

Shaping the Digital Architecture

Contested Norms on Digital Technology in Southeast Asia

Who will shape the architecture of the future digital world order? China's Digital Silk Road aims to establish China as a global technological superpower, but this effort will not go unchallenged. Our study shows that in Southeast Asia, national governments, businesses and civil society are joined by China, the United States and the European Union in contests over norms on how digital technology should be used. The outcome of these contests will have profound political and social consequences, for the region and for the world.

Brief Points

- China frames its tech investments in economic rather than political terms, detaching them from normative stands associated with issues such as human rights and democracy.
- Digital norms are shaped by multiple stakeholders, including states, multinational corporations, non-governmental organizations, civil society, and individuals.
- Key norms being contested concern issues such as accountability, competition, impartiality, safety, and security.

Nicholas Marsh *Peace Research Institute Oslo (PRIO)*

Giacomo Bruni *Peace Research Institute Oslo (PRIO)*

Ilaria Carrozza *Peace Research Institute Oslo (PRIO)*

Understanding Digital Norms

China launched the Digital Silk Road (DSR) in 2015 as a way to enhance global digital connectivity. The initiative provides investments in high-tech developments, including recipients' Artificial Intelligence (AI) capabilities, telecommunications networks, surveillance technology, cloud computing, e-commerce, and Smart City programmes. The United States and its allies are concerned that China is using these investments to dominate cutting-edge technologies and promote authoritarianism globally, thus challenging the current international order – understood as the world's ordering mechanisms, including international economic institutions, bilateral and regional security organizations, and liberal political norms.

The debate over the challenges that such developments pose to the international order has a strong normative thrust. Norms are standardly defined as 'collective expectations for the proper behaviour of actors with a given identity' (Katzenstein, 1996). As such, they form an everyday means by which people's decisions are shaped by the social expectations around them. There are no direct legal punishments for breaking norms, as there are for laws and regulations (see below for some exceptions). Norms are typically followed because they are internalized by people, often as a deliberate part of training or education. Another reason why people follow norms is to avoid criticism or other negative reactions, such as a loss of trust or reputation, or exclusion from other members of a community.

Sometimes norms are written down and codified. For example, many organizations produce compendiums of 'best practices', which are designed to promote good behaviour. In other cases, norms may not be codified and instead are simply understood. Becoming an accepted member of a community may entail learning what its norms are.

Norms are often perceived as commending behaviours that are approved of by others. Nevertheless, norms are not inherently associated with any particular values.

Norms often change over time and space. They are adapted when new situations arise. Codified norms may be periodically rewritten and updated. Common understandings may change, especially if membership of a community changes.

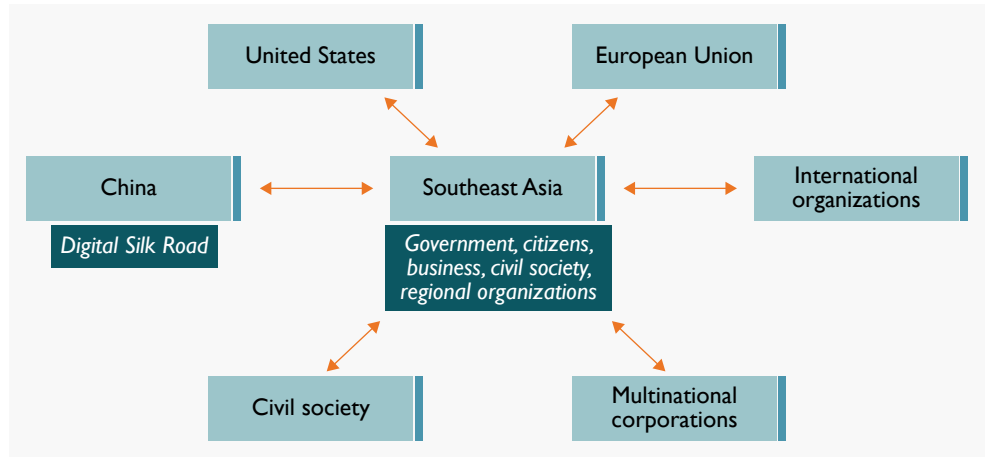


Figure 1: Normative actors concerning digital technology in South East Asia

Changes in norms are often the result of debate or argument. Different actors may perceive a norm positively or negatively and compete with each other to adapt, amplify, ignore, or borrow certain aspects of norms.

Norms and Digital Technology

Technology provides people with opportunities. People may decide whether or not to use those opportunities, but those decisions are taken within webs of norms which define appropriate behaviour. The usage of certain technologies over time may also determine norms (either creating new norms or effecting changes in existing ones).

In general, physical items are not imbued with the norms associated with their use. A camera can be used to take pictures for a variety of purposes. Exceptions exist concerning items that have been designed with a certain norm in mind to fulfil a specific role. For example, software is usually designed to encourage or discourage certain actions, such as by prompting a user to perform an action, or by asking the user to confirm that they intend to perform an action that could be harmful.

For instance, training programmes intended to provide the skills needed to use new technology are especially likely to be imbued with the norms of the origin country of the company providing the training. Instructors are likely to highlight anticipated uses when training personnel from the purchasing country. For example, Chinese companies' training programmes for how to use surveillance systems in Southeast

Asian 'smart cities' might serve as vehicles for the diffusion of Chinese norms concerning the relationship between citizens and the state.

Contested Digital Technology Norms in Southeast Asia

Norms concerning digital technology can be associated with particular states. For example, despite differences in their approaches, the United States (US) and European Union (EU) member states typically apply norms associated with human rights and democracy when assessing export licenses for 'dual-use technology', which has both civilian and military applications. The EU has specified that cyber-surveillance tools used to collect data from telecommunications systems, and which could be used for repression, require an export license. It has been claimed by importers that China can be an attractive supplier because its technology is delivered without conditions on how it is used, in contrast to the normative conditions often associated with 'Western' suppliers.

Norm contestation over acceptable uses of digital technologies occurs between and within governments, businesses and other organizations within Southeast Asia. These contests also involve actors based outside the region, such as technology suppliers and regulators who are usually based in the EU, China or the US. The relevant actors are summarized in Figure 1.

China, the EU and the US, and companies based in Southeast Asian countries, have – intentionally or unwittingly – exported elements

of their forms of governance along with their digital technology. These ‘norm exports’ occur unintentionally when they set domestic standards which are then adopted elsewhere. It can be expensive and time consuming to develop new standards and adopting those developed elsewhere assists interoperability (the ability to integrate different technologies). Deliberate norm exports happen when conditions are applied to technology exports, or when norms are actively promoted, such as by diplomats.

Many different actors within Southeast Asia are involved in norm contestation, including political and business leaders, government bureaucracies, regional organizations, regional businesses, external companies’ regional offices, civil society organizations, and citizens.

They are joined by actors from outside the region, including international organizations, the EU and its member states, the US government, the Chinese government, international

businesses (e.g., head office), international civil society organizations, and individual citizens.

In this policy brief, we are mainly concerned with contested norms about civilian and dual-use technology. For example, 5G mobile telephone networks, ‘Smart City’ and ‘Safe City’ programmes involving digital data gathering and processing, surveillance and predictive policing, internet infrastructure such as data centres and optical fibre networks, cyber security, smart electricity grids, data gathering for public health, and the collecting and processing of biometric data. This list is by no means comprehensive and serves to illustrate the breadth of technologies about which there are norms. We do not directly consider military technology here as it operates within discrete laws and norms, about which there is a separate body of literature.

Contests about digital technology norms can be observed by examining the following:

- Written documents, such as professional codes of conduct, common standards, ethical standards, government targets, resolutions, and policy statements.
- The active promotion of norms, such as via public relations, advertisements, government or industry funding of NGOs.
- Common practices, which could be seen in industry roundtables or other forums where experiences are shared, such as trade fairs, expos, and industry conferences.
- Complaints about norm violations, which could be found in media articles, reports by civil-society actors, company press releases, and speeches made by politicians.

Thirty areas of contested norms concerning digital technology are summarized in the matrix found in Table 1. The table highlights five themes in which norms are contested:

	Accountability	Competition	Impartiality	Safety	Security
How actors should behave					
Business	Ethical guidelines, publish data	Open forums, industry lobbying, interoperability	Collect data on employees and customers to identify bias or discrimination	Standard operating procedures (SOPs) and best practices to prevent accidental injury	SOPs and best practices to prevent data breaches, identify illicit activity
Citizens	Personal responsibility	Report anti-competitive or unlawful practices	Report norm violations	Report incidents, voluntary sharing of data and risk behaviours	Report incidents, voluntary sharing of data
Government	Publish official business, meet with civil society, answer questions	Publish tenders and contract awards, procurement plans	Collect data on e.g. service users, have mechanisms to report complaints	SOPs and best practices to prevent accidental injury	SOPs and best practices to prevent data breaches, identify illicit activity
Social and political aims					
Equality	Equal opportunity to report norm violations	Common standards for interoperability, prevent exploitation	Equal access to technology, e.g., in rural areas or among ethnic groups	Avoid unequal protection	Avoid discrimination and unequal protection
Individual rights and liberties	Promote awareness of digital rights	Promote consumer organizations, entrepreneurship	Promote education and awareness	Balance between preventing harm and individual liberties	Balance between preventing harm and individual liberties, prevent illicit activity and anti-social behaviour
National sovereignty	Legislative oversight	Promote monopolies or national champions	Promote international recognition and equality for developing states	Functioning critical infrastructure	National ownership of critical infrastructure, identify external threats

Table 1: Indicative typology of areas of norm convergence and contestation concerning digital technology in Southeast Asia

accountability, competition, impartiality, safety, and security. Accountability refers to measuring norms compliance and establishing consequences for violations of these norms. Competition relates to ensuring efficient and open markets. The theme of impartiality concerns preventing and mitigating discrimination, bias and unequal outcomes related to digital technology. Safety refers to preventing accidental harm, while the theme of security refers to preventing deliberate harm. The table shows how the contests take place via procedures used to discuss and alter norms and the overall aims of those who formulate the norm.

The norms set out in Table 1 are intended to provide an indicative typology. For the sake of analytical clarity, the table provides a simplified picture. In particular, the five areas of convergence and contestation are not mutually exclusive in reality. For example, there is considerable overlap between the norms concerning safety and security, and particular standards might be common to both. Similarly, the three types of actors (business, citizens and government) are not mutually exclusive. There are citizens who work in both business and government, and someone who is self-employed may perform roles for both sectors simultaneously. There is also some overlap between the social and political aims. For example, national sovereignty may be seen as a pre-requisite for the implementation of norms concerning equality.

Underpinning many of the specific norms outlined in Table 1 are more general norms concerning proper behaviour. For example, countries have expectations concerning appropriate levels of access to decision-makers (in the public and private sectors), the extent to which they are expected to publish information about their activities, and multistakeholderism as a general principle.

The norms outlined in Table 1, as expectations about proper behaviour, are distinct from laws. It is, however, possible that some of the identified norms may be enacted as laws in some countries. Sometimes governments perceive that they can't rely upon norms and decide to explicitly regulate an activity. The relationships between norms and laws can be complex. For example, many laws refer to reasonable behaviour and conditions. What is or is not reasonable may be decided in court by referring to well established norms.

The norms presented in Table 1 are widely regarded as being positive (such as promoting equality). Such norms are likely to be publicly argued for and defended by various actors. There are, however, inevitable trade-offs between different norms. For example, it may be necessary to balance norms promoting open markets with restrictions on trade needed to ensure safety. There could also be norms formulated that many would view as being negative. Actors could develop norms which promote anti-competitive practices, inequality, insecurity, unsafe practices or unaccountable decision-makers. For example, government and industry could, hypothetically, develop a norm by which advance notice of public procurement was shared among national businesses while foreign corporations were excluded.

Implications

The 30 areas of norm contestation summarized in Table 1 will collectively shape the digital architecture of government, business and society in Southeast Asia for many years to come. If the Digital Silk Road is to establish China as a global technological superpower, then its norms will predominate in Southeast Asia and beyond. China does not act alone, though, and states and other actors in Southeast Asia, along with the US and EU, are all actively involved in debates and contests over digital technology norms.

AI in particular is very likely to play an increasing role in our lives, and the contests over norms described in this policy brief are taking place at a time when AI is becoming more established. Common practices and common standards encode norms that are present when they are written, and these will affect how AI functionality is designed and procured. Norms can be long-lasting and the use of AI-based systems may well be affected for decades by decisions taken today. ■

Further Reading

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THE AUTHORS

Nicholas Marsh is a Senior Researcher at PRIO. Giacomo Bruni is a Doctoral Researcher at PRIO. Ilaria Carrozza is a Senior Researcher at PRIO. The authors are grateful to the broader NORM project team for their invaluable inputs on Table 1.

THE PROJECT

The project 'Shaping the Digital World Order: Norms and Agency along the Digital Silk Road in Southeast Asia (NORM)' examines the political contest between China, the United States and the European Union to rewrite the norms which apply to digital technology. NORM examines how this competition plays out in Malaysia, Indonesia and the Philippines.

PRIO

The Peace Research Institute Oslo (PRIO) is a non-profit peace research institute (established in 1959) whose overarching purpose is to conduct research on the conditions for peaceful relations between states, groups and people. The institute is independent, international and interdisciplinary, and explores issues related to all facets of peace and conflict.