

Geneva Internet Platform

DigitalWatch

NEWSLETTER

You receive hundreds of pieces of
information on digital policy.
We receive them, too.
We decode, contextualise, and analyse them.
Then we summarise them for you.

DIGITAL POLICY TRENDS IN FEBRUARY & MARCH

1. Efforts to curb the spread of harmful content intensify

In the past few years, authorities have been applying more pressure on tech companies to monitor and remove hate speech and violent extremism. Although companies have been implementing new tools, governments are planning stricter rules which place more responsibility on companies (especially the bigger companies) and are tougher on those who spread harmful content.

One recently announced plan is by the French government, which will require platforms to take stronger preventive measures towards hateful and racist content, and to ensure that the internal moderation process is transparent and human-controlled. The draft law, which will incorporate proposals made in a 2018 report on fighting online racism and anti-Semitism, will demand large companies to remove hate speech within 24 hours, and terrorist content in much less time.

In Canada, the new National Expert Committee on Countering Radicalization to Violence will help ensure

the implementation of the national strategy. New rules in India will require social media platforms to implement automated screening tools and remove posts or videos which officials consider 'libelous, invasive of privacy, hateful, or deceptive'. Pakistan plans to do the same: the Information Minister has announced 'a mechanism... to control hate speech on social media'.

The issue has also caught the attention of UN Secretary General Antonio Guterres, who has mandated the Special Advisor on Genocide Prevention, Adama Dieng, to 'bring together a UN team to scale up our response to hate speech, (to) define a system-wide strategy and present a global plan of action on a fast track basis'.

Although self-regulation and new rules present a stronger way of curbing the spread of harmful content, this is not sufficient. Appropriate frameworks need to incorporate awareness-raising campaigns and programmes that promote tolerance and increase the levels of digital literacy.

Predictions continue on page 3



Credit: Jon Tyson on Unsplash

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TRENDS

Issues related to the Internet economy, including competition and taxation practices, have surfaced again. Pressure on tech companies continues to mount.

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COPYRIGHT

After years of deliberation, the European Parliament has approved the Copyright Directive. Concerns have not died out, however.

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ARTIFICIAL INTELLIGENCE

Several countries have launched national strategies on artificial intelligence in recent years. We take a look at strategies that were launched in recent weeks.

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UPCOMING

We look ahead at the digital policy calendar to highlight the main global discussions taking place in the next few weeks.

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Issue no. 38 of the *Digital Watch* newsletter, published by the Geneva Internet Platform (GIP) and DiploFoundation | Contributors: Stephanie Borg Psaila (Editor), Jainee Feliz-Cabrera, Andrijana Gavrilović, Stefania Grottola, Pavlina Ittelson, Marco Lotti, Natalie Meyer, Clement Perarnaud, Vladimir Radunovic, Sorina Teleanu | Design by Viktor Mijatović, layout by Aleksandar Nedeljkov, Diplo's CreativeLab | In addition to the *Digital Watch* newsletter, read our in-depth coverage of developments on the *GIP Digital Watch* observatory (<https://dig.watch>) and join our online briefing on the last Tuesday of every month (<https://dig.watch/briefings>) | Send your comments to digitalwatch@diplomacy.edu | Download your copy at <https://dig.watch/newsletter/febmar2019>

DIGITAL DEVELOPMENTS IN GENEVA

Many policy discussions take place in Geneva every month. The following updates cover the main events of the month. For event reports, visit the Past Events section on the *GIP Digital Watch* observatory [🔗](#)

Humanitarian Networks and Partnerships Week (HNPW)

The conference, which ran on 4–8 February [🔗](#) was dedicated to consultations and discussions on humanitarian networks and partnerships. Benefiting from the contribution of experts in crisis preparedness and response, the conference also addressed digital-related topics. The week highlighted the work of the UN Office for the Coordination of Humanitarian Affairs' (OCHA) Center for Humanitarian Data, and the Humanitarian Data Exchange, and highlighted projects such as iTRACK, funded by the European Commission.. The event highlighted the challenges and opportunities related to the collection of large amounts of personal data for humanitarian purposes, the importance for data protection, and the responsibility of stakeholders when collecting and using data for humanitarian activities. *Read the events reports.* [🔗](#)

40th Session of the Human Rights Council (HRC)

The Special Rapporteur on the Right to Privacy's report, submitted during the 40th session which ran from 25 February to 22 March, focused on intelligence oversight and data exchanges among different intelligence agencies. The report concluded that regional legal frameworks ensuring data protection (e.g. the EU's GDPR) 'while important [...] are not sufficient for extending privacy protection to the field of national security'. More legal certainty in protecting privacy in the surveillance field was needed, especially with regard to data exchanges among different security agencies. The report includes the results of the rapporteur's work on privacy and gender, as well as privacy and health data. Side events tackled the issue of the right to privacy in the digital world and the relevance of human rights standards in the era of artificial intelligence (AI). *Read the events reports.* [🔗](#)

30th anniversary of the World Wide Web at CERN

On 20 March, CERN celebrated the 30th anniversary of the World Wide Web with a discussion with web pioneers and leading experts on the challenges and opportunities of innovative technologies, past, present, and future. The first panel discussed the early evolution of the Internet, and how it thrived on its open and public nature. The second panel focused on the technology evolution, and future challenges and opportunities. One major challenge related to the collection of user data. Since privacy notions vary around the world, the challenge is to foster cooperation among different socio-cultural spaces. There is still a need for current international institutions to discuss data governance outside silos. *Read the events reports.* [🔗](#)

Symposium on the Future Networked Car

Panellists during the Symposium organised by the International Telecommunication Union (ITU) and the UN Economic Commission for Europe (UNECE), on 7 March, addressed issues of standards for networked cars to increase road safety as well as cybersecurity concerns for connected cars. Discussions focused on the implementation of AI in car modules and inboard systems to assist drivers, and the use of self-driving cars. The panellists spoke about the deployment of automated mobility services and how their implementation will affect suppliers of car manufacturers. They also discussed the impact of existing and draft regulations on the development of networked and automated cars. *Read the events reports.* [🔗](#)

Group of Governmental Experts on Lethal Autonomous Weapons Systems (GGE LAWS)

The discussions, which took place on 25–29 March at the Palais des Nations, focused on the need to define autonomous systems, and their compliance with International Humanitarian Law (IHL). Discussions stressed the need for a greater understanding of how reliable and predictable fully autonomous systems are. Systems designed to conduct military operations without human intervention are of special concern. A qualitative measurement is needed in order to comply with the principles of proportionality, distinction, and precaution, which can be ensured only by human commanders and combatants, and therefore, by 'meaningful' human control. *Read the events reports.* [🔗](#)

Roundtable on International Digital Governance

The roundtable, organised by the Organisation Internationale de la Francophonie (OIF) on 28 March, highlighted the rapid developments caused by the digitalisation of societies. The French Ambassador on Digitisation presented France's priorities for an open and free Internet. Panellists focused on harnessing new technologies such as blockchain, and noted the importance of regulating it early on in its development. Another challenge was taxation of the digital economy: the OECD's base erosion and profit shifting project (BEPS) was highlighted as an example of finding global solutions to transnational problems.

DIGITAL POLICY TRENDS IN FEBRUARY & MARCH

Continued from page 1

2. Cybersecurity: Old concerns and new policy initiatives

Cyber incidents have not abated. In early March, a cyber-attack on Venezuela's hydroelectric power operations caused a major power outage. The country's president attributed the cyber-attack to the USA...

Looking ahead, cybersecurity concerns are looming over upcoming elections in Europe and Indonesia. Security firm FireEye has alleged that two Russian state-sponsored hacking groups have targeted European government systems...

Indonesia's elections are also vulnerable to attacks: the head of the country's General Elections Commission said that hackers are attacking the country's voter database in an attempt to create fake votes identities.

As more cyber threats emerge, governments and inter-governmental organisations are coming up with new policy and regulatory initiatives to address the issues. The EU's Council adopted the EU Law Enforcement Emergency Response Protocol...

One can easily predict that there will be more cyber attacks and interference with critical infrastructures and electoral systems. Simultaneously, questions will continue to arise on the effectiveness of policy responses when it comes to ensuring protection from or responses to cyber-attacks.

3. The Internet economy in focus... again

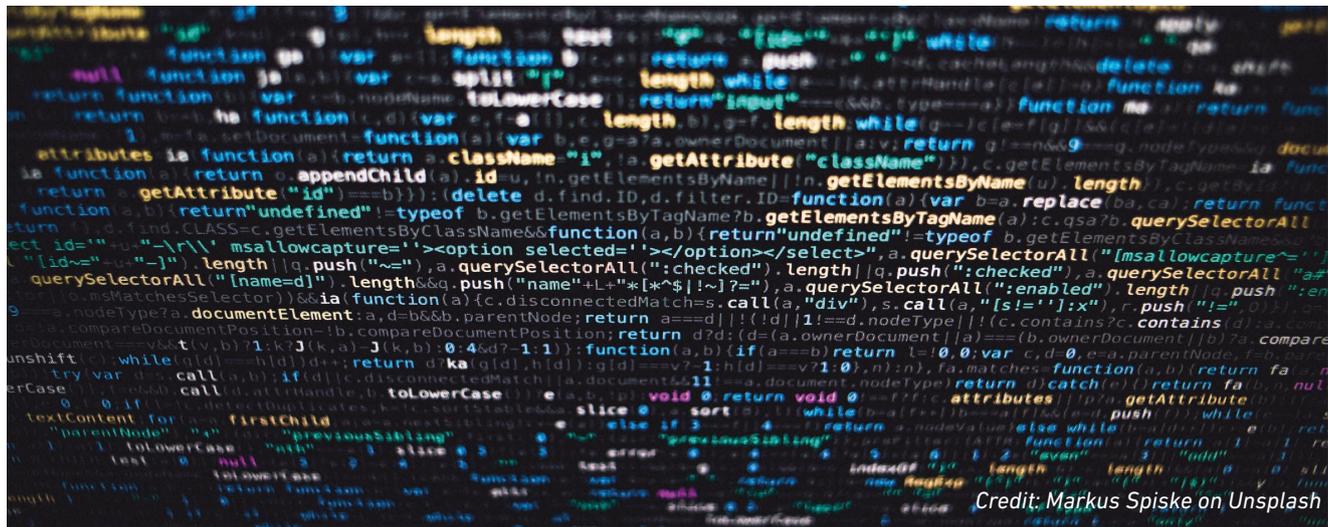
The pressure on tech companies to tackle concerns over harmful content, competition practices, and tax rules, continued to mount. The number of fines imposed by authorities has also risen.

In March, the European Commission fined Google €1.49 billion for abusing its dominant position in the market for online advertising related to its AdSense advertising service.

Uber has also been dealing with many regulatory challenges, and is now working with regulators to address issues such as operating licenses and drivers status. The company recently consented to paying a fine of €2,3 million to settle charges concerning past violations of the Taxi Act in the Netherlands.

Taxation practices is another contentious issue, especially in Europe. Many EU member states are in favour of common rules for large tech companies; others prefer a more global approach.

France is one of them. After announcing its plans in December, the French government recently unveiled its plans to introduce a 3% tax on the revenues obtained in France by large Internet companies such as Google and Amazon.



Credit: Markus Spiske on Unsplash

DIGITAL POLICY: DEVELOPMENTS IN FEBRUARY & MARCH

The monthly Internet Governance Barometer tracks specific Internet governance (IG) issues in the public policy debate, and reveals focal trends by comparing issues every month. The barometer determines the presence of specific IG issues in comparison to the previous month. [Read more about each update.](#)

Global IG architecture



same relevance

During the 32nd Assembly of the African Union, heads of states and governments called for digital transformation of the continent.

Participants in the Going Digital Summit, organised by the Organisation for Economic Development and Co-operation (OECD) discussed opportunities and challenges of the digital economy. *Session reports are available on the Digital Watch observatory.*

The United Nations Office for South-South Cooperation launched a digital tool to support south-south digital cooperation.

Sustainable development



same relevance

The UN Economic and Social Commission for Western Asian outlined recommendations for harnessing digital technologies for development in the Arab region.

The World Government Summit called on public sector organisations to integrate big data into decision making processes and to develop digital agendas.

The UK and South Africa will co-lead the Commonwealth Digital Connectivity Agenda, to support digital trade.

Security



increasing relevance

The European Commission ordered the recall of *Enox Safe-Kid-One* children's smartwatches. The Commission also set up an Expert Group on Safer Internet for Children to improve co-operation between member states in protecting children rights online. The African Union made an urgent call for the protection of children online.

The European Parliament adopted the Cybersecurity Act, which defines cybersecurity certification schemes for products, processes, and services.

The Council of the EU adopted the EU Law Enforcement Emergency Response Protocol, outlining procedures, roles, and responsibilities of key agencies in providing response to cross-border cyber incidents.

NATO is developing a Cyber Security Collaboration Hub for its member states to gather information and collaborate in an encrypted workspace.

Australia detected an attack on the national parliament's computer network and believes that a sophisticated state actor is responsible. A US cybersecurity company discovered a new variant of the Mirai malware. Maltese Bank of Valletta was affected by a cyber-breach which allowed hackers to transfer €13 million to accounts in the USA, the UK, the Czech Republic, and Hong Kong.

E-commerce & Internet economy



increasing relevance

India's Competition Commission is looking into whether Google has abused its position on the mobile operating systems market. France unveiled plans to impose a 3% tax on large Internet companies.

Lithuania, Luxemburg, Malta, the Netherlands, and Sweden oppose the European Commission's proposal to remove the veto power that member states have over EU tax reforms. This has implications for the previously proposed EU tax for large Internet companies.

Uber agreed to pay a €2.3 million fine to settle charges for violating the Taxi Act in the Netherlands. The company also consented to paying \$20 million to settle US drivers class action.

Arizona attorney found no basis for criminal liability for Uber in the 2018 self-driving car accident.

Multinational bank J.P. Morgan Chase & Co created the first US bank-backed cryptocurrency, the JPM coin, equivalent to 1 USD. The coin will be used for instantaneous payments between institutional accounts. Facebook gets closer to creating its own cryptocurrency.

Luxembourg created a regulatory framework for blockchain transactions, giving them the same legal status as traditional transactions. The German Ministry of Finance has urged the introduction of a regulatory framework for blockchain-based securities.

Digital rights



increasing relevance

The German Federal Cartel Office ordered Facebook to stop combining users' data from other Facebook-owned platforms such as WhatsApp and Instagram, without voluntary consent.[↗](#) In the USA, the New York governor ordered an investigation into Facebook accessing and collecting personal data from users' mobile apps.[↗](#) Facebook CEO Mark Zuckerberg indicated the company's intention to develop a 'privacy-focused vision for social networking'.[↗](#)

In its fourth evaluation of the Code of Conduct on Countering Illegal Hate Speech Online, the European Commission concludes that the code is an 'effective tool to face hate speech'.[↗](#) The UN Secretary-General mandated his Special Advisor for the Prevention of Genocide to create a UN team to prepare a strategy and action plan against hate speech.[↗](#) France announced a plan of action against hateful content online.[↗](#)

Partner organisations of the Council of Europe's Platform for the Protection of Journalism and Safety of Journalists call on states to improve conditions for media freedom and provide legal and practical protections for journalists.[↗](#)

The Council of Europe issued a new set of guidelines on the protection of health-related data.[↗](#)

EU institutions reached a political agreement on the Copyright Directive, requiring online platforms to conclude licensing agreements with rights-holders to feature their work online.[↗](#)

Jurisdiction & legal issues



increasing relevance

Huawei sued the US government over an equipment ban.[↗](#)

The European Commission fined Google €1.49 billion for abusing its dominant position in the market for online advertising.[↗](#)

Tech firms proposed policy principles for planned Internet regulation to the UK government.[↗](#)

Social media platforms were placed under increased scrutiny, following New Zealand shooting.[↗](#)

Russian President Vladimir Putin signed a law banning the dissemination of fake news online.[↗](#)

NATO is holding internal consultations on Huawei security concerns.[↗](#)

Infrastructure



same relevance

Russia intends to lay a new fibre optic cable along its Arctic coast.[↗](#)

The cost of Internet access in 2018 dropped everywhere in the world except in low-income countries, study shows.[↗](#)

New generic top-level domains and universal acceptance for Internationalised Domain Names were in focus at ICANN64.[↗](#)

Net neutrality



decreasing relevance

According to a study on the net neutrality situation in the EU,[↗](#) zero-rating practices implemented by wireless providers have led to an increase in the cost of wireless data, compared to countries without zero-rating practices.

A new bill to restore net neutrality was introduced in the US Congress.[↗](#)

US President Donald Trump presented the American AI Initiative,[↗](#) while the Department of Defense launched its own AI strategy.[↗](#) India plans to launch a new national programme on AI.[↗](#) The UK will allocate up to £100 million for a programme focused on training the next generation of AI experts.[↗](#)

New technologies (IoT, AI, etc.)



increasing relevance

The Committee of Ministers of the Council of Europe adopted a Declaration on the manipulative capabilities of algorithmic processes, drawing attention to the threats that automated systems could pose to human rights.[↗](#)

The UK launched a public consultation on a code of practice for testing automated vehicles in public places.[↗](#) The European Telecommunications Standards Institute released a cybersecurity standard for IoT products.[↗](#)

AI weapons may be harder to control than nuclear ones, warned former US Secretary of State Henry Kissinger.[↗](#)

Facebook announced a new AI tool to fight revenge porn online.[↗](#)

EUROPEAN PARLIAMENT APPROVES NEW COPYRIGHT DIRECTIVE

After two years of heated debates, the European Parliament passed its Directive on Copyright and Related Rights in the Digital Single Market (the Copyright Directive). What are the main controversies?

While the EU's aim is to unify the digital market and protect the rights of authors in an online environment, the advocates of an open Internet argue that the Copyright Directive will limit access to information and restrict freedom of expression. The most controversial articles of the Copyright Directive are Article 15 (the so-called 'link tax', previously Article 11) and Article 17 (the upload filter, previous article 13).

Article 15 requires that authors of works incorporated in a press publication receive an appropriate share of the revenues paid by the information society service providers (though mere hyperlinks accompanied by individual words are exempted from these payments). The proponents of this directive seek to strengthen the position of authors, and provide them with a system of fair remuneration for the use of their works. Critics of this legislation have described this rule as a tax, and have also criticised its vague wording.

An even bigger debate has surrounded Article 17, which requires online content sharing service providers to obtain an authorisation (licence) from rights-holders (content creators) in order to distribute content online. If online sharing service providers fail to do so, they will be held liable for unauthorised distribution unless they undertake their 'best efforts' to prevent such a situation. With the enormous amount of content being uploaded by content creators every minute, the only way to ensure compliance with this regulation is through the use of so-called upload filters.

Critics of Article 17, which included the UN Special Rapporteur on Freedom of Expression, expressed several concerns. Service providers will now be in position to monitor, and restrict, user-generated content before it is uploaded, impinging on pluralism of content and freedom of speech. With regards to the content to be filtered, the provision introduces an exception for the use of copyrighted works for caricature, parody, or pastiche. Yet, it remains to be seen how such content will be identified by upload filters.

The Copyright Directive is certainly good news for copyright holders, as it strengthens the rights of creators and users. Yet, it also imposes new responsibilities on online platforms and service providers, and introduces significant reporting obligations on producers. Due to the uncertain wording of several provisions, the Court of Justice of the European Union will quite likely be called upon to tackle issues of interpretation.

The new law will take effect after the European Council's vote, and its publication in the official journal. EU member states will have up to two years to transpose the regulation into their national legislations.

TIMELINE OF DEVELOPMENTS

14 September 2016. The new directive is proposed by the European Commission. Debates take off over Articles 11 and 13. [↗](#)

13 Jun 2018. The UN Special Rapporteur on freedom of expression voices serious concerns about the Directive's Article 13. [↗](#)

20 June 2018. The Legal Affairs Committee of the European Parliament (JURI) adopts the proposed version for copyright reform, including highly disputed Articles 11 and 13. [↗](#)

4 July 2018. The Polish, Spanish, and Italian pages of Wikipedia close down in protest of JURI's vote in favour of Articles 11 and 13. [↗](#)

12 September 2018. Amendments to the proposed Copyright Directive are approved by the European Parliament. Amendments include clearer provisions, but both articles remain highly disputed. [↗](#)

9 November 2018. Leaked Council of Europe document reveals that the proposed rules do not explicitly state if the existing liability protection is valid under Article 13. There are also clear exceptions for intermediaries that make an effort to prevent copyright infringements. [↗](#)

13 December 2018. Copyright activists and organisations sign new petition. [↗](#)

13 February 2019. The European Parliament, the Council of the EU, and the Commission announce that a political agreement has been reached. [↗](#)

11 March 2019. The UN Special Rapporteur on freedom of expression urges the EU to align the proposed directive with human rights standards. [↗](#)

26 March 2019. The Copyright Directive is approved by members of the European Parliament, with 348 members in favour and 274 against. [↗](#)

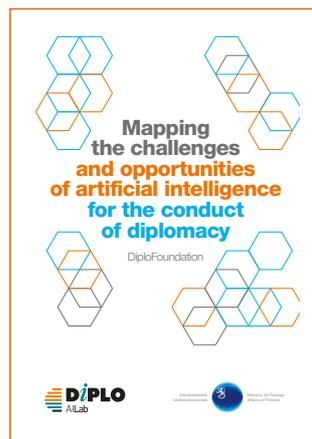


NEW ARTIFICIAL INTELLIGENCE INITIATIVES LAUNCHED

The past few years have seen an increasing number of countries developing their national strategies on artificial intelligence. We take a look at the strategies launched in the past months.

As DiploFoundation's report on diplomacy and AI indicates,[\[1\]](#) many of these strategies reflect a competitive tendency, as countries aim at leadership in this fast evolving field. The latest AI strategy, published by the USA, reconfirms this trend: The American AI Initiative,[\[2\]](#) outlined in an executive order signed by President Trump, is dedicated to 'maintaining American leadership in AI'.

To achieve such leadership, the strategy revolves around several priority areas, from driving technological breakthroughs in AI, to training current and future generations and fostering public trust in the technology, while protecting civil liberty. The initiative also calls for an action plan to protect US advantage in AI technology 'against strategic competitors and adversarial nations'.



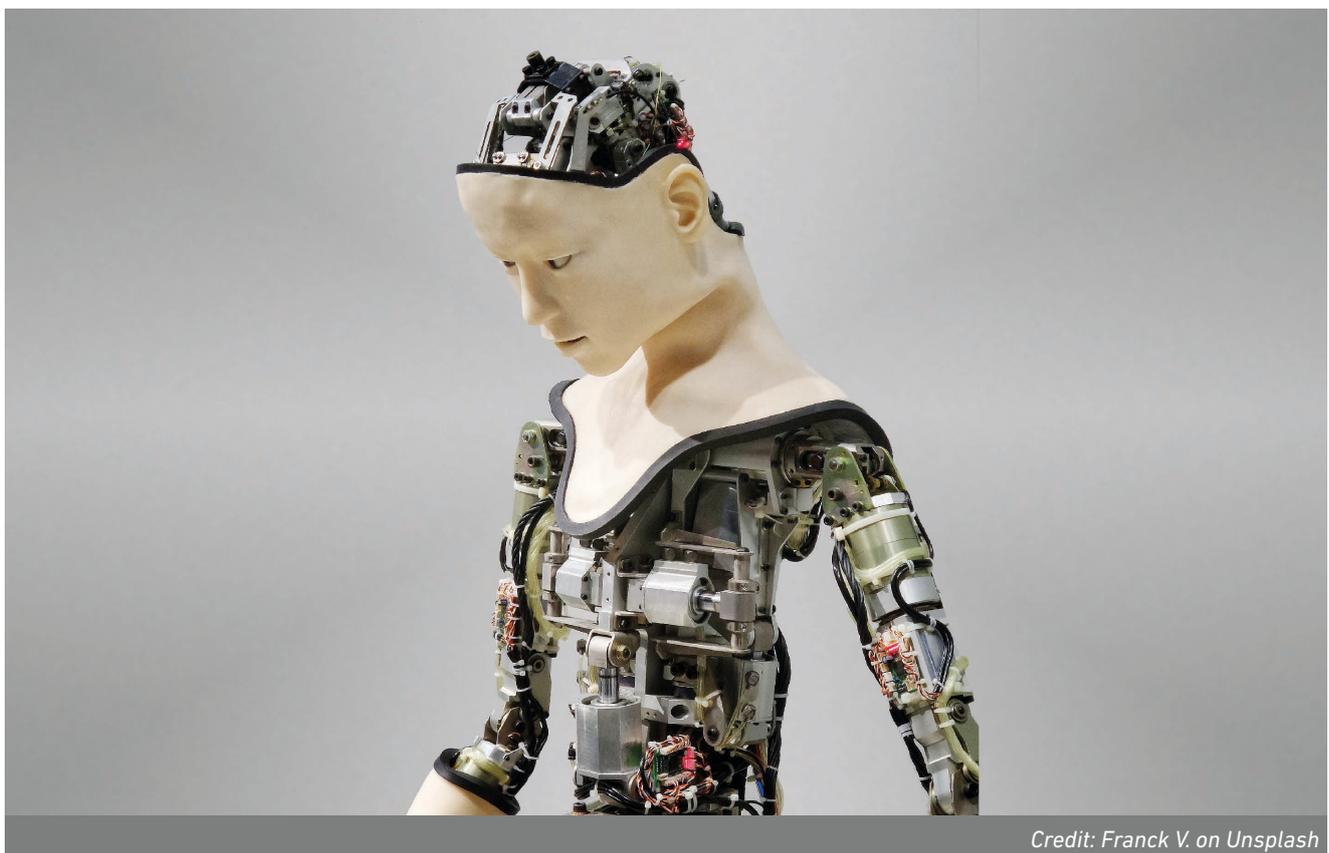
In a second development from the USA, the Department of Defense (DoD) launched its own AI strategy[\[3\]](#) to accelerate the deployment of AI as a tool to enhance military decision-making and operations. In the light of recent concerns around the use of AI technology by the military, the DoD also announced plans to develop

guiding principles for using the technology 'in a lawful and ethical manner'.

As AI continues to find its way into many sectors of the economy and society, countries are realising that they need more focus on capacity development initiatives. In February, the UK government announced the allocation of up to £100 million to support a nationwide programme focused on training the next generation of AI experts.[\[4\]](#) India also intends to launch a new national programme on AI,[\[5\]](#) to include an AI hub, centres of excellence, and a national AI portal meant to allow citizens to access AI technologies.

Another significant development in February came from the Council of Europe, whose Committee of Ministers adopted a Declaration on the manipulative capabilities of algorithmic processes.[\[6\]](#) The declaration draws attention to the threats that automated systems could pose to human rights and democratic societies, and calls on member states to consider the development of additional protective frameworks. It also underlines the need for multistakeholder dialogue, and encourages countries to promote user empowerment and digital literacy.

For more updates on AI developments and strategies, visit the AI policy space on the *GIP Digital Watch* observatory.[\[7\]](#)



Credit: Franck V. on Unsplash

THE MAIN DIGITAL POLICY EVENTS NEXT MONTH

We look ahead at the digital policy calendar to highlight the main global discussions taking place in April. For some of them, the observatory will provide reports from individual sessions, and a final report summarising the discussions.

April



1–5 APRIL

eCommerce Week 2019: From Digitalization to Development (Geneva, Switzerland) [↗](#)

Organised by United Nations Commission on Trade and Development (UNCTAD), the 2019 edition of eCommerce Week will emphasise the need to break down silos – among institutions, government, and policy areas – for an effective contribution of e-commerce towards sustainable development.

Session reports will be available on the Digital Watch observatory.



1–5 APRIL

Internet Freedom Festival 2019 (Valencia, Spain) [↗](#)

The fifth Internet Freedom Festival will be titled '5 Years Joining Forces to Fight Censorship and Surveillance | The Global Unconference of the Internet Freedom Communities'. The event will explore seven themes: on the frontlines; the next Net; training and best practices; hacking the Net; community resilience; policy, privacy, and advocacy; and journalism and media.



4–5 APRIL

2nd Western Balkan Digital Summit (Belgrade, Serbia) [↗](#)

Hosted and organised by the Republic of Serbia and supported by the Regional Cooperation Council, the Summit will be based on four main themes: digital skills, trust and security, networks and connectivity, and digital economy and society. It will explore the development and application of digital technologies, as well as discuss sustainability, co-operation, and citizen-centred policy.

Session reports will be available on the Digital Watch observatory.



6–7 APRIL

World Economic Forum on the Middle East and North Africa (Dead Sea, Jordan) [↗](#)

The conference, organised by the World Economic Forum (WEF) in partnership with King Abdullah II Fund for Development (KAFD), will address geopolitical shifts and humanitarian challenges in the region and explore the impact of the 4th industrial revolution – a new era in the global economy promising huge opportunities, resulting from the convergence of digital information and technological advancements in various economic fields.



8–12 APRIL

World Summit on the Information Society (WSIS) Forum 2019 (Geneva, Switzerland) [↗](#)

Co-organised by the International Telecommunications Union (ITU); the United Nations Educational, Scientific and Cultural Organization (UNESCO); the United Nations Development Programme (UNDP); and the United Nations Conference on Trade and Development (UNCTAD), the tenth WSIS Forum will be held under theme 'Information and Communication Technologies for achieving the Sustainable Development Goals'. It will focus on highlighting the linkages between the WSIS action lines and sustainable development goals (SDGs).

Session reports will be available on the Digital Watch observatory.



15–17 APRIL

ILO100: Law for Social Justice (Geneva, Switzerland) [↗](#)

This three-day conference is being organised by the International Labour Organization (ILO) on the occasion of its centenary. It will cover four thematic areas – philosophy of law, human rights, public international law, and law of international organisations.



May

For more information on the IG Barometer, consult <https://dig.watch/IGBarometer>



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