

Global Digital Compact Rev.4 dated 27 August 2024

Key text changes following consultations on Rev3 and objections that broke the silent procedure on Rev.4

Key links:

GDC Rev.4 text: This has been made available to Member States but is not yet officially published so a link is not yet publicly available.

Global Digital Compact: <https://www.un.org/en/summit-of-the-future/global-digital-compact>

UN Summit of the Future: <https://www.un.org/en/summit-of-the-future>

Notes on Rev.4 draft

The total number of paragraphs in the text of the Compact has been reduced from 76 in the previous draft Rev.3 to 74 in Rev.4.

The Rev.4 draft published on 27 August was subject to silent procedure until 29 August. The total number of known silence-breaking objections is 27 including 13 relating to Objective 3 on the inclusive, open, safe and secure digital space and human rights; and 7 relating to Objective 5 on AI governance). A list of these objections was circulated by the GDC Co-facilitators, the Permanent Representatives of Sweden, Anna Karin Eneström, and of Zambia, Chola Milambo. The detailed content of all these individual objections has not been published.

The following is a list of the Rev.4 text changes and includes the objections submitted by Member States (marked in red) to specific paragraphs, including several that are unchanged from the previous draft Rev.3.

Preamble - paragraphs 1-6 - no text changes and no objections submitted.

Objectives - para 7(1)-(5) - no text changes and no objections submitted.

Principles – para 8 (a)-(m) - one text change. 1 objection submitted.

1 objection to para 8(a) concerning inclusive stakeholder participation and closing digital divides (text is unchanged from previous Rev.3).

Para 8 (e) on environmental sustainability: deletion of contextual sentence “*The infrastructure required to deliver digital goods and services currently consumes substantial resources and produces significant carbon emissions as well as e-waste.*”

Commitments and actions – paragraphs 9-63.

Objective 1. Closing all digital divides and accelerating progress across the Sustainable Development Goals

Paras 10-17. 1 objection submitted.

Connectivity – paras 10-13 - 4 non-controversial text changes. 1 objection submitted.

Para 10: addition of invitation to the ITU “*to further continue its efforts*” indicates stronger emphasis of ITU as a key forum on connectivity.

1 objection to Para 11(c) concerning investment in digital infrastructure (unchanged text).

Para 11(e): access to satellite orbits is no longer prioritised but “*equitable access*” is promoted; addition of “*affordable rates*” to the universal access aim.

Para 13(b): addition of increase in “*accessible user interfaces for persons with disabilities*”.

Para 13(c): addition of capacity building for “*refugees and internally displaced persons*”.

Digital public goods and digital public infrastructure – paras 14-17 – 2 non-controversial text changes. No objections submitted.

Para 14: additional emphasis on open standards etc that “*adhere to privacy and other applicable international laws, standards and best practices and (that) do no harm...*”

Para 17(f): deletion of “*regulatory communities*” from the list of partnerships.

Objective 2. Expanding inclusion in and benefits from the digital economy for all

Paras 18-21 – 1 non-controversial text change. No objections submitted.

Para 19: additional emphasis that the enabling environment should be “*predictable and transparent*” and that such environments “*enhance productivity, facilitate the growth of e-commerce (and) improve competitiveness.*”

Objective 3. Fostering an inclusive, open, safe and secure digital space that respects, protects and promotes human rights

Paras 22-36 – 7 text changes including 2 controversial text revisions. 13 objections submitted.

Human rights – paras 22-25 – no text changes.

1 objection to para 23 (a) concerning compliance of national legislation and international legal obligations (unchanged text).

1 objection to para 24 concerning OHCHR’s advisory service on human rights in the digital space (unchanged text).

Internet Governance – paras 26-29 – 5 quite significant changes, generally positive with two possible exceptions. 6 objections submitted.

Para 27: additional emphasis that Internet governance “*must continue to be.... multistakeholder in nature*” and in new text, that it “*continue to follow the provisions...in the outcomes*” of the WSIS in 2003-05. This responds positively to the many stakeholder interventions during these consultations (including by EuroDIG) about building on the successful track of the WSIS outcomes instead of creating new parallel processes and duplication with new entities.

The addition of the reference to the WSIS outcomes “*including....enhanced cooperation*” harks back to the controversial compromise text negotiated in para 69 of the Tunis Agenda in 2005: “*We further recognize the need for enhanced cooperation in the future, to enable governments, on an equal footing, to carry out their roles and responsibilities, in international public policy issues pertaining to the Internet, but not in the day-to-day technical and operational matters, that do not impact on international public policy issues.*”

The policy context at that time was the US Government’s contractual relationship with ICANN’s management of the domain name system. This was later successfully dismantled in the IANA transition process which fully internationalised ICANN’s role and accountability.

Subsequent efforts by governments to define a process of “*enhanced cooperation*” failed to reach any agreement and therefore the purpose of certain governments in the GDC process to revive this multilateral concept is unclear. Other governments and stakeholders who see this as a possible threat to the proven multistakeholder fundamentals of Internet governance may hope that the WSIS+20 Review in the UN will finally resolve this issue and close down this redundant and unrealised provision in the Tunis Agenda.

2 objections to para 27.

The new paragraph 28 provides a valuable, standalone acknowledgment (i.e. recognition by Member States) of the importance of the IGF “*as the primary multistakeholder platform for discussion of Internet governance issues.*”

1 objection to para 28.

Para 29(b): Additional text concerning the commitment to support IGF now refers to the widely-held recognition of the need “*to increase diverse participation from governments and other stakeholders from developing countries*”. However, the reliance on “*voluntary funding*” (i.e. from private and public sector donors) of the Secretariat support is retained in the text. This will have disappointed those stakeholders who have argued there is an urgent need to switch the IGF funding mechanism to some form of predictable and permanent UN financial support that would ensure that there was sufficient funding for the IGF and its increasing range of intersessional activities.

Para 29(d) concerning Internet shutdowns has been significantly weakened with the deletion of compliance with “*the principles of legality, necessity, proportionality and*

non-discrimination".

3 objections to para 29(d).

Digital Trust and Safety – paras 30-32 – 2 changes of detail. 4 objections submitted.

1 objection to para 30 concerning addressing violence etc (unchanged text).

1 objection to para 31(b) concerning national online child safety policies (unchanged text).

2 objections to para 31(d) concerning compliance of surveillance and encryption laws and regulations with international law (unchanged text).

Para 31(e) relating to online violent behaviour and abuse has been shortened with the deletion of the specific reference to "*sexual and gender-based violence*".

Para 31(f) concerning child sexual exploitation and abuse has been expanded with new text specifying the inclusion of "*distribution over digital platforms of child sexual abuse or...material*" (and) "*solicitation or grooming for the purpose of committing a sexual offense against a child.*"

Information Integrity – paras 33-36 – no significant text changes. 1 objection submitted.

1 objection to para 35(e) concerning evidence gathering on impact of mis- and disinformation (unchanged text).

Objective 4. Advancing responsible, equitable and interoperable data governance approaches

Paras 37-49 – 1 significant text change. 2 objections submitted.

Data privacy and security – paras 37-39 – no text changes. 1 objection submitted

1 objection to para 39(d) concerning data collection, sharing etc in compliance with international law (no text changes).

Data Exchanges and standards – paras 40-42 – no text changes. No objections submitted.

Data for the SDGs and for development (amended sub-heading; previously: *Data for sustainable development*) – paras 43-45 – 1 significant text change. 1 objection submitted.

Para 45(a) concerning the commitment to increase financing for data and statistics, the reference to mobilising "*domestic resources*" has been deleted and replaced with "*from all sources*". Also the target of a 50% increase in financing has been dropped and the following new text has been added: "*We will scale up predictable financing for sustainable development data.*"

1 objection to para 45(b) concerning data availability for monitoring the SDGs (text unchanged).

Cross-border data flows – para 46 and 47 – no text changes. No objections submitted.

Interoperable data governance – paras 48 and 49 – no text changes. No objections submitted.

Objective 5. Enhance international governance of artificial intelligence for the benefit of humanity

Paras 50-63 – 2 text changes including a new link to the High-Level Advisory Body on AI. 7 objections submitted.

1 objection to para 50 concerning inclusive AI governance and meaningful participation of all stakeholders (text unchanged).

1 objection to para 55(a) concerning future directions of AI (text unchanged).

1 objection to para 55(b) concerning interoperability and compatibility of AI governance approaches (text unchanged).

Para 56(a): The title of the new UN panel is amended to “*Independent International Scientific Panel on AI*”.

Para 56(b): the reference to the UN body is deleted.

2 objections to para 56 concerning the Scientific Panel and the Global Dialogue.

1 objection to para 57 concerning the appointment of co-facilitators for the establishment of the Scientific Panel and the Global Dialogue (text unchanged).

Para 63 concerning the importance of investment has been revised and expanded to include a request to the UN Secretary-General “*in consultation with potential contributors and the UN system, to develop innovative voluntary financing options for AI capacity building that take into account the recommendations of the High-Level Advisory Body on Artificial Intelligence on a Global Fund on AI and that are complementary to relevant UN funding mechanisms....*” Information about the work of the HLAB on AI is available at <https://www.un.org/techenvoy/ai-advisory-body>

1 objection to para 63 concerning investment and capacity building.

Follow up and review

Paras 64-74 – 2 significant text revisions that establish closer linkage of the GDC process to the WSIS+20 Review in 2025. 3 objections submitted.

Para 68 concerning the WSIS process and the IGF has been substantially revised to include the text from paras 67, 70 and 71 from Rev.3 and now reads as follows:

“We will build on the processes and forums emanating from the WSIS, in particular the Internet Governance Forum and its national and regional initiatives, as well as the WSIS Forum, to advance implementation of this Compact. We look forward to the WSIS+20 Review in 2025 and invite it to identify how these processes and forums can support the contribution of all stakeholders to Compact implementation.”

1 objection to para 68.

Para 69 concerning the contribution of UN entities has been revised as an invitation to support *“within their existing mandates”* GDC implementation.

1 objection to para 69.

Para 71 on tracking and monitoring progress with implementation (previously para 73 in Rev.3) has been revised with a request to the Secretary-General to *“reflect”* on progress with Compact implementation in his report on the implementation and follow up to the WSIS outcomes ahead of the WSIS+20 Review in 2025.

Para 74 concerning the proposed High Level Review of the Global Digital Compact in 2027 states that this will now be *“based on a progress report by the Secretary-General and with the input and meaningful participation of all stakeholders including.....the Internet Governance Forum....”*

1 objection to para 74.

General comments by Mark Carvell

The greater emphasis in Rev.4 on relying in the follow up phase on existing WSIS-based processes and avoiding establishing new and potentially duplicative UN processes based in New York rather than the more open Geneva environment, is welcome. It signals a positive response to many concerns expressed by stakeholders in the GDC consultations (including EuroDIG’s representative following the discussions in at the 2024 meeting in Tampere) that the follow up phase of the GDC should be simplified, avoid duplication created by parallel processes, and instead build on existing structures and processes, notably the WSIS process and the multistakeholder fora which it created, i.e. the IGF and the national and regional IGFs (including EuroDIG), as well as the annual WSIS Forum led by the WSIS Action Line leads in the UN system including the ITU.

However, the request to the Secretary-General to establish a new office in Geneva (para 72) remains as instrumental for *“strengthening of the system-wide coordination....to enable the UN to realize the inclusive platform for digital cooperation set out in the Compact”* (para 72).

Silence-breaking objections

The GDC preparatory process has entered its final phase with the latest draft (Rev.4) which was circulated to Member States on 27 August under silent procedure. before its launch at the Summit of the Future on 20-23 September. However, as noted

objections to certain paragraphs were submitted to the Co-facilitators before their deadline of 29 August.

In addition to the 27 objections to specific paragraphs in Rev.4, the Co-facilitators made it known that a group of six delegations had broken silence on *“the absence of references to universal (sic) coercive measures and non-discrimination”*. This may be a reference to unilateral measures (UCMs), i.e. national trade sanctions.

One of these delegations has also requested the inclusion of previously proposed language that *“digital technology companies ensure compliance with the national laws of the countries where they operate, and on the inadmissibility of UCMs in the field of cooperation on AI.”*

Based on this limited information available about the objections which have broken the silence procedure (including the names of the states which have submitted the objections), it is difficult for non-government stakeholders to assess the weight of these objections, e.g. whether they can be easily addressed by changing the text or if they are so fundamental that they are likely to lead to a substantive deletion of the whole or major part of the paragraph in question if they cannot be resolved through negotiation. Furthermore, multiple objections to specific paragraphs (e.g. Para 27 on Internet governance) may differ on specific aspects. For their part the Co-facilitators for this process will likely be aiming to maximise consensus amongst the Member States so conflicting positions on key provisions would likely lead to significant deletions if agreement cannot be reached amongst the member states.

The lack of detailed published information about the objections and the exclusion of non-government stakeholders from reacting and responding to them, is a fundamental failure and weakness of the supposedly "open and inclusive" GDC process and it contradicts the otherwise positive multistakeholder commitment that recurs throughout the text.

Opportunities for EuroDIG

The recognition of the value which regional IGFs such as EuroDIG bring to the digital space and Internet governance has been recognised in the GDC process of development, notably in Para 68 in the follow up and look ahead to the WSIS+20 Review next year. As one of the leading NRI forums, EuroDIG should prepare for this discussion during WSIS+20 on its potential role in GDC implementation.

EuroDIG should also note the opportunity to participate actively in the High Level Review of the Global Digital Compact in 2027 process which Para 74 describes as requiring *“the input and meaningful participation of all stakeholders.”* While presumably organised and convened in New York, the door will be open to stakeholder participation which is welcome. EuroDIG should accordingly continue to position itself as the primary channel for European stakeholders' perspectives on GDC progress, success (or otherwise), national and regional policy changes flowing from the GDC, and the next steps in 2028-30 leading up to the expected summit on sustainable development in 2030.

The modalities for the conduct of the High Level Review will be determined by Member States and EuroDIG should therefore prepare to engage with the European governments that will be actively participating in those preparatory negotiations in 2025-26.

EuroDIG leads should also initiate regular engagement with the new UN office on digital cooperation as soon as it is established following the Summit of the Future on 20-23 September. Bilateral exchanges on GDC implementation issues of direct interest to European stakeholders should be sought with this new office.

Next steps for GDC process

The submitted objections submitted by Member States listed above are currently being considered by the Swedish and Zambian Co-facilitators with a “Rev.5” final draft likely to be circulated in time for endorsement by Member States ahead of the Compact’s launch during the Summit of the Future on 20-23 September. A further update will therefore be provided on the EuroDIG website.

The EuroDIG session at IGF2024 in Riyadh on 15-19 December provides an opportunity to report on the GDC consultations this year and set out the way forward for EuroDIG to play an active role in GDC implementation in 2025-2027.

Mark Carvell

EuroDIG Member

6 September 2024

Update dated 13 September 2024

Global Digital Compact Rev.5 dated 2024

Silence was broken by a number of delegations on the draft of Rev.4 of the GDC circulated on August 27. Following further consultations with Member States, the Co-facilitators submitted a new draft Rev.5 dated September to the President of the General Assembly (PGA) currently held by Trinidad & Tobago, which had the following two changes to the previous draft Rev.4 based on compromises agreed in those consultations. It seems that many of the other objections to Rev. 4 did not lead to agreements for further text changes.

The two text changes are:

Internet Governance

Para 29(d) concerning Internet shutdowns. In a further weakening of this stated commitment to reduce the incidence of Internet shutdowns, this paragraph has been reduced to a single sentence following the deletion of all the important guiding text in Rev.4 concerning any such actions being taken only “*in accordance with international law, including with national legislation compliant with international law.*” This follows the previous regrettable deletion of equally important text in Rev.3 concerning compliance with “*the principles of legality, necessity, proportionality and non-discrimination.*” Following these successive deletions, the remaining text of para 29(d) in Rev.5 simply reads as a broad, non-mandatory commitment:

“Refrain from Internet shutdowns and measures that target Internet access” which would likely be difficult to cite as a strong basis for a legal challenge to enforce this commitment.

Digital Trust and Safety

Para 31(f) A minor change relating to the commitment on child protection which correctly substitutes the word *“exploitation”* for *“abuse”* in the reference to materials (i.e. online pornography primarily) so that it now reads: *“.....including distribution over digital platforms of child sexual abuse or child sexual exploitation materials”*.

Next steps for GDC process

Procedurally the Co-facilitators have ended their series of negotiations and consultations with stakeholders, and there is no silence procedure following the circulation of the Rev.5 draft that would trigger any further notification of objections and action to take these into account. The Co-facilitators stated in their communication to the PGA on 9 September that they *“believe that the outcome we have reached represents a strong foundation for the future of global digital cooperation”*. They are *“confident that the revised text reflects the collective efforts and aspirations of all involved”* and *“urge delegations to join consensus on the GDC”*.

Although their main task of overseeing the text drafting has been completed, the PGA has requested the Co-facilitators to continue in their role while the Presidency considers whether any final step is necessary for preparing the text ahead of the Summit of the Future on 22-23 September which is when the Compact is due to be formally presented as part of the outcome document, the *“inter-governmentally negotiated, action-oriented”* PACT for the Future.

Mark Carvell

EuroDIG Member

13 September 2024