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Publishable: Yes

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Korea Academic Council on the United Nations System (KACUNS) Written Contribution

The Korea Academic Council on the United Nations System (KACUNS) welcomes the establishment of the High-level Panel on Digital Cooperation and believes that this initiative will be able to make significant contributions in promoting interdisciplinary and cooperative approaches in the digital realm. KACUNS has been working closely on this issue by focusing on the impact of new technologies on human rights and we are keen on taking active participation in the discussions on digital cooperation. In fact, we hosted an international conference at the Shilla Hotel in Seoul on December 10, 2018 which was co-sponsored with the Ministry of Foreign Affairs, Republic of Korea and the title of the conference was "Human Rights in the 4th Industrial Revolution: How Should UN Human Rights Mechanisms Respond?". Many renowned experts in this area, including academic scholars and practitioners, from the U.S., Europe and Asia participated in the conference, providing their own insight into how new technology is influencing human rights and ways in which the UN human rights mechanisms can respond to such changes. Based on these discussions and our own research, KACUNS would like to propose our own view on how we can achieve a safe and inclusive digital future. We begin first by proposing an integrated or holistic human rights approach to technology as the best way to approach the issue, outline several potential challenges, and conclude with a call for more systematic research on the UN's current work on the social impacts of new technologies.

1. What values and principles should underpin cooperation in the digital realm?

      A. *The Need for a Human Rights Approach*

First, KACUNS would like to emphasize the importance of a human rights approach to new technology. While new technology and other digital forms of technology can provide significant benefits to individuals by maximizing efficiency and transparency, it can also have a negative impact on the human rights of individuals. Loss of jobs due to automation and privacy concerns are all primary examples of potential human rights risks and there may even be new forms of human rights violations as new technology is able to predict and manipulate the behavior of individuals. A human rights approach to new technology will not only help prevent such potential human rights risks, but it can also ensure that no individual or group is marginalized in the process since there is increasing concern that digital technology will marginalize impoverished groups even more and exacerbate poverty and inequality. In addition, businesses should ensure that they have sufficient safeguards in place to protect human rights through the development and use of new technology by adopting effective human rights due diligence measures as part of this human rights approach.

B. Holistic Approach to New Technology and Human Rights

Second, a more holistic or integrated approach to new technology and human rights is necessary for effective prevention of potential human rights abuses and cooperation among various UN and other relevant bodies. The UN clearly plays a vital role in promoting human rights in the process of developing new technology for states and companies since many discussions of new technologies and business models, such as AI, blockchain and big data analytics, are framed in competitive language and seen as sources of corporate or national competitiveness, which suggests that a human rights approach is not always high on the agenda. Yet, while various UN bodies have begun to examine and discuss the impact of new technology on human rights at the level of specific rights, these discussions take place sporadically, despite the interconnected nature of new technology, across various sectors and divisions. For example, the Special Rapporteur on the right to privacy in the digital age, although doing exceptionally important work, is not telling the entire story about new technologies and their human rights impacts. Nevertheless, we do believe the whole story is being told by the UN as a whole, but the narrative is fragmented across scores of different bodies including the ILO, ICESCR, ICPR, UNESCO, UNEP, UNRISD and many others, which are all focusing on different types of rights or different technologies. Such fragmentation in the system, both substantively and procedurally, is leading to lack of coordination among UN bodies and other relevant organizations and highlights the need for a more coherent approach to preventing human rights risks. In particular, the division in the international human rights regime between civil and political rights and economic, social, and cultural rights is causing different interpretations and understandings on the impact of new technology on human rights and suggests that more coordination and dialogue is necessary for effective implementation of human rights norms.

3. How can cooperation among stakeholders be improved?

A. Overcome conceptual challenges

In the process of implementing this human rights approach and a holistic approach to new technology and human rights, certain challenges may emerge. The first is conceptual. Although many scholars have identified the need for an integrated or holistic approach to human rights and technology, not all experts agree on what this concept means in practice. Are we talking about including more diverse actors in the policymaking and regulation of digital technology? Or are we talking about integrating the different generations of human rights into our analysis of new technologies? And which technologies are we focusing on? Unfortunately, current approaches to the human rights impacts of technologies are

fragmented between different actors who emphasize different themes. In short, these questions are being answered in different ways. Therefore, it is the opinion of KACUNS that the UN needs to conduct more research and consultation to form an international consensus on how we can operationalize and implement a more holistic approach to new technology and human rights. This research would lead up to a definitive statement or definition on what an integrated human rights approach to new technology entails.

B. Increase Awareness

The second challenge is differing levels of awareness. Not all technologies have the same level of impact on the same human rights, which means that awareness varies among key stakeholders depending on their areas of interest. For example, emotional artificial intelligence, currently being developed in Stanford (http://autismglass.stanford.edu/), has beneficial impacts for people with autism and visual disabilities, which means that it is a positive development for human rights. But the same basic technology may also be used in stores or shopping centers to harvest data from unsuspecting shoppers or by authoritarian governments to screen the emotions of their citizens. Awareness of the positive as well as negative consequences of new technologies is fragmented, which creates very different regulatory responses. Some technologies, like drones, become the focus of considerable media attention but others, like emotional AI, slip beneath the radar even though they may have far more profound impacts on our rights. This suggests that more systematic research must be done on the multifaceted and complex human rights outcomes of new technologies with active participation of all relevant stakeholders. This research should have the aim of specifying key commonalities of the human rights impacts of all new technologies, especially noting their interconnectedness. This research will contribute to the creation of best practices or standards for future technological development as well as raising awareness of the issue of new technologies more broadly.

C. Innovative Solutions to Logistical and Technical Challenges

The third challenge is technical and logistical. An integrated approach to understanding the human rights impacts of new technologies requires the coordination and collaboration of a diverse array of actors who use different technical vocabularies and possess starkly different organizational forms. How can we create fora where governments, international organizations, representatives of the private sector, academia, civil society, and ordinary consumers are able to share their views and create consensus on the future of new technologies? This is a logistical challenge that intersects with the first two challenges identified in this submission. Procedural and thematic silos mean that agenda-setters may be offering a truncated view of the problem. The challenge of different levels of awareness means that some stakeholders may not be participating because they do not see the need. But overcoming these first two obstacles merely compounds the technical challenge of how to accommodate all stakeholders in a meaningful way. KACUNS believes that the imaginative and flexible use of technology has a role to play in making consultative processes more flexible and democratic, bearing in mind the existence of gendered, geographic, and income-based digital divides across the world. In the end, the question of the human rights impacts of new technologies requires more than the input of academics, engineers and legal experts. It requires the participation of the actual people using (and being subjected to) these digital devices in workplaces and homes across the globe.

4. Concluding Remarks

In light of such challenges, KACUNS would like to emphasize the need for more research at the UN level on how we can implement a holistic approach to new technology and human rights and ensure that human rights are considered in the development and use of new technology by all relevant stakeholders. More specifically, as a first step, the UN can consider obtaining a mandate to conduct research on a holistic approach to new technology and human rights primarily through the UN Human Rights Council or the Human Rights Council Advisory Committee. In this process, a new panel of experts could be assembled. The second could be a systematic mapping exercise of past accomplishments, overlaps, and current work of the UN. Such work could help highlight the gaps in the system and help create more concrete mechanisms to ensure that valuable work being done on the human rights impacts of technology are consistent and linked together. The research would further aim to identify both the positive and negative impacts of new technologies and highlight best practices that can benefit all individuals through participation of all relevant stakeholders. Lastly, to enhance the technical and logistical capacity of the UN system and raise more awareness among all stakeholders, the UN should further consider how resources should be allocated within the system for research to be conducted more efficiently with maximum impact to ensure human rights of all individuals are protected in the new digital era.

Submitted by President of KACUNS, Professor Soh Changrok, and Daniel Connolly and Seunghyun Nam