



March 8, 2024

Hon. Anna Karin Enestrom, Permanent Mission of Sweden to the UN

Hon. Chola Milambo, Permanent Mission of Zambia to the UN

UN Global Digital Compact Submission

APAC Gates is pleased to submit these views to the government of Sweden and Zambia, co-facilitators regarding the intergovernmental negotiations on the Global Digital Compact. We commend the UN's initiative to formulate a forward-looking vision regarding the world's digital ecosystem.

[APAC GATES](https://apacgates.com) is an Asia-Pacific association and non-profit organization management consultancy based in the Indo-Pacific region, focused on providing services to the growing AI governance professional community. We emphasize the rule of law, anti-corruption, innovation and consumer trust as basic first principles for our analytical perspective. Our values are grounded in justice, connection and understanding between people and communities across the Indo-Pacific region. Our team has over 30 years of experience working on public interest law, humanitarian affairs, innovation policy and economic development. We act as the secretariat for the Asia AI Governance and Policy Group (AAGPG), and produce the Asia AI Policy Monitor newsletter, with over 1000 members and subscribers. For more information and insights visit apacgates.com.

We provide input in response to the document "Possible elements of a Global Digital Compact."

Regarding the principles outlined in section 2, we would recommend additions and edits as follows regarding digital cooperation:

- The closing of digital divides should not be premised solely on the assumption that all such divides are inherently negative. Rather, nations and communities ought to approach their digital development with consciousness and intentionality. The indiscriminate endorsement and advancement of digitalization is not automatically the optimal path. Instead, it is crucial to evaluate digital divides through the lens of potential harms and the missed opportunities they represent for communities and individuals to thrive and flourish in their own right.

- Rights facilitating, and a rights-by-design ethos. Not merely protecting rights, as they exist, but recognizing how rights manifest differently in digital environments, and that future rights can be articulated, and new rights emphasized. Digital tools, services and environments should take a rights-by-design – whether it is privacy by design, or safety by design; that rights are first and foremost considered, and part of the incentive structure for digital governance. Devising a digital bill of rights concept would be beneficial in guiding the compact over time. The government of the Republic of Korea for example developed a “Digital Bill of Rights” which establish principles for government policy.[1] This Digital Bill of Rights for example guarantees the right to access digital resources, the right to control personal data, the right to labor protections for digital workers.
- Innovation promotion and facilitation is key for digital cooperation. Supporting creation as labor, creation as inclusivity, and innovation in competition are key.
- As regarding mitigating risks and supporting responsibility of digital technologies – it would be key for the compact to identify key issues that shape the discussion of digital technologies, and in particular AI. Risk and responsibility imply consequences that are not necessarily and empirically part of the picture. It is best to understand that these are socially constructed technologies and they do not inherently have risks, but for how people use them.

Regarding commitments and actions for the Compact. We support the document’s initiative to promote tangible benefits.

- Promoting positive use cases, and building incentives for such, for example AI for ecological sustainability, or peacebuilding[2] can be positive and weigh against negative use cases, such as for fraud, disinformation and cybercrime.
- Regarding initiatives to build capacity, including human and infrastructure capacity – this tracks with a general industry narrative that AI in particular, but all digital advances moving forward require three primary inputs: data, compute and talent. We would advise that as for “talent” this not be narrowly construed as merely producing technical human resources, but also include labor and labor rights more generally – particularly as future technologies such as AI are built on massive amounts of human labor, that may be relatively underpaid or exploitative in nature (such as through uncompensated data training in artistic works).
- We encourage the compact to invest in public literacy and awareness, particularly of emerging digital technologies. A good example is the following by the government of Malaysia called, “AI Untuk Rakyat” seeks to raise AI literacy for the public through online learning platforms.[3]

- A major feature of AI and digital economy and ecosystems is the ongoing and intensifying problems of cybercrime.[4] The Compact must move forward multilateral efforts to address Cybercrime.[5] In particular, protecting and facilitating rights, and democratic processes, anticorruption and rule of law should guide cybercrime initiatives. Training should focus on critical rule of law infrastructure, such as courts and how digital tools are used. Trainings such as UNESCO's AI Rule of Law is a good example of more public education that is needed.[6]
- Promoting practical tools, such as industry certifications and rules would be beneficial at the UN level, particularly in emerging technologies such as AI. A major opportunity and enabler of global AI governance is the fostering of certification and auditing bodies, both public and private. For example, the International Algorithmic Auditors Association (IAAA) was organized to foster this community of professionals.[7] However, concerns have been raised that these governance tools may result in "audit washing" – evading meaningful correction of problems.[8] Regarding certification of data for example, training data for generative AI models has been criticized for using copyrighted works, which may violate intellectual property laws in many jurisdictions. Initiatives to validate and certify training data does not contain copyrighted material have addressed these concerns.[9] Other certification issue areas will no doubt be addressed.

Regarding section IV of the document on review and follow-up. We provide the following recommendations:

- Transparency is a key watchword for digital governance, and in emerging technologies in particular for AI. Rankings and ratings area key tools for providing the public and policy makers with information that is accessible and comparative. Initiatives in the private sector to rank LLMs for example on issues of confabulation, to bias, or effectiveness in certain domains (e.g. legal, medical applications) have been published in recent months.[10][11] Supporting similar efforts at a global scale will create an ecosystem of accountability for new AI tools.

[1] <https://www.msit.go.kr/eng/bbs/view.do?sCode=eng&mId=4&mPid=2&pageIndex=&bbsSeqNo=42&nttSeqNo=878&searchOpt=ALL&searchTxt=>

[2] <https://www.allianceforpeacebuilding.org/afp-publications/designing-ai>

[3] <https://www.pmo.gov.my/2024/01/govt-serious-about-digital-transformation-promoting-ai-literacy-pm-anwar/>

[4] <https://www.microsoft.com/en-us/security/blog/2024/02/14/staying-ahead-of-threat-actors-in-the-age-of-ai/>

[5] https://www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/home

[6] <https://www.unesco.org/en/artificial-intelligence/rule-law/mooc-judges>

[7] <https://iaaa-algorithmicauditors.org/>

[8] https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4568208

[9] <https://www.fairlytrained.org/certifications>

[10] AI Accountability Ranking initiative by Ranking Digital Rights: <https://rankingdigitalrights.org/wp-content/uploads/2023/10/Consultation-Call-Generative-AI-Accountability-Indicators-V2.pdf>

[11] Government AI Readiness Index by Oxford Insights: <https://oxfordinsights.com/ai-readiness/ai-readiness-index/>