Digital Diplomacy

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ABSTRACT: This article discusses the role of digitalization for diplomacy. In a currently-unfolding new type of evolution of lawmaking through digital media, digitalization has become a central component of the online creation of law. Classical traditional means of diplomacy have changed in light of social online media and digital content. This article introduces the role of online communication as a new diplomacy gateway that cuts traditional red tape. Digital diplomacy being more transparent than previous forms of traditional diplomacy, has made international affairs more visible to multiple stakeholders instantaneously. In this feature, digital diplomacy appears to be more openly accessible to everyone to witness and more likely to be influenced by multiple streams, also on a truly global stage. At the same time, digital diplomacy brings along crowd influences and manipulation threats. Given the diminishing role of traditional media and nation-states' shrinking control over online information exchange as well as censorship, digital diplomacy can become a contested terrain of multiple rather uncontrollable forces at play concurrently. Clear downsides are the strategic manipulation of democratic processes possible in digitalized media. Internet vulnerabilities as well as digital inequality in terms of access to online information and technology skills are additional areas of improvement for digital diplomacy. The paper closes with a future prospect of the law and economics of digital diplomacy and a call for the need to address human rights online.

KEYWORDS: Censorship, Comparative Law & Economics, Democracy, Digitalization, Digital diplomacy, Diplomacy, Economics, Global governance, Human rights, International affairs, Internet, Leadership, Political E-marketing, Public Administration, Public Policy, Social Online Media

Introduction

Digitalization accounts for the most widespread and broad-based trend of our lifetimes (Puaschunder 2022a). The introduction of the internet revolutionized the way individuals communicate around the globe on a constant basis. Online information display and exchange have led to the most drastic reduction of communication costs. Unprecedented is also the increased transparency and speed of mass communication visible around the globe. With the internationalization of communication online emerged the strategic use of digitalization for democratic processes and state agendas, such as in international affairs and global relations management in diplomacy.

With the internet emerging, the world has become flat for transparent, easily-accessible and fast information flows. In particular, social online media have become prominent ways to steer crowds and coordinate action. While there has been a thorough investigation of the role of social online media for democratic processes – especially after January 6, 2021, in the USA in the aftermath of the U.S. Capitol Building attack – less is known, to this day, about the influence of digitalization on diplomacy.

Diplomacy engages countries in interaction, information exchange, and coordination of cooperation. Traditional means of diplomacy comprise spoken and written communication by elected and appointed representatives of states – foremost leaders and diplomats – who intend to build international ties for increasing a country's influence on events on the global scene. Diplomacy accounts for the main influence instrument in foreign policy and foreign public affairs. The results of diplomacy are international relations, cooperation and cross-border legal documents to guide on international customs – such as, for instance, international treaties,

agreements, and alliances. The means to accomplish successful diplomacy are long-term relation building and maintenance, negotiations and diplomatic missions.

This article captures the emerging trend of digitalization playing a role for diplomacy around the world. Online lawmaking and the creation of diplomacy have become subject to scientific discourse recently, foremost in the International Law Commission questioning the role of social online media for customary law in international law cases and practice. Digital *opinion iuris* formation has nowadays newly been attributed and influenced by voicing legal opinions online on social media. Traditional *opinion iuris* actors are believed to slowly change from juries, tribunals and country practices to online display of lawmaking in crowd communication. Law has also been speculated to be influenced by online sources, most recently even by Wikipedia articles, as Thompson, Luo, McKenzie, Richardson & Flanagan (2023) have argued. With ChatGPT and Bard as well as other AI-driven information gathering and crowdsourcing platforms online emerging, the time for integrating AI in lawmaking appears to have come (Chen, Stremitzer & Tobia 2022).

Today's instant and constant social media information gathering may drive bottom-up ideas about 'what is right' that then influence the content of lawmaking and the practice of diplomacy. There is currently also an attempt to capture a new generation of human rights online with particular attention to digitalization's impact on the shaping of human rights foci and the implementation of social customary norms (Puaschunder forthcoming). Increased social coordination online affects international communication without red tape and therefore lets international affairs appear to be more open to general debate and citizens' oversight.

At the same time, digital diplomacy create a difficult balancing act between free speech and the protection from harmful hate speech. Historically censorship and media control were housed in governmental prerogatives. Yet today's digital media and social online media platforms have changed the nature of transparency and global instant information exchange visible to large groups of people online.

Digitalization now also offers a quick and transparent way to express concerns that may influence and shape traditional diplomacy gateways and *modi operandi*. Crowd control and the access of the layperson to social online media may also influence the way diplomacy is practiced in the digital age. Digital diplomacy is also different in bringing along crowd influences and a diminishing role of traditional media outlets. Nation states have widely lost control over online information exchange. There is a diminishing traditional censorship of media in the Western world free-market democracies noticeable given the relatively equal access to free online media sources, such as Twitter, Mastodon, LinkedIn and Facebook as additional information sources.

With digital diplomacy also comes along the threat of strategic manipulation of democratic processes, internet vulnerabilities as well as digital inequality in terms of access to online information and technology skills. The paper closes with a future prospect of the law and economics of digital diplomacy and a call for the need to address human rights online.

Digital diplomacy

Digitalization accounts for the most widespread and broad-based trend of our lifetimes. The introduction of the internet revolutionized the way individuals communicate around the globe on a constant basis. Online communication has led to the most drastic reduction of communication costs. Increased transparency online and the quickening speed of mass communication have leveraged digital diplomacy to unprecedented levels of democratic oversight but also imbued social volatility in our democracies.

With the internationalization of communication online emerged the strategic use of digitalization for democratic processes and state agendas, such as international affairs and foreign relations. The world has become flat for transparent, easily-accessible and fast

information flows. Social online media use has risen steadily in politics and policy circles. The political use of Twitter, Mastodon, Facebook and LinkedIn has seen a steady rise in the last decade. Monitoring of citizens via digital media footprints has been used to backtest tax returns accuracy, marriage-based visa sponsorship and border entry decision-making.

In the political communication, transparency and access to interaction have been leveraged with Twitter and social online platforms being used for citizen engagement. Transparent communication has risen to not only the group members engaged in coordination, but also imbued means for outsiders to interfere with diplomatic agendas.

When it comes to diplomacy, digitalization has opened ways to comment on country principles in front of others in digital media. While traditional diplomacy was primarily practiced between licensed actors behind closed doors and media channels controllable, the internet nowadays allows interaction in front of crowds. This feature of digital democracy enables accountability but also opens ways to engage large-scale crowds online and speeds up the potential to break trends on a global level. The crowd dynamics elicited right in front of the eyes of others can also have direct implications for regimes and governance, when considering the occurrences in the wake of the Arab Spring, January 6, 2021, etc.

Digital diplomacy offers for one access to influence democratic processes, governmental leadership and international affairs. At the same time is digital democracy more fickle, uncontrollable and unpredictable given the increasing communication transfer speed online and the rising global transparency in the digital millennium. In the end, digital diplomacy practice in the use of online media for lawmaking is nowadays subject to the trade-off predicament between equal access to information online versus social volatility and manipulation threats.

Digital diplomacy challenges

Social volatility online may stem from social online media creating behavioral echo chambers that reinforce online landslides of opinion. Echo chambers online may also reinforce negative behavior, such as calling out and canceling people online. As market research has found that individuals remain longer on social online media platforms if the content is aggravating, social online media platform providers are incentivized to push aggravating content that steers up crowds. If online content is aggravating, digital diplomacy online may be more societally disruptive than traditional diplomacy.

With the coordination costs of boycotts and threshold for online criticism being lower than in conventional communication as well as online anonymity being possible in social online media forums, coordinated groups might attack information exchange strategically and/or unpredictably.

When more advanced digital tools, such as ChatGPT or Bard, are used for information gathering, the likelihood for misleading answers is likely. To these days, highly experimental AI-generated information tools are prone to 'hallucinate.' On the international stage, the information generated by AI for international affairs purposes may vary between countries. Imprecision in AI-generated answers in diplomacy may cause uncertainty, which may lead to disastrous outcomes when it comes to culturally-sensitive tasks, such as diplomacy.

All these features add social volatility to online digital diplomacy. As social online media platform providers become crucial online communication influencing gatekeepers, the question arises about the newly-leveraged crucial influence of the industry in digital diplomacy.

Digital diplomacy evolution

The environments, in which digital diplomacy is practiced, are potentially more transparent, international and hostile than controllable traditional diplomacy channels. A new digital diplomacy evolution may develop faster and more democratic than previous diplomacy

conduct. The online environment may be different as online elites and gatekeepers are rather industry professionals than traditional national diplomacy cadres. The skewed use of online sources by relatively young and tech-savvy people with internet access are an additional influence on digital diplomacy.

In all these features, questions arise if these digital diplomacy developments will lead to AI hub hegemonies on the international stage that control global governance due to social online media dominance? Will access to transparent digital diplomacy increase diversity or create silos of internet bubbles influencing law? Will the new online discourse differ from the traditional society preferences? Will the technology gaps around the world create new forms of digital inequalities that transpire in diplomacy gaps and digital diplomacy dominating technology hubs? Will the young influence on social online media rejuvenate lawmaking? Will the fast pace online speed up customary lawmaking? Will new ideas be recruited and evaluated differently as for being communicated online and in light of the emergence of cancel culture trends?

Regulatory recommendations

The digitalization disruption is a global trend that requires a multidisciplinary analysis. Rising employment of AI, big data insights companies and social online media demand for a common ground on the use of digitalization for law and diplomacy. The newly emerging trend of the online creation of customary law pushes society to find new methods of sensing legal trends online (e.g., from using AI chatbots to big data scraping, for instance in the form of Facepager, etc.).

Problematic appears in digital diplomacy that the digital environment is a multi-stakeholder phenomenon without borders and a partially legal and regulatory vacuum. To this day, no specific court regulates online conduct. International organizations' oversight of the internet is criticized for leaping behind industry developments in the digital arena.

Governments have mainly lost control over regulating media channels and traditional censorship. Social media online providers are oftentimes operating in cartels or even monopoly markets, which have not been broken up as governments may not want to lose intelligence, big data gains and network effects, which are bundled in these market-dominating service providers. Monopolies are also not acknowledged fully in social online media providers, since their services are oftentimes free. Classic monopolies are mostly only a concern if elevated consumer prices are involved, which is not the direct case in social online media providers that offer their services without monetary price (though a 'price' of time use and data gains occurs implicitly).

On the international level, questions arise if governments should control virtual spaces, especially in the case of corrupt authoritarian regimes, censorship and election fraud have occurred via the internet (Ackermann, 2020; Lentsch 2023). International governance bodies to regulate the internet remotely are demanded for, as internet crime appears to rise exponentially and search engine manipulation is possible (Puaschunder 2022b, 2023; Akamai State of the Internet Report 2022). Ethical questions have become outsourced to private sector entities, e.g., in the predicament over free speech versus hate speech censoring.

As for future research avenues, comparative behavioral law & economics approaches may help understand the most contemporary trends in digitalization around the world. The internet being a topic for the young that faces a short-term character and brief communication, will this influence our digital diplomacy understanding and conduct lastingly? Will law become more malleable and fickler? Future understanding of digital diplomacy may thus be housed in innovative educational centers, such as law schools or technology sector entities.

Future research should certainly debate the role of the internet in raising awareness, mobilizing e-social pressure and crowd control. Future policy work may also address the negative aspects of online cancel cultures and the loss of the classic governmental media control

in the age of digitalization. Academic institutions spearheading the topic of digital diplomacy ethics may pay attention to the future-oriented focus and data-driven analytic skills. International science to study contemporary digital diplomacy trends may benefit from researchers' independence and integrity mandate making them the perfect intermediary between business and politics.

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