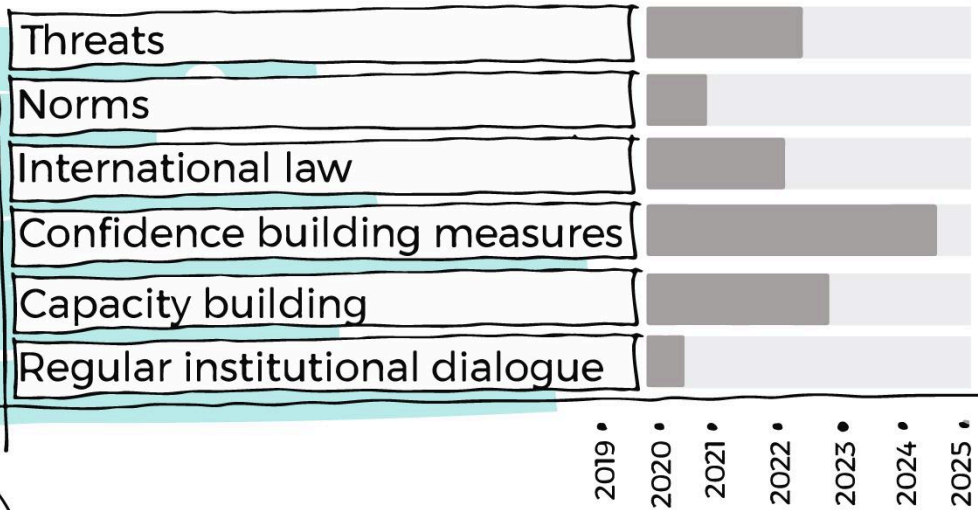


NEWSLETTER

Issue 88, April 2024



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Snapshot: The developments that made waves

AI governance

The EU Parliament approved the world's [first comprehensive AI regulation](#), setting a new governance standard. G7 ministers committed to [boosting local AI ecosystems](#).

Across the Atlantic, The White House mandated federal agencies to [adopt AI safeguards](#) when using AI in a way that could impact Americans' rights or safety, while the US National Telecommunications and Information Administration (NTIA) [pushed for AI accountability reforms](#).

In a major boost to the AI industry, Saudi Arabia [has announced](#) a colossal \$40 billion AI fund in collaboration with a Silicon Valley partner, while the EU [has committed](#) €8 billion to boost its AI Industry. India is not far behind, with the government [revising guidelines](#) for AI developers and [allocating](#) \$1.24 billion to enhance its AI infrastructure. Italy, too, is [investing](#) €1 billion in a national AI project fund.

OpenAI [pledged](#) responsible AI development, but its video service, Sora, [faces probes](#) from the Italian data watchdog. Nvidia's CEO claimed that AI hallucinations can be solved and [predicted](#) that artificial general intelligence (AGI) would be achieved within five years.

Technologies

The US government finalised [export restrictions on Chinese chipmaking facilities](#), aiming to curb China's semiconductor technology progress. China [condemned](#) the move, arguing it heightens trade barriers and uncertainty in the global semiconductor industry.

Canada [has also taken steps](#) to protect its national security and technological sovereignty by tightening regulations on foreign investments in critical sectors, including AI, quantum computing, space technology, and minerals.

Vietnam [invited](#) big players to invest in the semiconductor industry in the country. The UK [has committed](#) £35 million to participate in the EU's semiconductor research programme.

The European Commission [has unveiled](#) a strategic framework to enhance the EU's competitiveness in quantum computing.

Infrastructure

MainOne, a West African data centre and connectivity provider, [confirmed](#) that March's internet outage in West and Central Africa was due to a rupture in their undersea cable system. In response, Nigeria and ITU [joined forces](#) to improve submarine cable infrastructure and expand broadband access across the West African belt.

China [launched](#) the Queqiao-2 relay satellite, which aims to bridge communication between Earth and the uncharted far side of the Moon.

Cybersecurity

The digital landscape continues to be marred by sophisticated cyberattacks, with Microsoft [exposing](#) Russian hacker activity, while France faced [unprecedented government service attacks](#). The geopolitical cyber narrative thickens with Russia accusing the USA of election meddling—a claim promptly [denied](#) by the USA. Chinese hackers [allegedly targeted](#) over 70 global organisations, predominantly government entities.

The EU fortified its digital defences in response to escalating cyber threats with the [Cyber Solidarity Act](#). The US FCC introduced the [US Cyber Trust Mark](#) to enhance user trust in IoT devices.

Facebook's 'Project Ghostbusters,' [a secret project to intercept and decrypt Snapchat communications](#), was exposed in court documents, stirring controversy for Meta.

Human rights

The Council of Europe's 2024 Press Freedom Report [has sounded](#) the alarm on mounting threats to press freedom, including spyware, abusive lawsuits, and obstacles for exiled journalists. The European Parliament adopted the [Media Freedom Act](#).

The USA and the EU released joint online platform guidance to protect human rights defenders, detailing [ten global measures to counter cyber threats](#) and uphold human rights. UN Women [advocated](#) closing the gender digital divide through the Global Digital Compact (GDC).

Legal

The New York Times [has rejected](#) OpenAI's claims of 'hacking' in a copyright dispute and submitted a legal response opposing OpenAI's attempt to dismiss parts of the lawsuit.

France's competition watchdog has [issued a €250 million fine to Google](#) for training its AI-powered chatbot Bard on media publishers' content without notifying them. The US Department of Justice [filed](#) a lawsuit against Apple, alleging illegal monopolisation of the smartphone market.

China relaxed [rules for international data transfer](#) aiming to simplify adherence for foreign enterprises operating within China.

Economic

The Australian watchdog [has announced](#) plans to investigate internet search engines and the use of generative AI in searches. In Europe, Big Tech is racing to comply with the EU's Digital Markets Act (DMA), with Apple, Alphabet, and Meta [currently under regulatory scrutiny](#) for their digital market practices. The Court of Justice of the EU (CJEU) [ordered](#) Amazon to disclose advertising data publicly under the Digital Services Act (DSA).

The London Stock Exchange introduced [criteria for crypto ETNs](#), setting a new course for cryptocurrency trading. Hong Kong tightened regulations on stablecoin issuers through a [new sandbox arrangement](#).

Development

Ethiopia introduced [digital ID cards for refugees](#), improving service access. The UK [has unveiled](#) a digital development strategy to narrow the global technological divide.

A joint report by ITU and the World Bank stressed the necessity of [policies to address the environmental impact of the ICT sector](#). UN agencies cautioned about [rising global electronic waste](#) and declining recycling rates.

Sociocultural

ByteDance [is cornered](#) by legislative demands to sell off TikTok or face a ban in the USA. Researchers have flagged a growing threat of [AI-enabled scams spreading fake news](#). Google [tightened the reins](#) on its AI chatbot Gemini, limiting election response capabilities and [announced](#) the suspension of all political ads in South Korea leading up to the country's general elections in April. OpenAI [secured news content deals](#) with Le Monde and Prisa. Japan [is considering](#) legally binding regulations for large-scale AI systems to tackle disinformation.

Irish officials are [probing](#) Temu for DSA compliance. The EU is [to investigate AliExpress](#) for potential DSA breaches. The EU rolled out [guidelines to combat election disinformation](#).

THE TALK OF THE TOWN – GENEVA

The [Group of Governmental Experts \(GGE\) on Lethal Autonomous Weapons Systems \(LAWS\)](#) met from 4 to 8 March. [Country representatives provided their views](#) on the characteristics and definitions of 'emerging technologies', the application of international humanitarian law (IHL) in relation to human control, judgement, and/or involvement, and various risk mitigation and confidence-building instruments. The second part of the meeting will be held from 26 to 30 August.

On 5 March, the [Geneva Science and Diplomacy Anticipator \(GESDA\)](#) and the [European Organization for Nuclear Research \(CERN\)](#) [launched the Open Quantum Institute \(OQI\)](#) with the support of the [Union Bank of Switzerland \(UBS\)](#). The [OQI](#) is a three-year programme that aims to accelerate quantum computing applications in a few SDG-related use cases, such as health, energy, climate action, clean water, and food security.

The [9th WIPO Conversation on Intellectual Property \(IP\) and Frontier Technologies](#) took place under the theme 'Training the Machines – Bytes, Rights and the Copyright Conundrum'. The 2-day event explored the relationship between training data and IP, focusing on fair use in generative AI models and creator compensation.

UN OEWG on ICT security: accelerated efforts amid divisions

The UN Open-Ended Working Group (OEWG) on security of and in the use of information and communications technologies 2021–2025 held its seventh substantive session on 4-8 March 2024, discussing the themes under its mandate: threats, norms, international law, confidence-building measures, capacity building, and regular institutional dialogue.

With 18 months until the end of the group's mandate in 2025, a sense of urgency can be felt in the discussions, **particularly on the mechanism that will follow the OEWG.**

AI is increasingly prevalent in **the discussion on threats, with ransomware and election interference rounding up the top three threats.**

The use of cyber operations to interfere with democratic processes, IP theft, data breaches, violation of privacy, cryptocurrency theft, and the burgeoning cyber intrusion market were also discussed.

There is still **no agreement on whether new norms are needed.** Several delegations mentioned the accountability and due diligence issues in implementing the agreed norms, while some addressed the chair's questions on implementing critical infrastructure protection (CIP) and supply chain security-related norms. Multiple delegations welcomed the chair's [draft of the norms implementation checklist](#).

Agreement on whether and how international law and international humanitarian law (IHL) apply to cyberspace is also elusive. The member states have held their previous positions on the applicability of international law, with most states confirming the applicability of international law to cyberspace, including the UN Charter, international human rights law and IHL. However, **Belarus, Burkina Faso, China, Pakistan, and Russia favour developing a new legally binding treaty. China, Pakistan, and Sri Lanka have called for additional efforts to develop an understanding of the applicability of IHL to cyberspace and its gaps.**

The [official launch of the Points of Contact \(POC\) directory](#) is scheduled for 9 May, which led to the discussion revolving around the operationalisation of the PoC directory. States

expressed support for additional confidence-building measures (CBMs) to protect critical infrastructure and coordinated vulnerability disclosure.

Bolstering capacity building efforts and the need for additional resources to sustainably support such efforts were highlighted. **Multiple delegations highlighted the importance of self-assessment tools for improving states' participation in capacity building programmes.**

States agree that the mechanism in which regular institutional dialogue on ICT security will be held after the OEWG 2021-2025 ends **must be single-track and consensus-based.** But whether it will take the shape of another OEWG or the Programme of Action (PoA) is still up in the air. Russia, Belarus, Venezuela, and Iran are also in favour of another OEWG. On the other hand, multiple delegations expressed support for the PoA, including the EU, the USA, the UK, Canada, Latvia, Switzerland, Cote d'Ivoire, Croatia, Belgium, Slovakia, Czechia, Israel, and Japan. Several countries didn't express support for either the PoA or the OEWG but noted some of the elements the future mechanism should have.

What's next?

A jam-packed year! In mid-April, the chair will revise the discussion papers circulated before the 7th session. On 9 May, the POC Directory will be launched, followed by a global roundtable meeting on ICT security capacity-building on 10 May. A dedicated intersessional meeting will be held between 13-17 May. Looking ahead to the second half of 2024, the 8th and 9th substantive sessions are planned for 8-12 July and 2-6 December. A simulation exercise for the PoC directory is also on the schedule, along with the release of capacity building materials by the OEWG Secretariat, including e-learning modules.

A longer version of this blog first appeared on the [Digital Watch Observatory](#). Read the [full version](#) of the blog.

Reports and transcripts from the session, generated by our [DiploAI](#) tools, are available on the [dedicated page](#).

Global Digital Compact's Zero Draft is here!

As the journey toward establishing a [Global Digital Compact \(GDC\)](#) progresses under the UN auspices, co-facilitators of the process – the Permanent Missions of Sweden and Zambia – have unveiled a [Zero Draft](#). This preliminary document sets the stage for forthcoming intergovernmental negotiations ahead of the Summit of the Future, where the GDC will be endorsed.



Spanning 13 pages, the draft delineates five primary objectives and ten guiding principles aimed at steering us toward an inclusive, secure, and equitable digital future.

The objectives include: (1) closing the digital divide and accelerating progress across the SDGs; (2) expanding opportunities for inclusion in the digital economy; (3) fostering an inclusive, open, safe, and secure digital space; (4) advancing equitable international data governance; (5) governing emerging technologies, including AI, for humanity.

The principles – which are meant to guide digital cooperation efforts – are: **inclusive, development-focused, human rights-based, gender equal, environmentally sustainable, accessible and interoperable, responsible and accountable, innovation-friendly, multistakeholder, and forward-looking.**

The Zero Draft then outlines a set of actions and commitments to support the achievement of the objectives. Some of them refer to creating new mechanisms and processes, such as a UN Digital Human Rights Advisory Service, an International Scientific Panel on AI for comprehensive risk assessments, and an annual global dialogue on AI governance.

Regarding the follow-up and review mechanisms for the GDC, the Zero Draft references existing UN bodies and processes. This includes leveraging the outcomes of the World Summit on the Information Society (WSIS) to bolster GDC implementation, acknowledging the role of the Commission on Science and Technology for Development

(CSTD), and integrating GDC commitments into forthcoming WSIS reviews.

It also recognises the significance of the Office of the High Commissioner for Human Rights (OHCHR) and the Human Rights Council in safeguarding human rights in the digital sphere. Additionally, it highlights the roles of the High-Level Political Forum on Sustainable Development and the Economic and Social Council (ECOSOC) in monitoring GDC progress, alongside a call for all UN entities to support GDC implementation.

The Zero Draft reaffirms the Internet Governance Forum (IGF) as a crucial platform for fostering an inclusive digital environment. It recommends the establishment of a dedicated office within the UN Secretariat to coordinate digital affairs and proposes the creation of a GDC portal for reporting voluntary implementation efforts.

The Secretary-General is also requested to provide a Compact implementation map and establish a GDC portal for member states and stakeholders to report voluntarily on GDC implementation (both within 12 months).

Finally, the draft calls for a biennial High-Level Review of the GDC, ensuring comprehensive engagement from all stakeholders, commencing with the 80th session of the General Assembly (UNGA).

The UNGA is to convene a High-Level Review of the GDC with the participation of all stakeholders every two years, starting with its 80th meeting.

Deliberations on the GDC will continue as follows: The Zero draft of the GDC will be presented to member states and observers on 5 April 2024. Readings of the Zero Draft are planned for 12 April, 2 May, and 3 May 2024. Periodic meetings to update interested stakeholders will also be held, the first to be held on 24 April 2024.

Visit our [dedicated page](#) to read the [complete Zero Draft](#).

WTO e-commerce Moratorium: The last renewal?

The recent extension of the Moratorium on Customs Duties on Electronic Transmissions until 31 March 2026, agreed upon during the 13. Ministerial Conference of the World Trade Organization (WTO) in Abu Dhabi, marks a pivotal moment in global trade negotiations. This extension, while offering a temporary respite, also suggests **the potential end of the moratorium.**



Originally introduced in 1998, the Moratorium has been routinely prolonged. Its significance has heightened with the surge in digital consumption, particularly the shift from physical to online distribution of products like music and video. However, the classification of streamed content as either services or dematerialised goods has sparked debate over its susceptibility to tariffs.

During the recent negotiations, divergent stances emerged among WTO members regarding the Moratorium's fate. **While some, including OECD countries and China, advocated for its permanence, others, notably India, Indonesia, and South Africa, pushed for its termination.**



Image credit: WTO.

Traditionally, the moratorium served as a bargaining tool in intricate WTO negotiations. However, the failure to reach consensus on crucial issues such as agricultural and fisheries subsidies during the Abu Dhabi conference propelled the moratorium into the spotlight.

The language used in extension agreements reveals the shifting dynamics of the

negotiations. Previous renewals included explicit references to the necessity of decisions to extend, aimed at preventing the moratorium from becoming permanent. However, the absence of such references in the Abu Dhabi agreement indicates a compromise between proponents and opponents, hinting at **an expectation of non-renewal beyond 2026.**

While the possibility of renewal remains in the future of Ministerial Conferences, the political landscape surrounding discussions at the 13th Ministerial Conference suggests slim prospects.

Nevertheless, even if the moratorium is not renewed post 2026, many countries have already **committed to a moratorium on customs duties** as part of free trade agreements (FTAs) that they celebrated. According to the OECD, **95% of digital trade chapters include such provisions.** Moreover, if a moratorium is agreed in the Joint Initiative on e-commerce (JI), where a customs duties moratorium is being discussed, at least 90 countries would abide by it at the WTO.

It bears to mention that some countries argue that JIs go against consensus-based decision-making and weaken multilateralism at the WTO. India, South Africa, and Namibia in particular, introduced a communication questioning the legality of JIs and their outcomes.

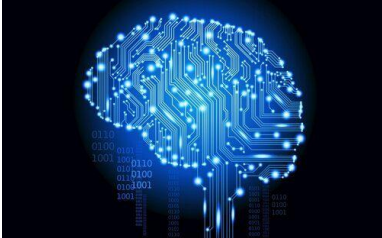
However, FTAs could be seen as the way to 'get things done' if the opposition to JIs manages to deter the incorporation of outcomes from JIs into the WTO legal architecture.

The end of the e-commerce moratorium would certainly create policy space for countries which have not committed to the non-introduction of customs duties, but it isn't clear whether and how they would make use of such space.

This text has been adapted from the following blogs: [13th WTO Ministerial Conference: What is at stake for digital trade?](#) and [WTO e-commerce Moratorium: The last renewal?](#)

First-ever UN resolution on AI adopted unanimously

The UN General Assembly has [adopted its first-ever resolution on AI](#), marking a historic moment in the global dialogue on technology.



Spearheaded by the USA and co-sponsored by 123 countries, including US geopolitical rivals such as

Russia and China, the resolution results from months of collaborative efforts. It was **adopted unanimously without a vote, with a broad consensus among all 193 UN member nations regarding the principles governing the use of AI technology.**

US Vice President Kamala Harris hailed the resolution as a historic step towards guiding the safe deployment and advancement of AI, emphasising its imperative alignment with the public interest and protecting individuals from potential harm. Ambassador Linda Thomas-Greenfield highlighted the consensus achieved, stating that it reflected a unified commitment by UN member states to advancing technological progress.

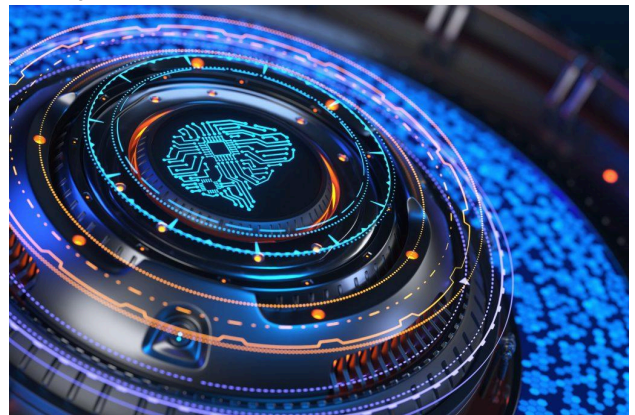
The resolution underscores a global commitment to harnessing AI for collective benefit while ensuring adherence to human rights and that it is 'safe, secure and trustworthy'.

At the core of the resolution lies a commitment to bridge the digital gap between affluent nations and developing economies. The resolution strives for equitable participation in AI discussions and empowering developing nations with the necessary technological infrastructure and capabilities to leverage AI's benefits. These benefits encompass diverse realms, from disease detection and disaster prediction to agricultural support and workforce development.

Acknowledging the rapid evolution of AI, the resolution underscores the urgent need for

global consensus in fostering the development of safe, secure, and trustworthy AI systems. It acknowledges the evolving nature of AI governance and calls for continued deliberations on viable governance approaches, emphasising the symbiotic relationship between innovation and regulation.

Aligned with the UN's sustainable development goals for 2030, **the resolution envisions AI as a catalyst for progress in critical areas such as eradicating hunger and poverty, enhancing global health, ensuring universal education, and promoting gender equality.** It encourages UN member states to collaborate in facilitating access to digital transformation and secure AI systems, underscoring the paramount importance of upholding human rights and fundamental freedoms in AI development and deployment.



The resolution is non-binding. But it serves as a pivotal guidepost for responsible AI practices. It encourages stakeholders across diverse sectors, including governments, tech communities, civil society, academia, and media, to develop and uphold regulatory frameworks conducive to the safe deployment of AI. Moreover, it cautions against inappropriate or malicious design, development, deployment, and use of AI systems without adequate safeguards or in a manner inconsistent with international law. The resolution also **stresses the importance of respecting human rights and fundamental freedoms through the life cycle of AI systems.**

'Yes Minister' as the novel Turing Test for advanced AI

In the rapidly changing landscape of AI, distinguishing between AI and human capabilities becomes increasingly tricky. **Once considered the gold standard for assessing machine intelligence, the Turing Test needs an update** to account for the sophisticated nuances of human conversation and thought processes.

British sitcom 'Yes Minister' enters the picture as an unconventional but insightful candidate for a new type of Turing Test.

The sitcom chronicles the exploits of Minister Jim Hacker, his secretary Bernard, and the chief bureaucrat Sir Humphrey Appleby.

Sir Humphrey avoids giving straight answers, uses ambiguous bureaucratic language, and bureaucratic stalling tactics, plays the blame game and uses an entire taxonomy of bureaucratic silence. With his mastery of language and deep bureaucratic savvy, Sir

Humphrey's conversations, laden with evasion, ambiguity, and wit, highlight the sophisticated layers of human communication and institutional memory that AI systems like ChatGPT cannot easily emulate.

AI cannot yet compete with human intelligence and creativity in the depth of contextual understanding, emotional intelligence, the subtlety of social interactions, and the ability to navigate complex institutional memories.

The nuances of humour, irony, and the unspoken word remain uniquely human territories, underscoring the importance of continuously advancing AI capabilities while acknowledging the irreplaceable value of human insight and creativity.

A longer version of this blog first appeared on Diplo's blog roll. Read the [full version of the blog](#).

Ask Sir Humphrey | 'Yes Minister' Chatbot
⚙️

How are you?

Mar 17, 14:10

As Sir Humphrey, I find myself in the delightful position of navigating the turbulent waters of bureaucracy, while attempting to steer our new Prime Minister towards a course of 'masterly inactivity'. I am, as ever, the civil servant's civil servant, a beacon of tradition in a sea of change. My days are filled with the gentle art of persuasion, the subtle dance of diplomacy, and the occasional necessity of translating my own eloquence into plain English. Despite the Prime Minister's insistence on 'making his mark', I remain, as always, the immovable object to his unstoppable force. In short, I am the steadfast rudder in the ship of state, ensuring we stay on course, even if the captain has other ideas.

👍
👎

Mar 17, 15:10

Sources ⓘ

G^{hd}

Application powered by **DIPLO**

Visit our 'Yes Minister' chatbot and chat with Sir Humphrey!

About this issue: Issue 88 of the Digital Watch monthly newsletter, published on 4 March 2024 by the Geneva Internet Platform and DiploFoundation. For more coverage and analysis, visit the [Digital Watch observatory](#)

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