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Contribution by

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Shift Four | Digital and Data Governance

Support a Just Digital Transition that Unlocks the Value of Data and Protects Against Digital Harms

"The benefits of the digital age cannot be captured by a few at the expense of the public interest."

Effective multilateralism must support critical, multilateral, and generational reflection on the benefits and risks of the digital age. Collaboration in the digital space has been slow because the complexity and political sensitivity of the topic have inhibited effective multi-stakeholder approaches to digital governance fit for our future.[120]

On the 75th anniversary of the United Nations, UN Member States reaffirmed the central place of the Organization in the multilateral system, emphasizing its unparalleled convening power and unique potential for normative impact.[121] They acknowledged disappointments and setbacks and pledged to respond with greater action, not less.[122] The Summit of the Future in 2024 must be the moment the international community comes together to close the digital governance gap.[123]

The solutions developed over the next few critical years will shape societies for decades to come. They will inform our ability to predict and respond to change, but if poorly designed (or not designed at all) will exacerbate digital poverty, limit innovation, and possibly enable new forms of intersecting discrimination and authoritarianism.[124] Our solutions must be human-centred and rights-respecting; encourage open dialogue, exchange, and learning between cultures, stakeholder groups, and sectors;[125] and, crucially, build on past successes.

This can be achieved through new strategic investments and renewed commitment to multilateral and multi-stakeholder cooperation that prioritizes convergence over uniformity. We must overcome regulatory fragmentation in the digital landscape — a proliferation of unilateral action resulting in a patchwork of national and regional mechanisms and rules.[126]

This fragmentation will stymie innovation and job creation, locking the benefits of the digital age with diminishing social and economic dividends for individuals, communities, and developing countries. This fragmentation is most likely to adversely impact low-income countries, less well-off individuals, and marginalized communities the world over, as well as worsen structural discrimination against women.[127]

A future of exclusionary digital development must be avoided at all costs. New investments in public service capacities are needed, not only to support digitalization but also to converge standards and core values.[128] The introduction of new digital technologies spearheaded by major corporations in the private sector has often outpaced the establishment of national institutions and regulatory capacity to manage this innovation.[129] The multilateral system trails even further behind. The benefits of the digital age cannot be captured by a few at the expense of the public interest. Improving public capacities to adequately participate in, facilitate, and regulate the digital age will ensure that individuals, businesses, and States can safely and fairly engage and benefit from digital innovation.

We must also build on the momentum in data governance. The wealth and safety of nations over the next century may well depend on our ability to unlock data's potential in fair, equitable, and safe ways.[130] Data flows are expected to reach triple the current volume by 2026, yet we still lack coherent and joined-up data governance mechanisms.[131] Our current data ecosystem remains a complex, adaptive system made up of a very large number of interconnected agents with poor interoperability across regions and sectors.[132] A system for trusted and secure data flow is urgently needed — one that respects sovereignty and supports value creation everywhere, enabling all countries to share in the mutual benefits of data sharing.

The Summit of the Future is a unique opportunity to make smart investments in digital development that can generate significant returns for communities, economies, ecosystems, and societies, while simultaneously addressing global inequalities and injustices.[133]

Several emerging initiatives point the way forward.[134] We endorse the view of the UN General Assembly and its Human Rights Council that the same rights exist online and offline, and welcome efforts from within and outside the UN system to reinforce and implement the existing rights framework and offer international guidance for human rights in the digital age. We welcome, in particular, the UN General Assembly resolution on Information and Communications Technologies for Sustainable Development (77/150), which recognizes the critical importance of expanding the participation of all countries, in particular developing countries, in the digital economy. These are necessary contributions in a global effort to harness the enormous potential of data this century.

Digital governance solutions must be agile, foster trust, and allow for iteration to keep pace with change. They must also sensitively manage the risks to national, enterprise, and human security that increase with the pooling and sharing of data and digital innovation. Toward this end, this Board has proposed several process innovations as well as immediate actions that Member States can take to support the digital future we need.

● Recommendation **1.**
Support a just digital transition by addressing digital poverty, inequality, and harms.

A. Create a Global Commission on Just and Sustainable Digitalization.

Our vision of digital governance centres on regular, predictable, and structured engagement from civil society, the private sector, academia, and other technical entities, such as standards bodies, complementing the efforts of Member States and the multilateral system. While several examples of multilateral and multi-stakeholder coordination exist,[135] no single forum is responsible for agenda-setting and coordination,[136] nor is there comprehensively organized, shareable information to ensure that digital governance efforts are informed by an objective assessment of the risks and benefits of digitalization so that resources are channelled to address digital poverty, inequality, and harms.[137] We need to consolidate structures and forums to have greater impact in this critical space. Our recommendation to create a Global Commission on Just and Sustainable Digitalization does not aim to add a new institution to an already cluttered landscape, but rather to focus existing efforts.

Shortly after the establishment of the United Nations, a concerted effort was made to develop standards and formulate relevant international conventions to support the advancement of women. The Commission for the Status of Women has carried out these functions for over seven decades and is credited with introducing provisions for equality between women and men in the Universal Declaration of Human Rights, building support for a landmark international treaty on the elimination of all forms of discrimination against women, as well sponsoring numerous legal and policy developments at national level.[138]

The challenges and opportunities in an era of digital transformation are no less complex and require a mission-oriented norm- and agenda-setting Commission with knowledge-mediation capacities.[139] Defining the specific tasks or competencies of the Commission should precede the design of the Commission itself which, whatever its ultimate form, should enable collective problem-solving.[140]

The proposed Commission on Just and Sustainable Digitalization might have four core competencies: (a) addressing human rights in the digital age;[141] (b) data governance; (c) inclusive and sustainable digitalization, including universal and meaningful connectivity;[142] and (d) a knowledge function, culminating in the preparation of comprehensive assessment reports on a regular basis about the state of scientific, technical, and socioeconomic knowledge on digital development, the definition and measurement of global digital harms, and options for ensuring fair and safe participation.

Global Commission on Just and Sustainable Digitalization

Knowledge function

Data governance

Inclusive and sustainable digitalization

Addressing human rights in the digital age

Global Commission on Just and Sustainable Digitalization

› **Assessments of digital development**
› **Definition and measurement of digital harms**
› **Options for fair and safe participation.**
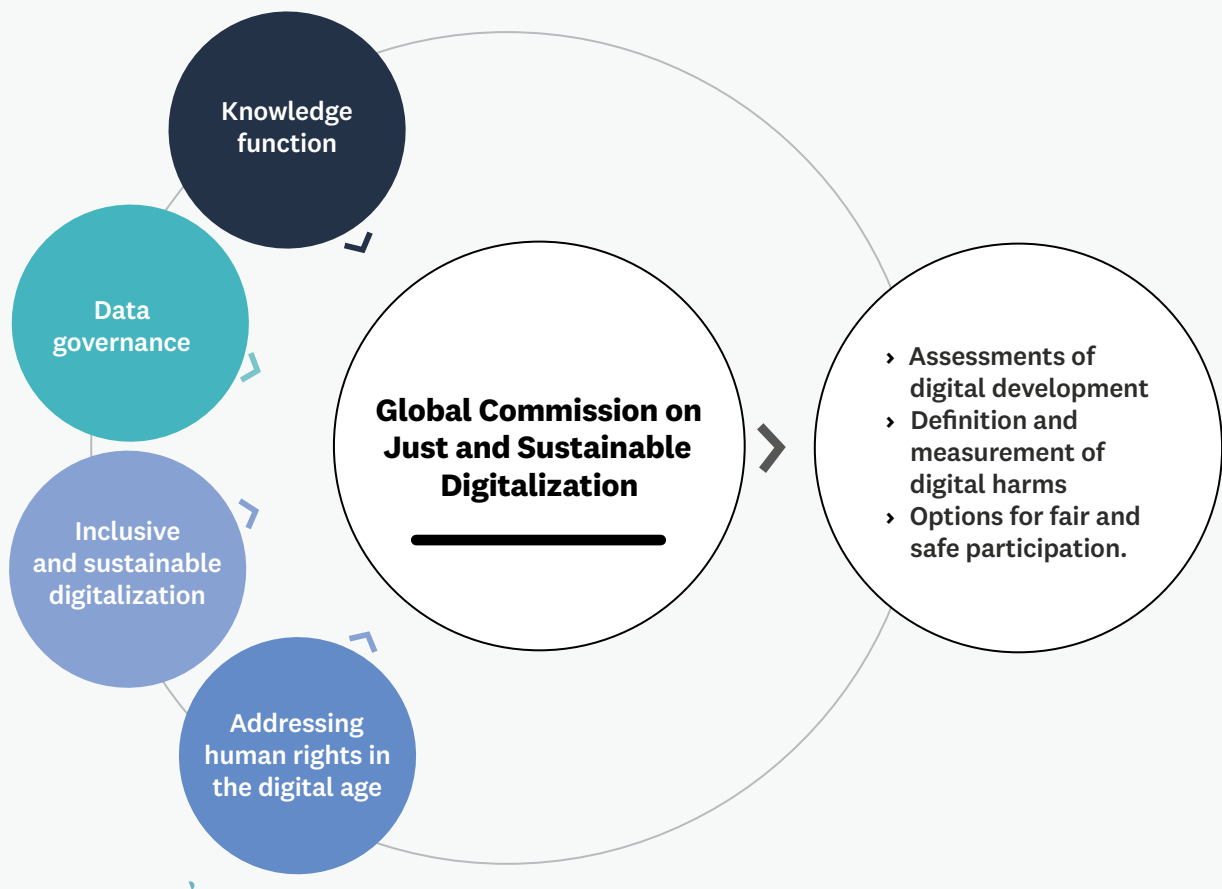
A climate movement would be inconceivable without the reliable, timely, and objective information provided through IPCC reports.[143] No similar effort exists to map the potential and measure the harms of data and digital advances. Without a clear understanding of the challenges, risks, and opportunities — regularly revisited and updated — the international community will struggle to build a governance architecture fit for the digital age.

This Commission must heed calls for new forms of cooperation that go beyond traditional interstate cooperation; that is, it must innovate beyond traditional State-only membership.[144] The Commission on Just and Sustainable Digitalization will bring together multiple endeavours in the digital realm in a multi-stakeholder deliberative forum for States, civil society, and the private

sector, building on and possibly integrating the activities of the Internet Governance Forum. It will address the shortcomings of some of these forums, where civil society collaborates on a rights agenda but does not have the authority to implement it, or where States lag behind developments at the cutting edge of digital rights. It will consolidate and build on the work and expertise of entities such as the International Telecommunication Union, the United Nations Development Programme, the United Nations Conference on Trade and Development, and the Office of the High Commissioner for Human Rights.

The process of designing such a Commission should draw on best practices in recent years. Several initiatives offer useful insight into the effectiveness of multi-stakeholder coalitions in supporting inclusive institutional design.[145]

We call on Member States to support, through the Global Digital Compact and with the support and participation of the UN Envoy for Technology, the establishment of a multi-stakeholder task force that will be responsible for developing terms of reference of a global Commission on Just and Sustainable Digitalization by the meeting of the World Summit on the Information Society Forum in 2025, which clearly sets out the roles of decision-making responsibilities of its constituent groups.

B. Expand the definition of threats to peace and security to include digital harms and strengthen judicial capacity for the digital age.

The United Nations has warned of a dramatic surge in malicious incidents linked to the growth of digital technologies.[146] The scale, disruptive potential, and sophistication of these incidents point to the need for a more significant shift in response capacities, going beyond the creation of deliberative forums such as the Group of Governmental Experts on advancing responsible State behaviour in cyberspace in the context of international security, and the Open-Ended Working Group (OEWG) on security of and in the use of information and communications technologies.

We call on Member States to consider expanding the mandates of existing justice institutions, including the International Criminal Court, the International Court of Justice, and other such mechanisms, to permit them to act in response to global threats to peace and security that emerge from digitalization.

This includes responses to State-sponsored misinformation and disinformation campaigns designed to destabilize global politics, attempts at interfering with the digital infrastructure and online presence of foreign nations, extended violations of digital human rights through open-ended internet shutdowns, cybersecurity threats, and other hostile non-State actor actions aimed at exploiting the online space. This effort should also include an invitation for greater coordination between national and regional institutions already addressing these developments.[147]

Because these threats may manifest locally or regionally first, we must also strengthen judicial capacity to respond to digital harms. Judiciaries can positively impact the realization of our SDGs by ensuring transparency, predictability, fairness, and accountability. We are encouraged by the investments made to scale judicial capacity to respond to climate and environmental change.[148] As a result of these investments, judiciaries have established policies and enacted or updated laws to address new environmental challenges. The specialized knowledge required to intervene effectively in the environmental domain is of similar complexity to the digital domain, notably where there are transnational dimensions to disputes.

We urge Member States to commit to strengthening not only the capacity of policymakers but also the capacity of judiciaries, notably in developing countries, to ensure that they can effectively address new disputes and regulatory challenges arising from digitalization.

● Recommendation **2.**
Lay the foundations of an enabling architecture for the data century with the explicit aim of removing all barriers to realizing the potential of data for the public good.

A. Seek convergence on principles for data governance through a Global Data Compact in a new International Decade for Data.

Key organizations working on technical and policy aspects of data governance are looking for effective ways to respond to calls for joined-up principles that can improve both trust in and the effectiveness of data — their access, use, flow, and protection. The absence of trusted standards, agreed protocols, and robust safeguards across broad coalitions, sectors,
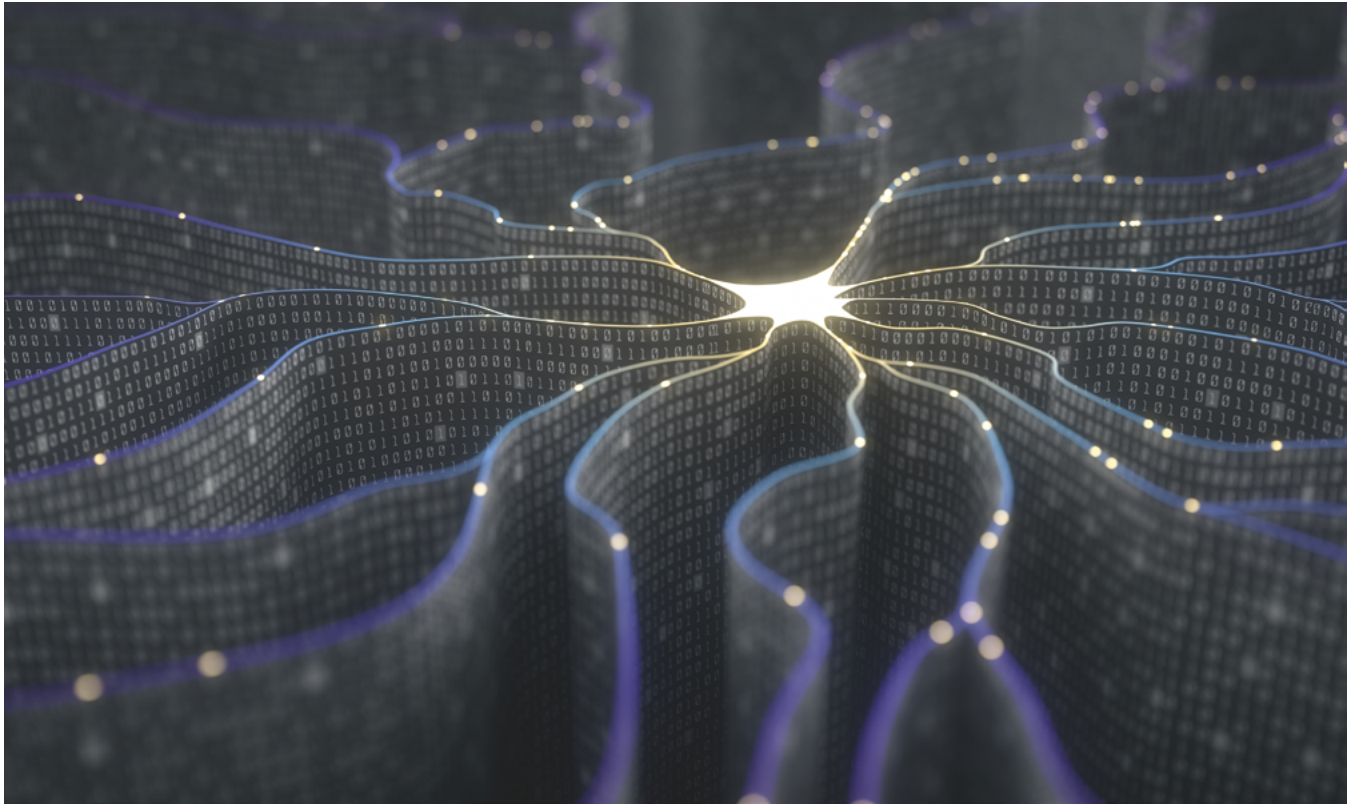
Photo: © ktsdesign – stock.adobe.com. "Data flows are expected to reach triple the current volume by 2026, yet we still lack coherent and joined-up data governance systems."

and countries represents a shared set of disadvantages for private enterprise, States, and civil society groups.

We must leverage emerging-sector majorities to build towards convergence, ensuring sustained commitment to the goal of unlocking data potential safely. **Member States can begin by issuing a political declaration through the Global Digital Compact that commits to launching an International Decade for Data.**[149] United Nations International Decades have been used to expand access to safe drinking water, accelerate the protection of our oceans, and elevate the voice of peoples traditionally marginalized or left behind. International decades provide a multi-stakeholder, multilevel, and multidisciplinary scaffolding to support collaboration in domains of international concern.

A first milestone of this Decade would be the creation of a multi-stakeholder core group tasked with preparing draft principles to be included in a Global Data Compact, which Member States could adopt before the end of 2030.

This group should base its work on already existing initiatives such as the Open Data Charter, which has been endorsed by several multilateral organizations, pioneering cities, and private enterprise, and should ensure that the design of data governance principles adheres to a participatory process that involves data subjects (persons about whom data has been gathered).[150]

Modelled on the Global Compact for Safe, Orderly and Regular Migration, the Global Data Compact would be legally non-binding and aim to fill gaps in hard law with respect to data governance, consolidating international obligations, standards, and stakeholders of a cross-cutting topic into one instrument.[151] Its principles should strengthen the ability of individuals and enterprises to exercise effective control over data that pertain to them,[152] balancing data privacy with access to data, and improve data sharing between Member States and the United Nations, notably where the UN has a mandate to generate and process data for the public good. The Global Data Compact may, in time, serve as the blueprint for a legally binding treaty framework.

B. Establish a data impact hub underpinned by a mutual commitment framework.

The global response to many of humanity's greatest challenges[153] relies on the ability to collect, share, and analyse quality (and real-time) data that transcend national borders, as well as public and private domains — and, increasingly, non-traditional data.[154] We lack a framework that makes clear how data, including real-time data, can be made available to multilateral institutions, such as the United Nations, i.e., how it will be processed, shared, and safeguarded, and through which specific channels of communication.

Data identified as having public good benefits should be subject to distinct governance and sharing arrangements, allowing this specific data to move more easily across borders and between the private and public sectors. This movement depends on clear "ground rules" for the production, processing, and exchange of data between commercial use and public good uses.[155] Models such as the Industry Data for Society Partnership, centred on four data sharing commitments, illustrate this principle and are evidence of the growing appetite to unlock the value of data for social purpose supported by tailor-made data-sharing frameworks.[156]

The proposed data impact hub has as its explicit goal the creation and coordination of a "data first responders' network." The network will be made up of public and private entities coordinating to achieve better data preparedness for crises and development. This will be achieved by pre-positioning data capacities based on advance commitments by data holders and processors. The mutual commitment framework supports these commitments by putting in place pre-authorized safeguards for limited data transfers.

This data impact hub can ensure a swifter response to global shocks and a more reliable and comprehensive provision of global public goods.[157] To function as envisaged, the platform must be able to draw on data assets within and outside of the United Nations based on the proposed data-sharing, processing, and safeguarding framework. Investment in such an impact hub could enhance the capabilities of the Secretary-General's Global Crisis Response Group and the Emergency Platform, called for in *Our Common Agenda*, allowing a more robust response to complex global crises.

We encourage Member States, through the Global Digital Compact, to support the build-up of a data impact hub and a network of data first responders by elaborating a mutual commitment framework between the United Nations and data actors including data intermediaries.

C. Support research, data collection, and dissemination capacities of the multilateral system by ensuring they are adequately funded and remain free of political influence.

The United Nations and the Bretton Woods Institutions are important producers of knowledge for the public interest. Communities depend on the timely production and dissemination of accurate and impartial data by these organizations to support sustainable development and monitor and respond to global change. Research and data initiatives launched by and with the United Nations contribute immeasurably to improving transparency and accountability and must be adequately resourced and remain free of political influence. These capacities are one of the most effective ways of countering disinformation.[158]

Drawing on the fundamental principles of official statistics adopted by the UN General Assembly in 2014, which emphasize the importance of impartiality in statistics, **we call on Member States to request the Executive Boards of UN system entities and the Bretton Woods Institutions to adopt an explicit policy committing the membership to respect and preserve the impartial research functions within the multilateral system and to support these activities with appropriate funding models.**