oppose the GDC,[70] their real intentions can be found elsewhere. The Washington DC-based Information Technology Industry Council is, in its own words, "the premier global advocate for technology, representing the world's most innovative companies."[71] Its members include Amazon, Apple, Google, Meta and Microsoft, as well as more than 60 other multinational technology companies.[72]

The Information Technology Industry Council and its abovementioned members fund the Information Technology and Innovation Foundation, "the world's leading think tank for science and technology policy."[73] Here is its advice to the US government in June 2024:

> **"The United States can no longer afford to support nations whose actions are against U.S. techno-economic interests …This would mean no more aid to countries … that impose data localization or other digital protectionist tools"[74]**

Such arm wrestling is where the real debate lies. Public governance needs the support of the private sector, and the private sector cannot be seen to disrespect multilateral processes. Yet there is a cavernous divide between the well-intentioned aspirations of the GDC and the legal responsibilities of Big Tech to maximise profits to their shareholders.

The words of three of the intellectual giants of the digital age are sufficient evidence to situate why, with the best will in the world, a technical solution proposed by the UN is doomed to failure.

Shoshana Zuboff[75] has compiled evidence of how Big Tech "claims human experience as free raw material for translation into behavioural data":[76]

> **"The abdication of the world's information spaces to surveillance capitalism has become the meta-crisis of every republic because it obstructs solutions to all other crises. The surveillance capitalist giants–Google, Apple, Facebook, Amazon, Microsoft, and their ecosystems–now constitute a sweeping political-economic institutional order that exerts oligopolistic[77] control over most digital information and communication spaces, systems, and processes."[78]**

Abeba Birhane[79] reminds us why the concept of data colonialism is an essential tool for us to understand digital power dynamics:

> **"Traditional colonialism seeks unilateral power and domination over colonized people. It declares control of the social, economic, and political sphere by reordering and reinventing social order in a manner that benefits it. In the age of algorithms, this control and domination occurs not through brute physical force, but rather through invisible and nuanced mechanisms, for example, control of digital ecosystems and infrastructure. Common to both traditional and algorithmic colonialism is the desire to dominate, monitor, and influence social, political, and cultural discourse through the control of core communication and infrastructure mediums. While traditional colonialism is often spearheaded by political and government forces, digital colonialism is driven by corporate tech monopolies—both of which are in search of wealth accumulation."[80]**

And Tim Unwin[81] casts his eye on how the UN itself has succumbed to the influence of Big Tech:

> **"The last 25 years have seen the gradual permeation (or subversion) of international discourse within the UN system by global capital. This is nowhere clearer than in discussions and practices around the role of digital tech within international development.**
>
> **This is not to say that the private sector cannot contribute hugely to international development, and that close relationships between governments and the private sector are not essential for the development of wise policies and practices especially relating to the creation and use of digital tech. However, it is to argue that the balance of power and influence has shifted far too far towards the tech companies and global corporations, whose fundamental interest is to make profits for their owners, staff and shareholders."[82]**

Can a single global authority solve problems rooted in political and economic inequity?

Underpinning the GDC is the assumption that the UN has the authority to lead and deliver on a programme no less complex than world peace and climate change.

The GDC mentions 'human rights' 31 times and states with some confidence that:

> **"We will establish and maintain robust risk mitigation and redress measures that also protect privacy and freedom of expression."[83]**

Is this possible when the United States, China and the European Union are actively competing for global influence with fundamentally different approaches to both privacy and AI regulation? Professor Anu Bradford[84] sets out the differences between these "digital empires":

> **"As the world's leading technological, economic, and regulatory powers, they are "digital empires": each not only regulating its domestic markets but also exporting its regulatory model and aiming to shape the global digital order in its own interests. Some governments may align their regulatory stance with the American market-driven approach, opting for light-touch regulation; others may side with the EU's rights-driven approach, pursuing binding legislation that sets constraints on AI development; and some authoritarian countries will look to China, emulating its state-focused regulatory model."[85]**

In launching the *United States International Cyberspace & Digital Policy Strategy,* for example, Secretary of State Anthony Blinken said "The US wants to make sure allies do not rely on Chinese-built undersea cables, data storage, or cloud computing. It is critical we work with trusted vendors and exclude untrustworthy ones from the ecosystem."[86] The US Chamber of Commerce, responding to the European Union (EU) Data Act, called on the EU to:

> **"amend its approach to regulating data in the digital economy and move instead toward a model that prioritizes contractual freedom, voluntary data sharing, and the principle of non-discrimination."[87]**

Anu Bradford concludes:

> **"Given the obvious benefits of international coordination, several attempts to develop global standards or methods of cooperation are already underway within institutions such as the OECD, the G20, the G7, the Council of Europe, and the United Nations. Yet it is reasonable to worry that these efforts will have only a limited impact. Given the differences in values, interests, and capabilities among states, it will be difficult to reach any meaningful consensus."[88]**

Opposition to the GDC has also come from international organisations already tasked with aspects of global digital governance. In an open letter to the UNSG and the Envoy on Technology, current and past leaders of the Internet Engineering Task Force and World Wide Web Consortium highlight the "fundamentally distributed" nature of the internet:

> **"We note that the GDC is being developed in a multilateral process between states, with very limited application of the open, inclusive and consensus-driven methods by which the Internet and Web have been developed to date. Beyond some high-level consultations, non-government stakeholders (including internet technical standards bodies and the broader technical community) have had only weak ways to participate in the GDC process. We are concerned that the document will be largely a creation only of governments, disconnected from the Internet and the Web as people all over the world currently experience them."[89]**

Concerns that the GDC undermines the mandate[90] of the IGF to facilitate the development of internet-related policy have been raised by several organisations. These include the EU:

> **"Given its place as the premier independent forum for multistakeholder input, the EU supports the Internet Governance Forum (IGF) and its potential to grow into an always more incisive, inclusive, and sustainable model. The EU also supports the IGF provision of multistakeholder input into the Global Digital Compact."[91]**

…the US:

> **"The United States strongly supports the IGF as the preeminent global body bringing together all stakeholders through a bottom-up process to discuss rights-respecting solutions to Internet public policy issues. The Global Digital Compact can support the continued improvement of the IGF to further strengthen its impact as a global, multistakeholder platform."[92]**

…and the IGF itself:

> **"The Leadership Panel supports the Internet Governance Forum and its global, national and regional initiatives as vital fora for multistakeholder debate and policy discussions that can inform policy development across the world. The Global Digital Compact should reaffirm the definition of multistakeholder internet governance as agreed in the Tunis Agenda as well as reaffirm the importance of the Internet Governance Forum. At the same time, the Global Digital Compact should not touch upon the mandate of the Internet Governance Forum."[93]**

Similarly, leadership of three leading domain name space providers, ICANN, APNIC and ARIN,[94] published a joint article noting that the technical community is being sidelined:

> **"The U.N. Tech Envoy…suggests that there is a new "tripartite" model for digital cooperation, in which there are only three stakeholder groups – the private sector, governments, and civil society (which includes the technical community). In other words, this model excludes the technical community as a distinct component, and overlooks the unique and essential roles played by that community's members separately and collectively."[95]**

An achievable roadmap?

Global principles

In June 1991, European statisticians gathered in Geneva against the backdrop of a changed Europe. The Soviet hammer and sickle flag was soon to be lowered in Moscow for the last time and the planned economies of Eastern Europe were starting to engage with the market economies of the West. Statisticians from the east sought "a road map, a beacon to guide the countries' statistical offices during a time of immense change."[96] Thus were born the Fundamental Principles of Official Statistics, adopted by the United Nations Statistical Commission in 1994.[97] With the exception of a revised preamble, they remain as valid today as they were 30 years ago.

The global focus on the importance of data began 10 years ago with the UN's recognition of a data revolution. This was acknowledged in the UNSG's publication of *A World That Counts*. Its first key recommendation was:

> **"We propose that the UN establish a process whereby key stakeholders create a "Global Consensus on Data", to adopt principles concerning legal, technical, privacy, geospatial and statistical standards which, among other things, will facilitate openness and information exchange and promote and protect human rights."[98]**

The GDC, with the best of intentions, has impatiently bitten off more than it can chew. Surely a more realistic first step would be to develop a set of principles and standards that could create the foundations of a consensus to drive this agenda through. The UNSG is Chair of the UN System Chief Executives Board for Coordination. In this role, the UNSG is surely aware of its role in mandating the CCS-UN to develop data governance standards. Should this not be the GDC's first port of call?

Drafting principles that can stand the test of time is no easy task, as recognised by the CCS-UN.[99] As they currently stand, the GDC principles tend towards a bland and generic statement of the obvious. Further drafting will be necessary for them to stand out as the cornerstone of this compact. Comparison with the ADC is instructive.

The GDC presents the benefits of technology and the importance of rights as parallel concepts. The ADC proposes that:

> **"technological advancements are *harmonized* with the fundamental rights and dignity of its people"[100] (Italics are DI's emphasis.)**

The GDC calls on targeted efforts to the least developed countries. The ADC makes a more dignified call for solidarity, advocating for:

> **"collective efforts and the sharing of resources, expertise, and best practices to address the challenges and opportunities presented by digital technologies."**[101]

The GDC recognises that all institutions, including regional organisations, have roles and responsibilities. The ADC is more focused, emphasising:

> **"the importance of regional and international collaboration to harness collective expertise, resources, and experiences for digital growth."**[102]

In addition, the ADC includes the principle of "respect for sovereignty and territorial integrity". This principle underscores:

> **"the right of states to govern their cyberspace without external interference, ensuring the respect for their digital borders in the same manner as their physical borders."** [103]

Reflecting the importance of this issue, it furthermore "recognises that:

> **"the principle of non-intervention is critical in ensuring that states do not use ICTs to interfere in the internal affairs of other states."** [104]

Regional leadership

The GDC recognises the need for investment and capacity building to support regional and national initiatives but pays scant attention to what is already happening.

The Association of Southeast Asian Nations has decided to sidestep alignment with one of the "Digital empires".[105] It is on course to deliver its own Digital Economy Framework Agreement by the end of 2024, with an emphasis on encouraging regional trade.[106]

Charles Kenny[107] reflects on the same potential for Africa:

> **"Hopefully the growing role that regional bodies like the African Union are playing in coordinating and harmonizing rules around cross-border data will help the region both better exploit the data it has and build up regional capacities in data storage and manipulation. And as participants made clear,**

this isn't something that has to wait on better global data governance: the African market is quite big enough by itself."[108]

The UN's Global Pulse Lab in Uganda, commenting on the EU's hard sell[109] of General Data Protection Regulations (GDPR), cautioned that:

"Despite its strengths, concerns persist regarding the GDPR's complexity and the substantial costs associated with compliance."[110]

In fact, at least 29 African countries have data protection legislation in place.[111] And the AU established a Convention on Cyber Security and Personal Data Protection back in 2014. This is currently being revised through the Malabo Roadmap that aims:

"to inform continental discussions among a diverse set of stakeholders on the advancement of international law instruments regulating cybercrimes and data protection in Africa."[112]

The exploitation and regulation of AI has also required a regional approach. Timcke and Hlomani from RIA have argued that:

"African nations and regional bodies need to organise effectively to represent shared interests and priorities in international AI policymaking arenas. Continental regulatory harmonisation and global policy engagement are complementary efforts for Africa to enact ethical, rights-protecting AI systems while also shaping AI governance to be more equitable worldwide. By linking arms regionally and raising voices globally, African stakeholders can pursue AI governance that advances both local and global equality."[113]

Africa has consistently taken responsibility for the data and digital challenges it faces: through the African Charter on Statistics (2009), Strategy for the Harmonisation of Statistics in Africa (2017), Digital Transformation Strategy for Africa (2020), AU Data Policy Framework (2022). Most recently, in June 2024, African ICT and Communications Ministers unanimously endorsed the Continental Artificial Intelligence (AI) Strategy[114]

The ADC:[115]

> **"seeks to unify Africa's digital transformation efforts, ensuring they align with global standards while addressing the continent's unique challenges and opportunities."[116]**

The use of the word 'align' (used over 100 times in the document) is instructive. The ADC stresses throughout the importance of international cooperation:

> **"a resolute commitment to harmonizing the African digital landscape with global imperatives. Emphasizing connectivity, cooperation, human rights, inclusivity, security, data sovereignty, and the governance of emerging technologies, it lays the cornerstone for a digital Africa poised for transformation."[117]**

The GDC is thus seen, similarly to the IGF, as a facilitating, coordinating mechanism through which national and regional institutions can receive guidance and share lessons. The ADC pointedly calls for advocacy:

> **"for fair and significant representation of African nations in international digital governance forums, ensuring that Africa's voice is heard, and its digital policy challenges and recommendations are included."[118]**

The GDC should recognise that the sustainable solutions to digital transformation and regulation lie in these individual journeys that regional bodies are taking. These journeys are far from complete and will without doubt be enhanced by international learning and cooperation. But the national and regional objectives they seek are much more realistic than well-intentioned global aspirations, such as the objectives of Africa's digital transformation to:

> **"harness digital technologies and innovation to transform African societies and economies to promote Africa's integration, generate inclusive economic growth, stimulate job creation, break the digital divide, and eradicate poverty for the continent's socio-economic development and ensure Africa's ownership of modern tools of digital management."[119]**

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