Tech for Democracy

UNDP

A Shared Vision for Technology and Governance

Programming Pointers for Practitioners

Content

Acknowledgements

Abstract

This report summarises key issues around the relationship between digital technology and governance and presents recommendations for strengthening inclusive, safe and rights-protecting societies and democratic politics.

It draws from a more comprehensive and detailed report 'A Shared Vision for Technology and Governance', and is intended as a resource to support practitioners in their programming efforts.

The recommendations contained in this report should be considered as suggested starting points, with a more detailed assessment of context and intervention required before initiating programming.

Introduction

Digitalisation is changing the practice and context of governance. Increasingly ubiquitous digital technologies are changing how societies organise the prioritisation and allocation of resources – transforming how goods and services are delivered, people's capacity as agents of change and the shape of the public sphere.[i] The digitalisation of services, accelerated through COVID-19 responses, has enabled governments to reach more people, more efficiently and more accurately targeted, than ever before. Digital systems have enabled the inclusion of more people in policy-making than ever before. But digitalisation also introduces challenges for democratic principles and human rights, particularly for the public sphere, civic space and governance processes and outcomes such as elections, public debate and trust in institutions.

There is a growing need for governance of digitalisation that ensures digital transformation serves the public interest. Digital technologies often have both positive and negative implications, forcing consideration about how to ensure the digital transformation is in the public interest and delivers public value[ii]. As digital technologies become increasingly central to the architecture of society, the need to ensure they uphold rather than weaken human rights is ever more critical[iii].

These debates about the role of technology come at a time of global polycrisis, environmental, economic and social challenges, and a feeling that the current state of governance isn't working for everyone. Digital technologies are a central feature of many of these challenges, and require effective governance in order to realise their potential while mitigating their harms.

Present multilateral mechanisms for governance of digital technologies are advisory and lack "teeth". The statement on the dominant model of governance, originating in the Internet Governance Forum (IGF),[iv] describes how governments are tasked with policy-making and oversight, the industry is expected to self-regulate and participate in the government policy-making process and civil society organisations raise awareness of key issues, mobilise citizens, and encourage social responsibility [v][vi].

The self-regulatory governance model is in tension with the exercise of digital sovereignty by states. Industry self-regulation is increasingly being tested as states seek to exercise greater authority over the digital technologies, content and companies that operate within their jurisdiction. There are such efforts in the US, the EU[vii], China[viii] as well as Africa[ix] - and growing recognition of the need to strengthen the governance of digital platforms, AI, content and cyber security[x].

'Digital public infrastructure' is one form of global response. There are growing efforts and new mechanisms to establish digital technologies that serve the public interest - such as the Digital Public Goods Alliance[xi], GovStack[xii] and the Co-Develop fund[xiii], which seek to develop digital public goods and infrastructure[xiv]. And governance is central to ensuring that these new technologies serve the public interest. UNDP has been the official knowledge partner on Digital Public Infrastructure (DPI) for India's G20 Presidency, as part of the Digital Economy Working Group. The outcome document of the Digital Economy Ministerial meeting that took place on the 19th of August 2023, acknowledges the need for a comprehensive, multistakeholder approach with coordinated and voluntary

financing and technical assistance to facilitate DPI implementation[xv]. As the UN Secretary General's Roadmap for Digital Cooperation notes, 'the world is at a critical inflection point for technology governance', and that 'central to the implementation of digital public goods are robust human rights and governance frameworks to enhance trust in technology and data use, while ensuring inclusion[xvi].

Governance is central to ensuring that digital technologies serve the public interest. Technology is neither good, nor bad, but never neutral[xvii] – and the outcomes of digital transformation are not inevitable. There is a huge demand from governments and civil society for support to direct the process of digital transformation.

The digitalisation of governance introduces change to services and the wider governance context and as such requires an ecosystemic response. Digital technologies are reshaping both the infrastructure through which the functions of government are delivered as well as the broader public sphere in which politics is practiced and through which power is exercised and reinforced. This demands an elevated and coherent approach – a 'whole of society' ecosystemic approach, as UNDP's digital strategy outlines. A whole-of-society approach is critical if we are to understand and engage with the implications of existing digital technologies for governance and democracy.

Effective governance of digitalisation and digital transformation[xviii] is critical to ensuring that digital technologies contribute to inclusive, safe and equitable outcomes. The governance of digitalisation recognises that digital transformation is an ongoing process leading to change in all parts of our lives – and that this process requires active engagement to amplify inclusion and rights rather than patterns of exclusion and inequity.

The global nature of digital technology, companies and content is a challenge to effective governance – a challenge amplified by inequalities of power, especially around global governance and taxation arrangements. Some mechanisms governing digital services, markets and data are more influential than others - particularly governance instruments originating in the EU, US and China, which have implications beyond their borders. This has forced Global South governments to be rule-takers in many contexts – mindful of the skewed distribution of power globally[xixxx].

The governance of digital platforms and content is not always in the public interest. Although the UN Human Rights Council and the General Assembly confirmed that "the same rights that people have offline must also be protected online"[xxi], several governments have used concerns about inaccurate, inappropriate or misleading content to introduce laws and policies to limit online freedom of speech and expression, and even cut access to specific platforms or the entire internet.

The governance of digital technologies is not just a matter for the state. Civil society and the private sector have important roles to play. For UNDP, support to both governance and digital transformation is approached through a holistic, ecosystemic lens, comprising not just regulatory and legal elements but also considering the roles of the private sector, public sphere and civil society. For example, in many contexts, civil society and the judiciary are playing critical roles in upholding human rights, with civil society articulating voice and exerting pressure while the courts uphold due process – particularly around digital access, data protection, privacy and legal rights.

Governance of digitalisation

There are two divergent trends in response to the challenges of governing digital technologies. The first trend is the strengthening of competing governance frameworks (such as the divergent approaches of the EU, US and China) as a response to a fragmenting multilateralism[xxii].

The second trend reflects the implications of US, EU and Chinese regulatory approaches and their 'ripple effect' as the requirements of trade and travel demand alignment. There are already examples of states adopting wholesale existing regulatory frameworks, such as the replication of GDPR into domestic legislation, with mixed outcomes[xxiii].

Recommendations

- **Digital transformation efforts should include efforts to strengthen LMIC's capacity to engage with and participate in governance frameworks** such as those emerging out of the EU, China and US.

  This should include support to parliamentarians and the judiciary, as well as non-state actors in Global South countries, to understand and engage with global regulatory regimes and participate in decisions about how this affects them.

- **Strengthen state capacity to govern processes of digitalisation and transformation.** Government ministries need support to develop knowledge and capacity of digital technologies and processes of transformation – including ministries responsible for digital transformation but also those with wider responsibilities such as welfare, health and education.

- **Strengthening the state beyond the executive to play their part in governing digitalisation.** The judiciary, for example, require support to fully understand and engage with digital processes, while strengthening bodies such as data protection authorities can support oversight and protection.

- **Looking beyond the state to govern everyday digital transformation.** The private sector, third sector and civil society are also important. The private sector has an important role to play in enabling access and inclusion, while other forms of authority, such as religious institutions and non-state actors, can play important roles in determining the path of digital transformation.

  Civil society can play an important role - citizens assemblies can be forums for both strengthening capacity and engagement[xxiv], civic audit bodies can review technologies and systems[xxv] and civil society actors can advocate for greater consideration of human rights by governments, the private sector and regional and global institutions.

Governing transformation of economies and labour markets

The digital transformation of labour markets challenges governments' capacity to exercise authority over an increasingly significant site of employment. There are increasing examples of states regulating employment on digital platforms, but more needs to be done, especially to govern the impact of AI on labour markets.

Recommendations

- **Support governments in establishing inclusive, rights-protecting regulatory and governance mechanisms.** Policymaking should proactively target existing patterns of exclusion to ensure that the outcomes of digital transformation are inclusive and rights-protecting, particularly in relation to trends around the exclusion of women and marginalised communities.

- **Support governments to assess the implications of emerging technologies such as AI, and potential governance responses.** Governments can best capture the potential and value of emerging technologies such as AI with support to assess the opportunities, and identify entry points. At the same time, countries need support to identify governance and regulatory responses to ensure they capture value and mitigate risk.

- **Strengthen civil society's capacity to engage with digital economy regulatory and policy mechanisms.** This should include both technical knowledge and advocacy capacity to ensure public interests, needs and rights are reflected in policy development processes and governance mechanisms.

- **Establish and strengthen multilateral efforts to more effectively democratise the benefits of digital.** Although multilateralism faces challenges amid growing fragmentation, there is a great need for coordinated, collective action to ensure a more equitable distribution of opportunity and value.

Digitalisation of governance: administration and service delivery

The digitalisation of government administration and services can increase efficiency and broader inclusion but can also exacerbate exclusion, as the turn to digital introduces access dependencies, particularly around device, data and literacy.

The governance implications of technologically enabled participation are determined most by the presence or absence of the political will to listen, rather than specific characteristics of any technology or innovation. Technology tends to be an amplifier of the politics of the status quo.

Recommendations

- **Digital transformation efforts should adopt a whole-of-society approach**[xxvi] and work with local leaders, companies, and digital innovators to develop local digital ecosystems built on inclusivity, sustainability, accountability, and rights.

- **Digital transformation efforts should also be seen as entry points for wider engagement on broader issues**, such as exploring wider opportunities around development, inclusion and human rights – to achieve inclusive digitalisation based on human rights

- **Digital transformation efforts should include support to technology procurement – especially access to and use of either open source or free-to-use technologies.** Efforts should include making procurement 'smarter' – integrating human rights considerations, and prioritising digital public infrastructure and digital public goods.[xxvii]

- **Digital transformation strategies should include plans for human rights impact assessments of digital technologies, including algorithms and AI.** Impact assessments should be mandated in transformation efforts, and procurement guidelines should indicate human rights impact assessment as a necessary condition before finalising contracting.

Digitalisation of the public sphere

The digital public sphere presents new opportunities for governments to nurture bottom-up civic participation, but this also introduces new risks and vulnerabilities to building inclusive, rights-based political processes.

The elements of product design, recommendation systems, content policies and ad services, together with limited content moderation can divide communities and make them vulnerable to efforts to manipulate and influence them.

But political division and manipulation are not a function of technology alone - the wider context of an intersectional polycrisis creates an enabling environment for technologies that erode and weaken a healthy, inclusive and open public sphere. The public sphere is a public good, and the shape of the infrastructure that enables it is key to realising rights, advancing inclusion and strengthening political processes.

Recommendations

- **Support governments to strengthen engagement through the digital public sphere.** Support to governments' digital transformation and strategy efforts should include recommendations for effective online engagement as well as strategies to avoid further marginalisation and exclusion.

- **Efforts to support civic engagement through the digital public sphere should be mindful of divisions and exclusion** – and include efforts to mitigate harm, including tools such as human rights impact assessment of technology procurement, selection and design efforts.

- **Support to civic efforts around digital public sphere technologies should also include guidance to develop theories of change and strategies to avoid technological dependency and to identify sustainable pathways to impact**.

- **Develop governance of digital public sphere technologies to safeguard public interest and public value.** Provide support to develop model governance frameworks, and audit and impact assessment tools to support LMICs in exercising sovereignty over the digital technologies that constitute their public spheres.

Conclusions

The digitalisation of governance has created a divide in the governance of digitalisation – at global and national levels. As the divide between the digital capacities of global north and global south government and civil society actors grow, so too does the ability to meaningfully exert authority over digital transformation. This divide fuels the fragmentation of multilateral efforts to govern our digital world, and limits efforts to assert sovereignty over global digital technologies.

At the international level, there are governance divides between powerful actors such as the US, EU and China and LMICs in the governance of digital technologies. The governance regimes developed by these powerful blocs have huge implications for LMICs, yet they are commonly excluded from their development and formulation – and lack capacity to engage even if there are opportunities. There is an urgent need to balance this divide by strengthening the digital governance capacity of LMICs, as well as a need to further strengthen and reform multilateral approaches to the governance of digital technologies.

At the national level, there are governance divides between states and private companies, and between states and civil society. Many LMICs lack capacity to exercise authority over digital technologies, and civil society lacks capacity to participate in the governance of digital technologies and transformation. For states, there is an urgent need for support to develop knowledge and capacity to develop governance frameworks that can effectively govern digital technologies so that they serve the public interest, uphold rights and are inclusive. This is particularly important in the area of human rights, where the UN Human Rights Council and the General Assembly confirmed that "the same rights that people have offline must also be protected online"[xxviii].

The governance divide between civil society and states is both technical and strategic. While there are some instances where civil society actors are successfully informing policy, many are struggling. Many civil society actors lack technical understanding of the technologies on which they seek to influence state decision-making – particularly in relation to algorithms and AI. There is also a divide in terms of strategy and impact. Many civil society efforts to use platforms to profile civic voice and build coalitions focus on technology and visibility first, without sufficient support to develop pathways to translate the movement to effective governance.

Reframing governance – understanding authority beyond the state. A significant implication of emerging digital technologies is the introduction of new actors in the fields of authority traditionally dominated by the state, and the erosion of the state authority over the provision of key public goods. The introduction of new actors into the practice and delivery of governance challenges the sovereignty of states over the digital architecture of the state, economy and society.

New actors and technologies such as AI, decentralised currencies and autonomous organisations have implications for trust – particularly for the state and for the public sphere. The implications of this are still emergent but may

translate into public opinion and political support for actors who claim simplistic solutions to the challenges of holding technology vendors accountable, regulating platform and gig work and rebuilding the public sphere. Efforts to strengthen the legitimacy of accountable, rights-based political processes need a better understanding of the role of digital in the transformation of public authority in the digital age.

The promise and potential of digital lies in people. The digital transformation of government, the economy and society is well underway. The promise of digitalisation and the application of new technologies is one of progress and prosperity - but only if people can exercise authority to shape this transformation. Technologies are never neutral, so people-centred governance is critical to mitigate the risk of harm and shape a digital transformation that serves the public interest.

Endnotes

i UNDP, 2023, Governance Global Programme: Governance for People and Planet, UNDP: New York https://www.undp.org/governance

ii Mazzucato, Mariana, and Rainer Kattel. 2019. 'Getting Serious about Value'. *Institute for Innovation and Public Purpose's Policy Brief*.

iii https://www.undp.org/eurasia/publications/impact-digital-technology-human-rights-europe-and-central-asia

iv "Report of the Working Group on Internet Governance (WGIG)", June 2005, p. 4.

v Stockmann, Daniela. 2023. 'Tech Companies and the Public Interest: The Role of the State in Governing Social Media Platforms'. *Information, Communication & Society* 26 (1): 1–15. https://doi.org/10.1080/1369118X.2022.2032796.

vi "Report of the Working Group on Internet Governance (WGIG)", June 2005, p. 4.

vii Lasarte, Diego. 2023. 'The Ongoing Big Tech Antitrust Cases to Watch in 2023'. *Quartz*, 24 January 2023. https://qz.com/antitrust-cases-big-tech-2023-guide-1849995493.

viii *The Economist*. 2021. 'China Has Become a Laboratory for the Regulation of Digital Technology'. Accessed 24 March 2023. https://www.economist.com/china/2021/09/11/china-has-become-a-laboratory-for-the-regulation-of-digital-technology.

ix Njanja, Annie. 2023. 'Big Tech on Notice as Regulators in Africa Group to Investigate Their Market Conduct'. *TechCrunch* (blog). 2 March 2023. https://techcrunch.com/2023/03/02/big-tech-on-notice-as-regulators-in-africa-group-to-investigate-their-market-conduct/.

x High-Level Advisory Board on Effective Multilateralism (HLAB), A Breakthrough for People and Planet: Effective and Inclusive Global Governance for Today and the Future (New York: United Nations University, 2023). https://highleveladvisoryboard.org/breakthrough/

xi https://digitalpublicgoods.net/

xii https://www.govstack.global/

xiii https://www.codevelop.fund/

xiv UNDP defines digital public infrastructures (DPIs) as 'the underlying network of digital systems, which is increasingly being built by adopting digital public goods (DPGs) to enable society-wide functions and services.' (https://www.undp.org/blog/seizing-digital-

moment-interlocking-challenges-interoperable-solutions#). India's G20 Presidency in 2023, with support of UNDP, achieved a consensus on how to describe DPIs as "a set of shared digital systems that should be secure and interoperable, that can be built on open standards and promote access to services for all, with governance and community as core components of DPI" (https://www.undp.org/press-releases/g20-digital-ministers-recognize-digital-public-infrastructure-accelerator-global-goals#:~:text=For%20the%20first%20time%2C%20a,as%20core%20components%20of%20DPI). 'Digital Public Goods are defined by the Digital Public Goods Alliance as: 'Digital public goods are open-source software, open data, open AI models, open standards and open content that adhere to privacy and other applicable laws and best practices, do no harm by design, and help attain the SDGs'. https://digitalpublicgoods.net/who-we-are/

xv G20 Digital Economy Ministers Meeting, Bengaluru, August 19, 2023 (https://www.g20.org/content/dam/gtwenty/gtwenty_new/document/G20_Digital_Economy_Outcome_Document%20_and_Chair%27s_Summary_19082023.pdf).

xvi Secretary-General, U. N. 2020. 'Road Map for Digital Cooperation: Implementation of the Recommendations of the High-Level Panel on Digital Cooperation: Report of the Secretary-General'. A/74/821. United Nations.

xvii Kranzberg, Melvin. 1995. 'Technology and History: "Kranzberg's Laws"'. *Bulletin of Science, Technology & Society* 15 (1): 5–13. https://doi.org/10.1177/027046769501500104.

xviii UNDP defines digitalisation as 'the process of using digital (technology, tools, processes, solutions) for greater operational impact, as well as for the internal transformation of an organisation.' And digital transformation is 'the integration of digital technology into all areas of business, fundamentally changing how economic and social activities are enacted. It is also a social change process that is purposeful, rather than unregulated, and should be intentionally planned and executed.' https://digitalstrategy.undp.org/documents/Digital-Strategy-2022-2025-Full-Document_ENG_Interactive.pdf

xix Bradshaw, Tim. 2019. 'Countries Vow to Press Ahead with Digital Taxes despite US Threat'. *Financial Times*, 4 December 2019, sec. International tax. https://www.ft.com/content/6529014c-169a-11ea-9ee4-11f260415385.

xx Schwikowski, Martina. 2021. 'Africa Mulls Taxing Big Tech – DW – 02/12/2021'. *Deutsche Welle*, 2 December 2021, sec. Politics | Africa. https://www.dw.com/en/africa-mulls-taxing-big-tech/a-56550570.

xxi Human Rights Council resolutions 20/8 and 26/13 and UN General Assembly resolution 71/199.

xxii High-Level Advisory Board on Effective Multilateralism (HLAB), A Breakthrough for People and Planet: Effective and Inclusive Global Governance for Today and the Future (New York: United Nations University, 2023).

xxiii Canaan, Renan Gadoni. 2023. 'The Effects on Local Innovation Arising from Replicating the GDPR into the Brazilian General Data Protection Law'. *Internet Policy*

Review 12 (1). https://policyreview.info/articles/analysis/replicating-gdpr-into-brazilian-general-data-protection-law.

Mannion, Cara. 2020. 'Data Imperialism: The GDPR's Disastrous Impact on Africa's E-Commerce Markets'. *Vanderbilt Journal of Transnational Law* 53 (2): 685.

Ryngaert, Cedric, and Mistale Taylor. 2020. 'The GDPR as Global Data Protection Regulation?' 114: 5–9. https://doi.org/10.1017/aju.2019.80.

Satariano, Adam. 2018. 'G.D.P.R., a New Privacy Law, Makes Europe World's Leading Tech Watchdog'. *The New York Times*, 24 May 2018, sec. Technology. https://www.nytimes.com/2018/05/24/technology/europe-gdpr-privacy.html.

xxiv Roberts, Huw, Josh Cowls, Emmie Hine, Jessica Morley, Vincent Wang, Mariarosaria Taddeo, and Luciano Floridi. 2022. 'Governing Artificial Intelligence in China and the European Union: Comparing Aims and Promoting Ethical Outcomes'. *The Information Society* 0 (0): 1–19. https://doi.org/10.1080/01972243.2022.2124565.

xxv https://www.e-participatoryaudit.org/module-01/open-goverment-partnership-and-sais.php.

xxvi UNDP. n.d. 'UNDP Digital Strategy 2022-2025'. Strategy Document. New York, USA: UNDP. Accessed 14 September 2022. https://digitalstrategy.undp.org/documents/Digital-Strategy-2022-2025-Full-Document_ENG_Interactive.pdf.

xxvii In collaboration with UNDP, the G20's Indian Presidency has unveiled two key resources on DPI to facilitate the rapid, large-scale, and inclusive digital transformation of countries. The DPI SDG Compendium offers a comprehensive overview of how DPI can impact and benefit all 17 SDGs (https://www.undp.org/publications/accelerating-sdgs-through-digital-public-infrastructure-compendium-potential-digital-public-infrastructure). Meanwhile, the DPI Playbook serves as a hands-on guide for countries looking to establish their own inclusive and rights-based digital public infrastructure (https://www.undp.org/publications/dpi-approach-playbook).

xxviii Human Rights Council resolutions 20/8 and 26/13 and UN General Assembly resolution 71/199.