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A Shared Vision for Digital Technology and Governance:

The role of governance in ensuring digital technologies contribute to development and mitigate risk

by Emrys Schoemaker

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A Shared Vision for Digital Technology and Governance:

The role of governance in ensuring digital technologies contribute to development and mitigate risk

by Emrys Schoemaker (emrys.schoemaker@undp.org)¹

¹ Emrys Schoemaker is a Senior Governance Advisor with UNDP's Governance Team, Bureau for Policy and Programme Support and Research Director at Caribou Digital. **Acknowledgements:** This report was prepared under the oversight of Sarah Lister, Head of Governance for UNDP. It was written with the support of The Danish Ministry of Foreign Affairs, which supported UNDP's Tech for Democracy programme that provided insight and learning as well as support in the coordination and logistics involved in preparing this report. We also appreciate the UNDP Country Offices of China, India and Peru who provided extensive support in convening country level consultations with key stakeholders and researchers and the UNDP resident representatives from over 30 countries and regions who participated in a consultative workshop. Special thanks to UNDP colleagues: Sarah Rattray, Roqaya Dhaif, Alessandro Ercolani, Yolanda Jinxin Ma, Benjamin Bertelsen, Nathalie Bouche, Calum Handforth, Manish Pant and Samuel Ng for detailed review and invaluable comments.

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Abstract

The benefits of ***governing through*** digital technologies are well recognized; however, growing recognition of the risks of digital technologies require similar acknowledgement of the importance of the ***governance of*** digital technologies. It is well-known that digital technologies can help transform governance and service delivery, enabling efficiency, inclusion, and accountability. However, these technologies are not neutral and introduce new risks that challenge their developmental potential. This paper documents these benefits and risks and argues for effective governance of digital technologies to mitigate these challenges. Three recommendations are made to support this: adopting a politically informed approach to digital transformation, addressing the governance gap and building digital public infrastructure for the public sphere.

Introduction



“Most people around the globe today are better off than our ancestors because citizens and workers in earlier industrial societies organised, challenged elite-dominated choices about technology and work conditions, and forced ways of sharing the gains from technical improvements more equitably.”

(Acemoglu & Robinson, 2022)

There is widespread recognition that digital technologies are transforming governance. This includes the delivery systems of goods and services, people’s capacity to function as agents of change and the shape of the public sphere.¹ This recognition has been accelerated by COVID-19, which advanced recognition of digital technology’s potential to enhance government efficiency and engagement. **There is less recognition of the challenges digital technologies introduce**, particularly in relation to human rights, the public sphere, civic space and governance processes as well as elections, public debate and trust in institutions. Governments and civil society are increasingly seeking support for managing digital transformation to ensure it serves the public interest and delivers public value. As digital platforms, systems and artificial intelligence (AI) become more integrated into society, the need for governance that delivers public value has become critical.

These debates about the role of technology come at a time of global polycrises and the fragmentation of multilateralism, environmental, economic and social challenges that fuel an “uncertainty complex”² that leaves people feeling that the current state of governance is not working for everyone. At the same time, multilateral approaches to the governance of digital are fragmenting, with competing institutional and policy approaches. While new approaches are emerging, such as a focus on digital public infrastructure (DPI), attention to governance is only now gaining traction with efforts such as the proposed DPI Safeguards Initiative, High-Level Advisory Board on AI and the Global Digital Compact. To truly understand how new technologies are transforming governance requires **moving beyond the tendency to focus on the state-society dichotomy** and instead focus attention on both institutions with power (rather than only the state) and ongoing ways in which authority is managed.³ 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.”⁴

This report draws on work conducted for UNDP as part of a Danish Ministry of Foreign Affairs funded project exploring the role of digital technology in supporting democracy and governance. This includes the insights and lessons learned from the pilot programmes conducted as part of the Technology for Democracy project, country consultations in China, India and Peru as well as a virtual workshop with over 25 UNDP resident representatives from across all regions. In addition, the report is informed by learnings from UNDP’s broader portfolio of work at the intersection of governance and digital technology and by the author’s own work regarding digital technologies and development.

The report first briefly explores the recognized benefits of emerging technologies for the “*digitalization of governance*,” the implications of digital technologies for accountable, inclusive and effective governance, followed by an exploration of the challenges of the “*governance of digitalization*” at global, international and national levels. The report concludes with recommendations to support digital transformation efforts that are rights-based, inclusive and support the achievement of the Sustainable Development Goals (SDGs).

“The governance of digital technologies is the need of the hour”

UNDP resident representative, Global Consultation Workshop, 2022.

Governance through digitalization

2

The digitalization of governance describes how digital technologies are used to support and transform the existing administration, services, political processes and other governance functions and arrangements. COVID-19 has accelerated interest and progress in this use of digital tools to deliver services and increased attention to the digital infrastructure that so much of government, economy and society operates.

Digital transformation of service delivery is well under way – with public facing digitalization the most common. The number of low- or middle-income countries (LMICs) with high levels of e-government has increased by 57 percent since 2018,⁵ with the most common digital services being those that make people's lives easier, such as setting up a new business, applying for a birth certificate, or paying for public utilities.⁶ Digital technologies are also predicted to make governance more efficient. For example, AI is predicted to free up nearly one-third of public servants' time, allowing them to potentially shift from mundane tasks to high-value work, as well as design better policies and improve the speed and quality of public services.⁷

The digitalization of services can strengthen governance outcomes through increased transparency, auditability and oversight, with extensive evidence suggesting this strengthens governance outcomes. Research shows that increased accountability efforts, open government data and public management capacity can impact health provision and outcomes.⁸ For example, in the Maldives, UNDP⁹ has supported the judicial sector to facilitate virtual court hearings allowing for hearings to continue during the COVID-19 pandemic, and together with making national laws and regulations publicly accessible, has set an example for inclusive digital transformation.

The digitalization of governance services can also transform participation and increase civic engagement, but the outcomes depend on political will. In addition to the efficiency and response benefits of service delivery transformation, digital technologies introduce new opportunities for consultation and participation in policy processes and service delivery. Public participation is a key dimension of e-government and critical to ensuring digital transformation supports the SDGs,¹⁰ but this only has meaningful impact if decision makers listen. A UN survey of e-government initiatives notes that the main barriers to formal online participation include the reluctance of public institutions to share agenda setting and decision-making power, which leads to people failing to see the value of online participation, among other factors.¹¹ In Pakistan, UNDP used AI to mine public sentiment to support public consultation processes and inform policy development. There are a growing number of examples of participation driven by political will. For example, in Panama the government established the Agora platform to facilitate citizens' input into the country's development vision,¹² while in Brazil, the Chamber of Deputies of the National Congress established Wikilegis as a platform to enable the collaborative editing of legislative texts.¹³

Digitalization can transform the structure of governance arrangement, increasing the role of actors such as the private sector and restructuring state-society relations. The digitalization of government services increases private sector actors' visibility and role in service delivery. Additionally, it fosters their capacity to influence government policy and spending; however, public procurement is one of the government activities most vulnerable to corruption.¹⁴ Private platform companies also play an increasingly visible role in determining policy and content related to the public sphere. This change in governance arrangements can impact perceptions of state legitimacy and authority, as the public no longer sees the state as the ultimate authority.

There are also some indications that digital service provision can restructure governance arrangements. In a UNDP convened global consultation, a UNDP resident representative from Latin America reported a view that central government digital service delivery had strengthened the relationship between individuals and national authorities, but at the expense of their connection with local government. Citizens instead turned

to more traditional forms of authority, such as the church. Direct service provision such as cash transfers brings the central state close to the people but may also disintermediate local governance and institutions, with unpredictable consequences for the shape of governance. The implications of digital transformation for the structure of governance arrangements are critical to public authority, sovereignty and development, yet remain little understood.

The benefits of digitalization and digital technology for delivering governance and government services are increasingly clear and understood. However, the risks introduced by digital technologies and transformation are only now beginning to be recognized. The implications of the truth that *technology is neither good nor bad; nor is it neutral* are beginning to emerge. Therefore, authority over digital technologies and processes of transformation is critical to ensuring that they support development outcomes and their risks are mitigated. The governance of digital digitalization is as important as the digitalization of governance.

Case study Peru: citizen/youth engagement through digital platforms

Redpublica¹⁵ was originally envisioned as a digital tool for gathering citizen proposals for ways to use technology to reform government and participation. However, as the project advanced, the team identified an opportunity to foster an active community that operated beyond fragmented moments of engagement. The platform became important for youth engagement through Peru's political crisis, and the founding team identified further opportunities to strengthen its reach and impact. The following actions were taken to increase the impact of the initiative:

- Launch of Redpublica's knowledge hub, Ojo a Esto.
- Strengthened media presence and knowledge generation, leading to more than 30 articles in traditional and digital media.
- Strengthened social media engagement, leading to the current ecosystem reaching over 200,000 accounts a month, fuelled by collaboration with top national influencers.
- Strengthened actor mapping and partnership building. As a result, 92 institutions formalized partnerships with Redpublica.

The Redpublica team is now focused on identifying pathways for impact, exploring entry points into political parties, institutions and communities to ensure that the voices highlighted through Redpublica influence policy and decision-making.

Governance of digitalization

3

Effective governance of digitalization and digital transformation¹⁶ is critical to ensuring that digital technologies contribute to inclusive, safe and equitable outcomes. Viewing digital transformation as an ongoing process of change driven by never neutral digital technologies, means that this process requires active engagement to amplify inclusion and rights, rather than patterns of exclusion and inequity. Governance is key to ensuring digital technologies contribute to development and to mitigating risks.

The digitalization of government services introduces new risks, such as surveillance and the amplification of discrimination. New technologies, such as AI and advanced biometrics, introduce new challenges, including mass surveillance, algorithmic bias, lack of transparency resulting in lack of fairness, lack of privacy and data misuse. The automated decision-making and processing enabled by AI introduces risks, particularly around the amplification of discrimination and challenges to remediability. This is because AI systems are trained using large datasets that often reflect biases already present in society. For example, the Dutch government's AI-driven welfare fraud detection system, Systeem Risico Indicatie, (SyRI) was found by a Dutch court to have algorithmic risk models that targeted low-income and minority-background neighbourhoods. Addressing these emergent risks requires an engaged and digitally literate civil society. In the case of SyRI, it was only extensive civil society activism that brought the case to the courts, where it was judged unlawful because it did not comply with the right to privacy under the European Convention of Human Rights.

The global nature of digital technology, companies and content is a challenge to national governance and creates “governance gaps.” These gaps are amplified by inequalities of power, especially around global governance and taxation arrangements. The governance of digitalization is a matter for the global community, sovereign states, citizens and non-traditional actors, but evidence suggests that these governance inequalities lead to and amplify governance gaps. At the national level, states are increasingly focusing on the governance of digital technologies and systems, in addition to advancing digital access and infrastructural development. Some mechanisms governing digital services, markets and data are more influential than others, particularly governance instruments originating in China, the EU, and the US, which have implications beyond their borders. This has forced Global South governments to be rule followers in various contexts, i.e. to accept the regulatory implications of policies such as the EU's General Data Protection Regulation if they wish to trade with or provide services into EU markets. However, there are shared challenges. For example, taxing technology platforms is a global governance problem, resulting in a loss of up to \$32 billion in taxes from the biggest global technology companies for the world's largest economies.¹⁷ Yet this challenge is spread unevenly. Although several Global South countries have attempted to introduce different forms of taxation on digital technologies and economies, these have been limited by concerns about potential retaliation from countries such as the US.^{18,19}

The governance of digital technologies is not just a matter for the state, it is a concern for the “whole of society.” Civil society and the private sector have important roles to play. For example, in many contexts, civil society and the judiciary play critical roles in upholding human rights, with civil society articulating their voices and exerting pressure while the courts uphold due process, particularly around digital access, data protection, privacy and legal rights. The private sector is increasingly visible in the delivery of governance services and should be supported with appropriate regulations and oversight to maintain rights-based and inclusive governance norms. Otherwise, potential inappropriate data use for targeting and surveillance, especially of vulnerable communities, erodes trust in technologies and institutions.

3.1 Governing digital transformation at the national level

Governing digital transformation is difficult because digital cuts across established governance domains. Digital platforms and technologies may introduce health, education and public order challenges, but none of these ministries has a digital governance responsibility. Governing digital transformation requires new approaches to governance. Achieving inter-ministerial and multi-stakeholder coordination is challenging but a critical opportunity to define rights-based and inclusive standards as well as regulatory frameworks.

Capturing the value generated by digital data is a sovereignty and governance challenge. The production, management and analysis of data is at the heart of digital economies, but there are high levels of inequity among and within countries over their capacity to harness, manage and retain the value created by data and emerging technologies. The world's digital economy is dominated by China and the US; together they account for half the world's hyperscale data centres, 94 percent of all funding of AI start-ups in the past five years and almost 90 percent of the market capitalization of the world's largest digital platforms.²⁰

The exercising of authority over data flow is a challenge for all countries, but especially for LMICs. Governments need to be able to exercise authority over transnational companies, but this authority is challenged by the global nature of digital technologies. The platformization of industry and labour can transform economies, but capturing this value can challenge governments in both the Global South and the North. For example, India's e-commerce sector, estimated at a modest \$38 billion in 2017 but projected to grow to \$200 billion by 2027,²¹ was dominated by Amazon and the Indian start-up Flipkart. Struggling to compete, Walmart paid \$16 billion for a majority stake in Flipkart, making this the world's largest ever e-commerce acquisition.²² India's e-commerce sector is now dominated by two foreign e-commerce companies, further consolidating value extraction and challenging the Indian government's capacity to capture the value of widespread digital transformation. In other words, in the global "data value chain," many countries may find themselves in positions where value and data are concentrated in a few global platforms and multi-national enterprises (MNEs).²³

Digital technologies promise economic benefits, but getting governance right is critical to protecting rights and ensuring an equitable distribution of value. This is particularly true in relation to generative artificial intelligence,²⁴ which promises increased efficiency and value creation. Goldman Sachs' research suggests generative AI could lead to a 7 percent increase in global GDP, equivalent to almost \$7 trillion in economic value,²⁵ in part through the automation of many tasks and processes. However, there are already reports of generative AI technologies taking the jobs of video game illustrators jobs in China²⁶ and Kenyans who write essays for U.S. college students.²⁷ Technologies such as the Metaverse can also create new forms of inequality, for example through land grabs by wealthy speculators that could exclude others. The BBC reported \$1.93 billion worth of cryptocurrency was spent buying virtual land in 2022 alone,²⁸ though the value of the associated cryptocurrencies has now dropped by up to 80%.²⁹ Thoughtful governance at the international and national level, such as of taxation, labour rights and digital assets, is required to ensure that the huge potential of these emerging technologies is evenly distributed and does not hollow out already precarious labour markets.

The digital transformation of labour can amplify existing patterns of inequity and discrimination; good governance can help mitigate these risks. Widespread digitalization has changed the structure of the labour market to introduce new opportunities, but there are also widening inequalities across countries, sectors and workers.³⁰ Moreover, the risks of exclusion and harm are highest for those who are already excluded, discriminated and profiled in non-digital spaces. There have been extensive efforts to counter these challenges, from policies regarding quality of work, health and safety to skills training for particularly at-risk groups, such as women, young people and marginalized social groups. A growing number of countries have introduced specific regulations around platform work to bring this new category and form of employment under existing employment laws,³¹ but regulatory gaps, such as in cross-border remote working, workers' rights and collective bargaining³² remain. There is an urgent need for governments and authorities to strengthen the regulation of digital technologies to protect workers' rights and equity.

Case study India: digitalization, employment, platforms and the youth gender divide

India has undertaken one of the largest programmes of digital transformation, with extensive digitalization across state administration and services as well as the broad economy and social life.

Despite India's rapid economic growth, women's economic empowerment continues to lag. Before the onset of the COVID-19 pandemic, fewer than one in four women in India was estimated to participate in the labour force compared to more than three out of four men. **This is particularly the case for platform-based employment**, which relies on access to digital technologies like smartphones and the internet. India faces significant challenges, as women are less likely to own mobile devices and to have access controlled by male household members. India's Fifth National Family Health Survey released in December 2020 reveals that only 43 percent of women have ever used the internet, and for rural women that figure drops to just 34 percent. Ms. Natasha Jog, Head of Public Policy, Instagram India, cited research findings that suggested women are 15 percent less likely to own a phone while 33 percent are less likely to use Internet in India.

Government has an important role to play, for example, in regulating the high levels of abusive content that many women experience online. In February 2021, the Modi government introduced new laws on internet freedom, presented as a means of [protecting Indian citizens](#), especially women, over privacy fears and making platforms accountable for harmful content and [fake news](#), although these have been [criticized for misuse of censorship](#). The government also has an important role to play in broader transformation of economic opportunity. This extends beyond gig work that exploits women's domestic position to upholding or introducing legislation that guarantees international standards around labour rights to increase women's access to meaningful, independent work. In the roundtable, Mr. Osama Manzar, CEO of the Digital Empowerment Foundation, highlighted the importance of designing policies with a feminist perspective to empower women and bridge the gender gap.

The digital transformation of the public sphere enables participation, but also introduces risks and threats to inclusive, rights-based political process. The decline in traditional mass media and the rise of platform-based information consumption are linked to increased access. However, they are also connected to a widening division, for example, between generations, urban-rural populations and social classes. The "duopoly" internet platforms, Google and Meta, capture more than half of digital advertising spending,³³ and 39 percent of *social natives* (18–24 year olds who largely grew up in the world of the social, participatory web) now use social media as their main source of news.³⁴ This phenomenon is amplified in LMICs where many of these platforms, especially Facebook, are gateways to the online world (and have become synonymous with the internet for many).³⁵ The benefits of these transformations are unevenly distributed. For example, a UNDP study of young people's views on digital engagement in Europe and Central Asia³⁶ identified an intergenerational gap in the digital sphere between young civic actors and decision makers who are less active in the digital realm, leading to the exclusion of certain voices from civic and political engagement. Indeed, one study of social class and online participation in the US concluded that the tendency is for elite, hierarchical and conservative groups to dominate online activism spaces.³⁷

Platforms threaten the cohesion of the public sphere. The design of platforms introduces "passive risks," which are threats to the integrity of the public sphere based on elements such as product design, recommendation systems, content policies, ad services and market incentives. The use of algorithms in social media can influence attitudes, for example people's decreased exposure to counter-attitudinal news can further polarize views.³⁸ This political polarization entrenches opinions, undermines public deliberation and may even reach toxic levels, with detrimental effects for democratic freedoms and human rights.³⁹ Responses to political polarization and to mis- and disinformation often focus on countering the information itself through fact-checking the information. Governing online content is a challenge for national governments, given the global nature of platforms, but there are emerging efforts to address this, such as, efforts to regulate for content moderation,⁴⁰ including in the Global South,⁴¹ as well as initiatives like the UNDP Action Coalition to address these challenges, urging greater attention to pre-emptive and longer-term interventions, effective convening and partnerships, and deeper engagement with technology companies.

AI technologies challenge the integrity of the public sphere. AI technologies increase the potential for manipulation of public discourse through increasingly effective structuring and delivery of personalized content. AI also enables the influencing of political processes, such as legislation and elections, ranging

from the use of generative AI such as ChatGPT to automate lobbying submissions⁴² to the creation of “deep fake” content such as audio and video of political figures, which are already happening. Examples include a fake video of Ukrainian President Zelensky urging surrender,⁴³ an anti-President Biden attack ad created using AI,⁴⁴ and AI manipulated videos of Indian Bharatiya Janata Party (BJP) President, Manoj Tiwari, in the 2020 Legislative Assembly elections that reached around 15 million people.⁴⁵ The use of AI to create “fake” content has the potential to threaten the foundation of shared facts and truth on which a healthy public sphere depends.

Case study Tunisia: Creating Trust in Public Institutions

In Tunisia, the dual issues that were identified and addressed through the Tech for Democracy pilot initiative, are (i) the need to strengthen trust, especially by young persons, in public institutions and (ii) the need to identify and promote youth priorities related to the SDGs. The pilot focused on the application of digital tools to harness relevant data on levels of confidence of the population, especially youth, in public institutions as well as a digital portal for meaningful engagement.

The effort to strengthen real-time data availability on issues related to youth expectations, governance and trust has been based on social media sentiment analysis. The pilot’s other key component is a more action-oriented effort to foster youth participation in the elaboration of public policies by allowing young people to express more easily their needs towards public institutions. To that end, the Tunisian pilot programme engaged national youth in the scoping and designing of tech solutions to broaden civic space. This was done through consultations with youth and youth representative organizations and through a hackathon. The hackathon winning team benefitted from mentoring sessions to further develop the beta versions of their proposals.

3.2 Governing digital transformation at the global level

Digital technologies and companies are transnational, yet global governance architecture is analog and out of date with the digital economy. In contrast to the multilateral (if US dominated) governance of the internet, the governance of digital technologies, such as AI, platforms, quantum, cyber security and data is characterized by fragmentation,⁴⁶ regulatory competition, foreign policy concerns and political sensitivity. These constraints have limited effective multi-stakeholder approaches to the governance of digital technologies.⁴⁷ In contrast to a global system built to govern the production, trade and consumption of tangible goods, the digital economy is characterized by intangible information where value lies in exclusive control over data and intellectual property rights.⁴⁸ The global governance order lags behind the demands of the digital economy, with the World Trade Organization and Bretton Woods institutions built around the win-win world of trade, not the win-lose world of economic rent seeking.⁴⁹ As a result, the global governance order struggles to govern increasingly nationalist trade agreements and the power of transnational technology companies.

Emerging trends in digital governance further amplify the challenge faced by multilateral governance mechanisms, creating a governance divide between China, the EU, the US and the rest of the world. The globally dominant “self-regulatory” model of digital governance that emerged from the Internet Governance Forum⁵⁰ is increasingly being abandoned by the dominant regulatory centres of China, the EU and the US. The IGF articulated model of digital governance tasks government with policy-making and oversight, industry with self-regulation and participation in government policy-making process, and civil society organizations with raising awareness of key issues, mobilizing citizens and promoting social responsibility.^{51,52} This model is increasingly out of sync with emerging trends as China, the EU, and the US pursue distinct paths. In the US there is a trend towards strengthening anti-trust regulations, even against its own companies while maintaining the current open market, self-regulatory approach. China has for some time adopted an anti-monopoly campaign that involves numerous new laws and policy directives aimed at reducing the monopoly of its tech giants Baidu, Alibaba and Tencent. The European Union seeks to establish itself in-between China and the US by moving towards a more co-regulation approach.⁵³ These distinct paths are decided by national governments, yet they have global implications, resulting in a governance divide between China, the EU, the US and the rest of the world.

This global governance gap forces the rest of the world to be rule takers of governance frameworks established in China, the EU and the US. The governance frameworks established in the Global North are significant for the Global South. The so-called “Brussels effect,”⁵⁴ for example, describes the global standard-setting role of the EU’s General Data Protection Regulation, which while defined for EU citizens has implications for the rest of the world, as it governs their transactions and trade with the EU as well as serving as a benchmark reference for domestic legislation. The lack of governance capacity in LMICs weakens their negotiating position and ability to negotiate with these regulatory frameworks as well as their capacity to develop their own governance frameworks. This results in a global “governance gap.”

The governance gap can lead to “regulatory colonialism.” While the EU’s rights-based regulatory suite emphasizes individual protection, there are growing concerns that globally dominant regulatory frameworks can have extra-territorial effects that may amount to a form of “regulatory colonialism,” allowing some countries to impose their “own definition of data privacy on African countries without concern for their unique social values and economic realities.”⁵⁵ For example, the chair of South Africa’s Information Regulator has said that South Africa’s own circumstances — including not overly burdening local small businesses without the budgets or know-how to follow complicated privacy rules — would take priority over following standards created for others with deeper pockets to tackle potential abuse.⁵⁶ The further fragmentation of standards, frameworks and values increases the challenge for countries that lack the capacity to engage, limiting their efforts to govern technology as part of a rights-based, inclusive approach to digital transformation.

LMICs are also seeking to exercise authority over global digital platforms and retain value. The cross-border movement of data presents governance challenges, particularly concerning taxation. Challenges include the fact that not all countries have data protection and privacy legislation, and where these do exist, there are often inconsistencies, which limit the free flow of data across borders. A report from UK NGO ActionAid states that 20 countries in the Global South, including 12 countries in sub-Saharan Africa, could be missing out on up to \$2.8 billion in tax revenue from Facebook, Microsoft and Google’s parent company, Alphabet, alone.⁵⁷ Global, multilateral efforts to govern taxation of digital platforms are clearly needed, yet international negotiations to establish global taxation regimes are mired in negotiation, and many states fear retaliation from countries such as the US.⁵⁸ In a number of African countries, competition authorities are launching probes into whether tech platforms are serving the public interest.⁵⁹

Despite the decline of multilateralism,⁶⁰ multi-stakeholder efforts have addressed the governance of digital platforms and content. In addition to the World Summit on the Internet Society, IGF and related fora, there are a growing number of efforts to advance public interest and rights over digital platforms and wider digitalization. For example, the Freedom Online Coalition is a grouping of governments, which have committed to work together to support internet freedom and protect fundamental human rights,⁶¹ while the UN Secretary General has convened a High-Level Advisory Body on AI. There are also efforts by civil society and advocacy organizations, such as the Forum on Information and Democracy, which was founded by 11 independent organizations from different backgrounds and regions to “provide democratic safeguards to the global communication and information space.”⁶²

While there are growing calls for new mechanisms to govern emerging technologies such as AI, these may further the governance divide – and existing mechanisms may be sufficient, and more equitable. The specific challenges of new technologies such as AI often prompt calls for the development of new regulations and governance instruments, such as new global governance bodies⁶³ and the EU’s proposed AI Act.⁶⁴ However, others argue that these calls are a common industry strategy towards monopolization and sector dominance through the erection of regulatory “moats” that limit new entrants.⁶⁵ There are also claims that existing governance mechanisms are sufficient to govern the three building blocks of digital technologies – data, people and corporations – “and all three are already subject to a broad array of existing laws and regulations.”⁶⁶ Instead of introducing new governance instruments and furthering the division between those able to introduce and apply them, existing frameworks should be used and adapted if necessary.⁶⁷ One example of how existing governance mechanisms could be applied to new technologies is the adaptation of existing individual oriented data protection laws to govern the group and societal effects of emerging technologies such as AI.^{68,69,70,71} Policy makers, lawmakers and civil society, particularly in the

Global South, already have limited capacity to understand technologies such as AI in all its applications and to anticipate future challenges. It is important to strengthen their capacity to engage with and govern emerging technologies and to avoid increasing the governance divide by increasing the number of governance frameworks.

Case study: Action Coalition on Information Integrity in Elections

In May 2022, UNDP launched The Action Coalition on Information Integrity in Elections that brought together experts from the elections, technology and media/communications fields to contribute their expertise, guidance and knowledge on effective responses to disinformation and hate speech in elections, including the role of digital technologies. This Action Coalition has produced a report⁷² on their initial findings, outlining a range of programmatic options for promoting information integrity in future elections, with the aim of informing and strengthening global, regional and national level mechanisms for fostering information integrity in elections.

Conclusions

4

Technology is neither good, nor bad; nor is it neutral.⁷³ The positive outcomes of digital transformation are not inevitable. Digitalization introduces real opportunities for growth, inclusion and equity, but can also complicate and challenge effective, accountable and inclusive governance and successful development outcomes. As the OECD notes, “digital investment, infrastructure, regulations, policy and capacity will either lock in digital divides for decades to come or lay the foundations for a future of shared prosperity and well-being.”⁷⁴ For technology to contribute to positive outcomes requires inclusive governance. Indeed, the historic benefits of technology for prosperity and progress have arisen from the collective action of citizens and workers rather than any inherent properties of a technology.⁷⁵

This report has described how digital transformation complicates existing governance arrangements, introducing new risks and restructuring established governance structures, in addition to the well-recognized benefits of the digitalization of governance. This report outlines three conclusions – namely **the political nature of digital transformation**, a **governance gap** and the **implications of digital transformation for the public sphere**.

a. Digital transformation is a political process.

This report argues that digital transformation efforts commonly focus on technologies, yet the process of digital transformation involves politics, interests and power, which must be accounted for if the development potential of digital technologies is to be realized.

Digital technologies are not neutral, so digital transformation efforts of development actors should be politically informed. Digital transformation complicates existing governance arrangements, reflecting the reality that digital technologies are not neutral. The process of digital transformation is characterized and driven by politics and interests, not just technologies, so efforts to support digital transformation should be politically informed to ensure that development goals are maintained.

To understand the governance implications of digital transformation requires understanding the functioning of 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, from the delivery of services to the provision of the public sphere, challenges the sovereignty of states over the digital architecture of the state, economy and society.

The potential for technology to advance rights-based, inclusive development relies on people. The promise of digitalization 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.

b. Digital transformation can amplify the governance gap

This report concludes that the digitalization of governance has created a divide in the governance of digitalization, at global levels, between the Global North and Global South, and at national levels. As the divide between the digital capacities of Global North and Global South governments and civil society actors grow, so too does the ability to meaningfully exert authority over digital transformation. This governance divide fuels the fragmentation of multilateral efforts to govern our digital world and limits efforts to assert sovereignty and the national public interest over global digital technologies.

At the national level, there are governance divides between states and private companies and between states and civil society. Many LMICs lack the capacity to exercise authority over digital technologies, and civil society lacks the 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 – laws, regulation, policy and institutional arrangements – that can effectively govern digital technologies so that they serve the public interest and economy, uphold rights and are inclusive. This is particularly important in human rights, where there are debates about whether to introduce new laws or reform existing law and legal instruments to reflect the needs of individuals in a digital world. The UN Human Rights Council and the General Assembly confirmed that “the same rights that people have offline must also be protected online.”⁷⁶

The global governance divide is particularly significant between powerful actors, such as China, the EU the US, and LMICs in the governance of digital technologies. The governance regimes developed by these powerful blocs have significant implications for LMICs, yet they are commonly excluded from their development and formulation, and lack the capacity to engage, even if opportunities exist. There is an urgent need to balance this divide through 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. This need emerges in the context of a fragmenting multilateralism and should be seized as an opportunity to both address the governance divide and to shore up confidence and commitment to multilateralism more generally.

National governance divides between civil society and states have both technical and strategic dimensions. While there are many instances where civil society actors successfully inform policy, such as authorities in Taiwan^{77,78,79} 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. There is great potential to strengthen peer learning to enable those struggling to learn from those who are succeeding. At a strategic level, many civil society efforts use digital technologies to profile civic voices and build coalitions. They could be more strategic and benefit from learning where efforts have translated into successful policy outcomes and change. There is an urgent need to support the capacity of civil society to engage on a level playing field and mobilize strategically for successful influence.

c. The digital transformation of the public sphere introduces active and passive risks.

This report has identified grave implications of digitalization for the public sphere. The public sphere is a public good, and the shape of the infrastructure that enables it is key to the formation of the public sphere it supports. At present the characteristics of the technologies that enable the public sphere make it vulnerable to both active and passive harms, although political division and vulnerability to manipulation are not functions of technology alone. The wider context of an intersectional polycrisis creates an enabling environment for technologies that erode and weaken a healthy, inclusive public sphere; uncertainty and fear make people more vulnerable to misinformation. In the uncertain aftermath of a shock, such as a financial crisis, support for political extremes increases.⁸⁰ We need to recognize the digital technologies that enable the public sphere as critical public infrastructure for the realization of rights, inclusion and political processes.

Recommendations:

5

a. Take a politically informed approach to digital transformation.

Digital transformation efforts should be intentional , building and strengthening digital ecosystems that are empowering and that leave no one behind.⁸¹ These efforts should adopt a whole-of-society approach and work with local leaders, companies and digital innovators to develop thriving local digital ecosystems built on inclusivity, sustainability, accountability and rights. Critically, these efforts should include a political economy analysis and draw from the work on politically informed development practices.⁸²

Digital transformation efforts should also be seen as entry points for wider engagement on broader issues. Digital is cross-cutting and no longer a technology or digital issue just for IT people. Because digital technology is fundamental to governance and policy, the interest in digital transformation can be an opportunity to explore wider opportunities around development, inclusion and human rights and also achieve inclusive digitalization.

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 finalizing contracts.

Support of civic efforts to use and develop digital public sphere technologies should also include guidance to develop theories of change and strategies to avoid technological dependency and to identify sustainable pathways towards impacting change. This should include, for example, linking online engagement to key decision makers.

b. Bridge the governance gap.

The second recommendation is to make a concerted effort to address the digital governance gap at the global, international and national levels.

Strengthen global governance of digitalization and digital transformation. Current mechanisms are out of step with global regulatory and governance trends, not least the turn to national efforts and decline of multilateralism. There should be support to develop global, multilateral approaches to the governance of digitalization and transformation. Noteworthy efforts and proposals include the call for a global commission on just and sustainable digitalization,⁸³ the need to regulate digital platforms in the face of online disinformation and hate,⁸⁴ and the UN's High Level Panel on AI.

Strengthen the capacity to bridge the international governance gap. At international levels, development actors should make efforts to bridge the gap between national capacity and international digital governance frameworks, particularly those emerging out of the China, the EU and the 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.

A knowledge and capacity resource should be established to bridge the national – global governance gap: This resource should support countries in understanding and engaging with global governance frameworks and international human rights standards. This could take the form of a global, trusted team of independent experts able to provide impartial expertise in response to the need of partner governments, industry and civil society.

At the national level, development actors should strengthen the capacity of the state to govern processes of digitalization and transformation. Government ministries need strengthening to develop knowledge and

capacity of digital technologies and processes of transformation and champion those demonstrating digital leadership. Importantly, this should extend beyond any ministry formally leading digital transformation; it should include the wider ministries affected by changes in administration and service delivery, i.e. ministries with responsibility for welfare, health and education, for example. This also needs to cover the entire policy value chain from conception and design, procurement and implementation to management and oversight.

Strengthen the state beyond the executive to play its part in governing digitalization. The judiciary, for example, requires support to fully understand and engage with digital processes, while the establishment of bodies such as data protection authorities can strengthen oversight and protection. These measures can have a significant impact. For example, in Kenya, the High Court, by virtue of a judicial review application brought by a constitutional research, policy and litigation institute in Kenya, delivered a landmark judgment declaring the proposed national digital ID card (Huduma Card) as unconstitutional in October 2021.

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 that the public interests, needs and rights are reflected in policy development processes and governance mechanisms. For coalition building and engagement, specific examples include initiatives like people's assemblies and other processes of deliberative democracy.

- 1. Support Global South civil society to engage in national level debates and processes around digital transformation.** The complexity of digital technologies and governance frameworks can make entry points to this challenging. However, there are examples of civil society engagement in policy and accountability efforts. One example involves citizens assemblies that represent the full diversity of a given population and the provision of training by experts on the issues and considerations, so that assembly members can then articulate concerns to policy makers. The Ada Lovelace Institute's Biometrics Council (in the UK) provides a good example of this type of engagement and offers a blueprint for how policymakers elsewhere could more effectively solicit public opinion on AI governance.⁸⁵ The Open Government Partnership also suggests the constitution of "Supreme Audit Partnerships" to enable civic oversight.⁸⁶
- 2. Support and empower civil society actors to advocate for greater consideration of human rights** by governments, the private sector and regional and global institutions which are making decisions about the development of digital technologies and governance frameworks. This is especially important concerning historically marginalized or underrepresented communities, who are often disproportionately affected by the risks and harms posed by digital and data-driven interventions. Specific elements could include strengthening the role of key institutions, such as national human rights institutions, parliaments and civic assemblies. For example, national human rights institutions can undertake human rights impact assessments of new technologies and may play a role in facilitating multi-stakeholder engagement. Consideration would need to be given to how these stakeholder arrangements are constituted to ensure that they are representative and have influence.

c. Strengthen the public sphere: The third recommendation is to strengthen the public sphere and the infrastructure that enables it to function:

This should include developing multilateral approaches to governance of digital public sphere technologies to safeguard public interest and public value. There is an urgent need to develop governance efforts that can ensure the digital technologies that enable the public sphere uphold rights, inclusion and public interest. This should include efforts to develop global guidelines for content governance, particularly for platforms. Similarly for AI and algorithms, there is a critical need for model governance frameworks and audit and impact assessment tools to support LMICs in exercising sovereignty over the digital technologies that constitute their public spheres.

Development actors should invest in the digital infrastructure of the public sphere as “digital public infrastructure.” Support for the development of digital public infrastructure should extend to governance and civic space infrastructure. Investments should extend to developing infrastructure that enables civic space to function in the public interest. For example, this could include *publicly-owned and operated platforms and public funding for content governance and moderation.*⁸⁷ The infrastructure required to enable open and free debate, public interest media and content, and exposure to diverse views and perspectives are critical to healthy, inclusive societies.

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United Nations Development Programme
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