GENEVA INTERNET PLATFORM
digwatch

NEWSLETTER

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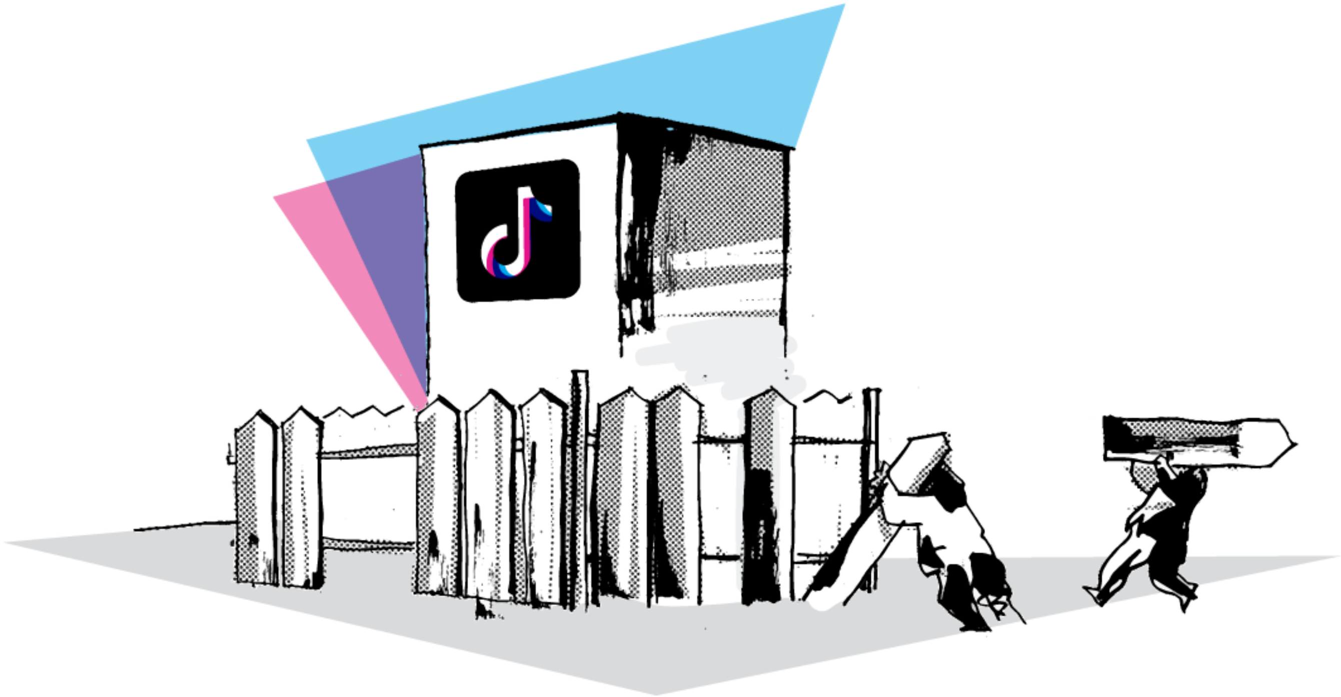

Putting up data security fences

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Digital policy developments that made global headlines

The digital policy landscape changes daily, so here are all the main developments from March. There's more detail in each update on the Digital Watch Observatory.

Same relevance

Global digital governance architecture

The Global Digital Compact (GDC) co-facilitators organised a thematic deep dive on digital inclusion and connectivity to prepare for intergovernmental negotiations on the GDC.

Increasing relevance

Sustainable development

UNCTAD's Technology and Innovation Report 2023 explores the potential benefits of green innovation for developing nations, including driving economic growth and enhancing technological capabilities.

The European Commission unveiled the Net-Zero Industry Act to boost clean energy technologies in the EU and support a transition to a more sustainable and secure energy system. It also adopted a new proposal aiming to make repair of goods easier and cheaper for consumers. It also introduced a new act to enhance the resilience and security of critical raw materials supply chains in the EU, reducing reliance on imports from third countries.

The European Union–Latin America and Caribbean Digital Alliance was established, focusing on building digital infrastructures and promoting connectivity and innovation.

Increasing relevance

Security

A trove of leaked documents dubbed the Vulkan files, have revealed Russia's cyberwarfare tactics against adversaries such as Ukraine, the USA, the UK, and New Zealand. Ukraine's computer emergency response team (CERT-UA) has recorded a spike in cyberattacks on Ukraine since the start of the year.

A new report from Europol sounds an alarm about the potential misuse of large language models (the likes of ChatGPT, Bard, etc.). International law enforcement agencies seized the dark web's Genesis Market, popular for selling digital products to cybercriminals.

The UK National Cyber Force (NCF) disclosed details about its approach to responsible cyber operations.

Same relevance

E-commerce and the internet economy

A high-level group has been established to provide the European Commission with advice and expertise related to the implementation and enforcement of the Digital Markets Act (DMA).

Brazil will impose new tax measures to tackle unfair competition from Asian e-commerce giants and limit tax benefits for companies.

Same relevance

Infrastructure

State-owned Chinese telecom companies are investing $500 million to build their own undersea fibre-optic internet cable network to compete with a similar US-backed project amid the ongoing tech war between the two countries.

ICANN, the organisation responsible for managing the internet's address book, is preparing to launch a new gTLD round.

Increasing relevance

Digital rights

The Organisation of Ibero-American States (OEI) adopted the Ibero-American Charter of Principles and Rights in Digital Environments to guarantee inclusion in information societies via the exercise of fundamental human rights.

A UK watchdog has fined TikTok $16 million for collecting children's data without parental consent. A Portuguese NGO sued TikTok for allowing children under 13 to join without parental permission and adequate protection.

Increasing relevance

Content policy

Google will no longer block news content in Canada, which it did temporarily in response to draft rules that would require internet platforms to compensate Canadian media companies for making news content available. At the same time, Meta has announced that it will end access to news content for Canadian users if the rules are introduced in their current form.

The prime ministers of Moldova, the Czech Republic, Slovakia, Estonia, Latvia, Lithuania, Poland, and Ukraine have signed an open letter which calls on tech firms to help stop the spread of false information.

Same relevance

Jurisdiction and legal issues

A US judge has ruled that the Internet Archive's digital book-lending programme violates copyrights, potentially setting a legal precedent for future online libraries.

China's State Council Information Office (SCIO) has released a white paper recapping the country's laws and regulations on the internet.

UK regulators have revised their stance on Microsoft's acquisition of Activision Blizzard, having previously raised concerns that it would harm competition in console gaming.

Increasing relevance

New technologies

IItaly imposed a (temporary) limitation on ChatGPT, the AI-based chatbot.

UNESCO has called upon governments to immediately implement its Recommendation on the Ethics of Artificial Intelligence.

French lawmakers have passed a bill to use AI-powered surveillance technology to secure the 2024 Paris Olympics.

Japan has announced new restrictions on exports of chipmaking equipment to countries that pose security risks.

Putting up data security fences

TikTok has come under fire from several countries due to data privacy and national security concerns. The core of the issue seems to lie in TikTok's ownership by the Chinese company ByteDance, as China's 2017 National Intelligence law requires companies to assist with state intelligence work, raising fears about the transfer of user data to China. Additionally, there are concerns that the Chinese government could use the platform for espionage or other malicious purposes. Several countries have sued TikTok for exposing children to harmful content and other practices that put their privacy at risk, as well.

TikTok has tried to alleviate fears of two global leaders on tech regulations – the USA and the EU. The company has committed to moving US data to the USA under Project Texas. European data security would be achieved by Project Clover, which includes security gateways that will determine data access and data transfers outside of Europe, external auditing of data processes by a third-party European security company, and new privacy-enhancing technologies.

During the past month, Belgium, Norway, the Netherlands, the UK, France, New Zealand, and Australia issued guidelines against installing and using TikTok on government devices. A ban contemplated by Japan is more general: Lawmakers will propose banning social media platforms if used for disinformation campaigns.

The much-publicised testimony of TikTok CEO Shou Chew before the US Congress didn't garner the company much legal favour in the USA: The lawmakers are still not convinced that TikTok is not beholden to China. It seems the USA will be proceeding with legislation (most likely the RESTRICT Act) to ban the app. That might be an uphill battle: Critics argue that banning TikTok may violate First Amendment rights and would set a dangerous precedent of curtailing the right to free expression online. Another option is divestiture, whereby ByteDance would sell the US operations of TikTok to a US-owned entity.

What does China have to say?

At the beginning of March, China fiercely criticised the USA: Chinese Foreign Ministry spokesperson Mao Ning stated 'We demand the relevant US institutions and individuals discard their ideological bias and zero-sum Cold War mentality, view China and China-U.S. relations in an objective and rational light, stop framing China as a threat by quoting disinformation, stop denigrating the Communist Party of China and stop trying to score political points at the expense of China-USA relations.' Ning added, 'How unsure of itself can the US, the world's top superpower, be to fear a young person's favourite app to such a degree?'

Ning also criticised the EU over its TikTok restriction, noting that the bloc should 'Respect the market economy and fair competition, stop overstretching and abusing the concept of national security and provide an open, fair, transparent and non-discriminatory business environment for all companies.' Similar remarks were repeated mid-March by Foreign Ministry spokesperson Wang Wenbin.

As reports of the USA demanding divestiture were confirmed by a TikTok representative, Wenbin also noted that 'The USA has yet to prove with evidence that TikTok threatens its national security' and that 'it should stop spreading disinformation about data security.'

China's Ministry of Commerce drew a line in the sand: the Chinese government would oppose the sale or divestiture of TikTok per China's 2020 export rules. These remarks were made the same day Chew testified before Congress, casting further doubt on TikTok's independence from the Chinese government.

China has also 'made solemn démarches' to Australia over the Australian ban on TikTok on government devices.

What's next for TikTok?

More reassurances in the hope that the app is not banned from general use. The reality is that this might not be enough. In the USA, TikTok's fate will likely ultimately be decided by the courts. There's a very good chance that other countries mentioned in this article would follow suit.

The GPT-4 model: Pushing boundaries, raising concerns

The world of AI witnessed a flurry of exciting developments in March. While the arrival of GPT-4 promises to take natural language processing and image recognition to new heights, the concerns raised by the '[Pause Giant AI Experiments: An Open Letter initiative](#)' about the ethical implications of large-scale AI experiments cannot be ignored.

OpenAI has announced the development of GPT-4, a large multimodal model that can process both text and images as inputs. This announcement marks a significant milestone in the evolution of GPT models, as GPT-3 and GPT-3.5 were limited to processing text only. The ability of GPT-4 to process multiple modalities will expand the capabilities of natural language processing and image recognition, opening up new possibilities for AI applications. This development is sure to generate a lot of interest and anticipation as the AI community awaits further details about GPT-4's capabilities and its potential impact on the field.

With the ability to process 32,000 tokens of text, unlike GPT-3, which was limited to 4,000 tokens, GPT-4 offers expanded possibilities for long-form content creation, document analysis, and extended conversations (Tokenisation is a way of separating a piece of text into smaller units called tokens; here, tokens can be either words, characters, or subwords). The latest GPT-4 model has the capacity to process and generate extended passages of text. It has achieved impressive results on a range of academic and professional certification tests, such as the LSAT, GRE, SATs, AP exams, and a simulated law school bar exam.

What caused great controversy among the public is that the number of the model's parameters and the training data information have not been made public, the research paper that the developers published does not offer much information, and even the features that were announced are not yet available. Additionally, access to GPT-4 is restricted to those who sign up for the waitlist or subscribe to the premium ChatGPT Plus service.

This buzz was apparently the last straw for many. Not long after, a group of AI researchers, including Elon Musk and Steve Wozniak, signed the 'Pause Giant AI Experiments: An Open Letter initiative' urging AI labs to pump the brakes. The letter calls for a global ban on the training of AI systems more powerful than GPT-4. It expresses concern about the potential for AI to become a 'threat to the existence of human civilisation'. It points out that AI could be used to create autonomous weapons and 'out-think and out-manoeuvre human control.' The letter goes on to suggest that AI could eventually become so powerful that it could create a superintelligence that would outsmart human beings.

The signatories are not alone in their fears. For example, Stephen Hawking warned that AI could eventually 'spell the end of the human race'. Even Bill Gates said that certain risks exist. However, Gates also argued (not surprisingly, since OpenAI is Microsoft-backed), that pausing AI development would not solve challenges and that such a pause would be difficult to enforce.

The open letter has reignited debate among the scientific and tech community about the importance of responsible development of AI, including addressing concerns about bias, transparency, job displacement, privacy, and the potential for AI to be weaponised. Government officials and tech companies have a significant role to play in regulating AI, such as setting ethical guidelines, investing in safety research, and providing education for those working in the field.

This article has been brought to you by Diplo's AI and Data Lab. The lab keeps an eye on developments in the AI diary, runs experiments like Can AI beat human intuition, and creates applications such as this reporting one.

At Diplo, we're also discussing AI's impact on our future through a series of webinars. Join us on 2 May as we discuss AI ethics and governance from a non-Western perspective.

In focus

What's new with cybersecurity negotiations?

The UN Open-ended Working Group (OEWG) on cybersecurity held its fourth substantive session. We share the highlights below.

Existing and potential threats. Supply chain risks, the use of AI-powered instruments, ransomware, and the spill-over effects of Russian cyberattacks on Ukraine, which have affected the infrastructure in Europe, have been mentioned, among other threats, during the session. Kenya proposed establishing a UN repository of common threats. The EU proposed formulating a common position on ransomware, and the Czech Republic proposed a more detailed discussion on responsible state behaviour in developing new technologies.

Rules, norms, and principles. Russia and Syria argued that existing non-binding rules don't effectively regulate the use of ICTs to prevent inter-state conflicts and proposed drafting a legally binding treaty. Other countries (e.g. Sri Lanka and Canada) criticised this proposal. Egypt argued that the development of new norms doesn't conflict with the existing normative framework.

International law (IL). Most states reaffirmed IL's applicability to cyberspace, but some (Cuba, India, Jordan, Nicaragua, Pakistan, Russia, Syria) argued that automatic applicability is premature and supported a proposal for a legally binding treaty. Russia submitted an updated concept of the 'Convention of the UN on Ensuring International Information Security' with Belarus and Nicaragua as co-sponsors. Most states don't support drafting a new legally binding instrument.

Speaking of international humanitarian law (IHL), the EU and Switzerland affirmed its applicability; however Russia and Belarus refused the automatic application of IHL in cyberspace, citing a lack of consensus on what constitutes an armed attack.

The UN Charter principles and enforcement of state obligations have been also discussed for the first time, we believe. Most states also supported the Canadian-Swiss proposal to include these topics, peaceful settlement of disputes, IHL, and state responsibility in the OEWG's programme of work in 2023.

Confidence building measures (CBMs). Some delegations have called for more active participation of regional organisations to share their experiences in the OEWG. There was also a broad agreement to establish a Points of contact (POC) directory, though states continued discussing who should be nominated as a PoC (agencies or particular persons), what functions they should have, etc.

Capacity building. Some countries highlighted that the Programme of Action (PoA) to advance responsible state behaviour will be the primary instrument to structure capacity-building initiatives. Iran stressed that ITU could be a permanent forum for coordination in this regard. Cuba supported this idea.

States also discussed the content of the Indian proposal on the Global Cyber Security Cooperation Portal. However, Singapore and the Netherlands recalled the existing cooperation portals, such as the UNIDIR and GFCE cyber portals.

Regular institutional dialogue. Supporters of the PoA emphasised the complementarity of the OEWG and the PoA. Some states mentioned the possibility of discussing additional cyber norms under the PoA, if needed, and called for a dedicated OEWG session on the PoA. China noted that states who supported the PoA resolution are undermining the status of the OEWG. Russia, Belarus, and Nicaragua proposed a permanent body with review mechanisms as an alternative to the PoA. Some states, though, warned that parallel tracks of discussions would require more resources.

Next steps. The chair plans to host an informal virtual meeting in late April for regional PoC directories to share their experiences. The second revised non-paper on the PoC directory is expected after. An inter-sessional meeting on IL and regular institutional dialogue will be held around the end of May. The Annual Progress Report zero draft is also expected in early June. States will discuss the APR at the 5th substantive session on 24–28 July 2023. **Read our detailed report from the session.**

Policy updates from International Geneva

WSIS Forum 2023 | 13–17 March

The 2023 edition of the World Summit on the Information Society (WSIS) Forum featured over 250 sessions exploring a wide range of issues related to ICT for development and the implementation of the WSIS Action Lines agreed upon back in 2003. The forum also included a high-level track that highlighted, among other issues, the urgency of advancing internet access, availability and affordability as driving forces of digitalisation, and the importance of fostering trust in digital technologies. The event was hosted by ITU and co-organised together with the UNESCO, UNCTAD, and the UN Development Programme (UNDP). More forum outcomes will be published by ITU on the dedicated page.

Diplo and the Geneva Internet Platform (GIP), together with the Permanent Missions of Djibouti, Kenya, and Namibia, hosted a session on Strengthening Africa's voices in global digital processes on the last day of the forum. This session stressed the need for strengthened cooperation – within and beyond Africa – to implement the continent's digital transformation strategies and ensure that African interests are adequately represented and reflected in international digital governance processes. Building and developing individual and institutional capacities, coordinating common positions on issues of mutual interest, leveraging the expertise of actors from various stakeholder groups, and ensuring effective and efficient communication between missions and capitals were some of the suggested steps towards ensuring that African voices are fully and meaningfully represented on the international stage. Read the session takeaways.

The 1st session of the 2023 GGE on LAWS | 6–10 March

The 2023 CCW Group of Governmental Experts on emerging technologies in the area of Lethal Autonomous Weapons Systems (GGE on LAWS) held its first session in March. During the five-day meeting, the group focused on the following dimensions of emerging technologies in the area of LAWS: the characterisation of LAWS – definitions and scope; the application of IHL: possible prohibitions and regulations; human-machine interaction, meaningful human control, human judgement, and ethical considerations; responsibility and accountability; legal reviews; risk mitigation, and confidence-building measures.

The 26th session of the Commission on Science and Technology for Development (CSTD) | 27–31 March

The 26th session of the CSTD tackled (a) technology and innovation for cleaner and more productive and competitive production and (b) ensuring safe water and sanitation for all: a solution by science, technology and innovation.

At the opening ceremony, Rebeca Grynspan, Secretary-General of UNCTAD, delivered a statement emphasising the critical juncture humanity finds itself in as a moment of global challenges and technological possibilities. The Secretary-General highlighted the worrisome decline in overall human progress over the past two years, jeopardising our sustainable future goals. Addressing these significant economic, social, and environmental issues requires coordinated global action.

The session also featured the presentation of the 2023 Technology and Innovation Report, which identifies crucial opportunities and particle solutions for developing countries to utilise innovation for sustainable growth.

Upcoming

What to watch for: Global digital policy events in April

11-21 April, Ad Hoc Committee on Cybercrime (Vienna, Austria)

The Partner2Connect Digital Coalition (P2C) is a multistakeholder alliance to mobilise resources, partnerships, and commitments to achieve universal and meaningful connectivity. After its formation in 2021 by ITU, the UN Secretary General's Digital Roadmap project and the Envoy on Technology, the coalition achieved significant milestones in 2022. The annual meeting, which will take place at ITU Headquarters in Geneva, will discuss the successes and challenges of the coalition so far, as well as plans for connecting the unconnected across the globe.

13 April, GDC deep dive: Internet governance (online)

The Global Digital Compact (GDC) co-facilitators are organising a series of thematic deep dives to prepare for intergovernmental negotiations on the GDC. The 13 April discussion will cover internet governance. As these in-depth discussions unfold, the GIP will examine how their focus topics have been tackled in different key policy documents. Visit our dedicated page on the Digital Watch observatory to read more about how issues related to internet governance have been covered in such documents.

24–27 April, UN World Data Forum (Hangzhou, China)

The annual UN World Data Forum advances data innovation, encourages cooperation, generates political and financial backing for data initiatives, and facilitates progress towards enhanced data for sustainable development. The forum focus on the following thematic areas: Innovation and partnerships for better and more inclusive data; Maximising the use and value of data for better decision-making; Building trust and ethics in data; Emerging trends and partnerships to develop the data ecosystem.

24–27 April, RSA (San Francisco, USA)

The RSA Conference 2023 will be held under the theme 'Stronger Together', and will feature seminars, workshops, training, an exhibition, keynote addresses, and interactive activities.

29–30 April, G7 Digital and Tech Ministers' Meeting 2023 (Hangzhou, China)

The G7 Digital and Tech Ministers' Meeting will address various digitalisation issues, including emerging concerns and changes in the global environment around digital affairs. The ministers will discuss a framework for operationalising the Data Free Flow with Trust (DFFT) in cooperation with the G7 and other countries while respecting national regulations, enhancing transparency, ensuring interoperability, and promoting public-private partnerships. The operationalisation of DFFT is expected to help SMEs and others to safely and securely use data from around the world, enabling them to develop cross-border businesses.

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