

What would a Just Global Digital Compact look like for Africa

Research ICT Africa consultation for the UNSG Global Digital Compact

6 April 2023

Introduction

- The digitalisation of the economy and society and the datafication of almost all activities of the connected has promoted economic efficiency, increased access to the means of production and communication, and driven innovation.
- However, these opportunities, and the harms associated with these technological developments are unevenly distributed both between and within countries
- Inequalities are exacerbated when new general purpose technologies such as Internet and AI are layered upon existing structural inequalities
- This poses huge risks to individual & collective human rights
- Increasingly digitalised public sphere accompanied by democratic erosion, disinformation and disorder
- **UN Secretary General has called for a renewal of the social contract, anchored in human rights and gender equality, to rebuild trust and social cohesion that people need to see reflected in their daily lives. Highlighting the centrality of digital inclusion in contemporary society, the Common Agenda, arising from the General Assembly declaration in 2021, which calls for a Global Digital Compact**

What policies and forms of governance are required to realise **global digital public goods** at the national level, to **redress digital inequality, harness the potential of new technologies for social and economic development**, improve public sector efficiency and delivery and **create public value**.

It covers seven critical areas:

- Intersectional inequality and the digital inequality paradox
- Public data
- Connectivity, access, pricing, quality
- E-trade, labour, taxation and social protection
- Data governance and data justice
- Disinformation and the information disorder
- Harnessing AI for Africa

Ensuring Access to Global Digital Public Goods

- Public goods typically expected to be **funded by means of a general contribution** (taxes)
- Challenges of mobilising public (state) resources for the provisioning of public goods focused attention on **providing public goods through some form of exclusion**, allowing the market to play a much greater role in delivering such goods.
- Renders most public goods **impure in that they have been made excludable**, often through regulation (such as the licensing of spectrum) and/or for purposes of commercialisation, monetisation and profit.
- Ideological debates over state and private provisioning polarised, in practice, **state and non-state actors regulate each other's capacities to provide, access, and distribute public goods**.
- **Dominant interests and ineffectual regulation** have compromised the ideal of public goods
- Democratic **regulation can uphold public interest** by excluding actors or practices that serve only private interest, and promote actors and practices that do align to the societal value of having inclusive public goods.
- increasingly **global digital public goods required global governance** to be realised at the national level.

	Excludable	Non-Excludable
Rivalrous	Private Goods Food, clothes, cars and other consumer goods	Common Goods Fish, timber, coal
Non-Rivalrous	Club Goods Cinemas, private parks, satellite TV	Public Goods air, national defence

Critical themes

Intersectional inequality

- ▶ Those people at the **intersections of multiple inequalities** (race, gender, class, location, ethnicity, religion) most digitally marginalised
- ▶ quantification of intersectionality correctly critiqued for **instrumentalism** but can highlight **multidimensional nature of digital inequality**.
- ▶ **Gender as a ‘strategic mode’** (coherent unit of analysis) – as evidence-base for policy making **need rigorous gender- differentiated data which will surface other inequalities** and may more accurately isolate the exact and differentiated points of policy intervention required to redress gender inequality.

Digital Inequality Paradox

- ▶ **As more people are connected, more digital inequality**
- ▶ Not only between those online and those offline, but between those who have the **technical and financial resources to use the Internet** actively or even ‘productively’ to prosper and those who are barely online
- ▶ Foundational digital inequality (reflecting structural inequality, but also compounding it) is **reflected in bias, invisibility, under-representation in ML & AI**

Public data to redress digital inequality for alternative access strategies

Internet Usage

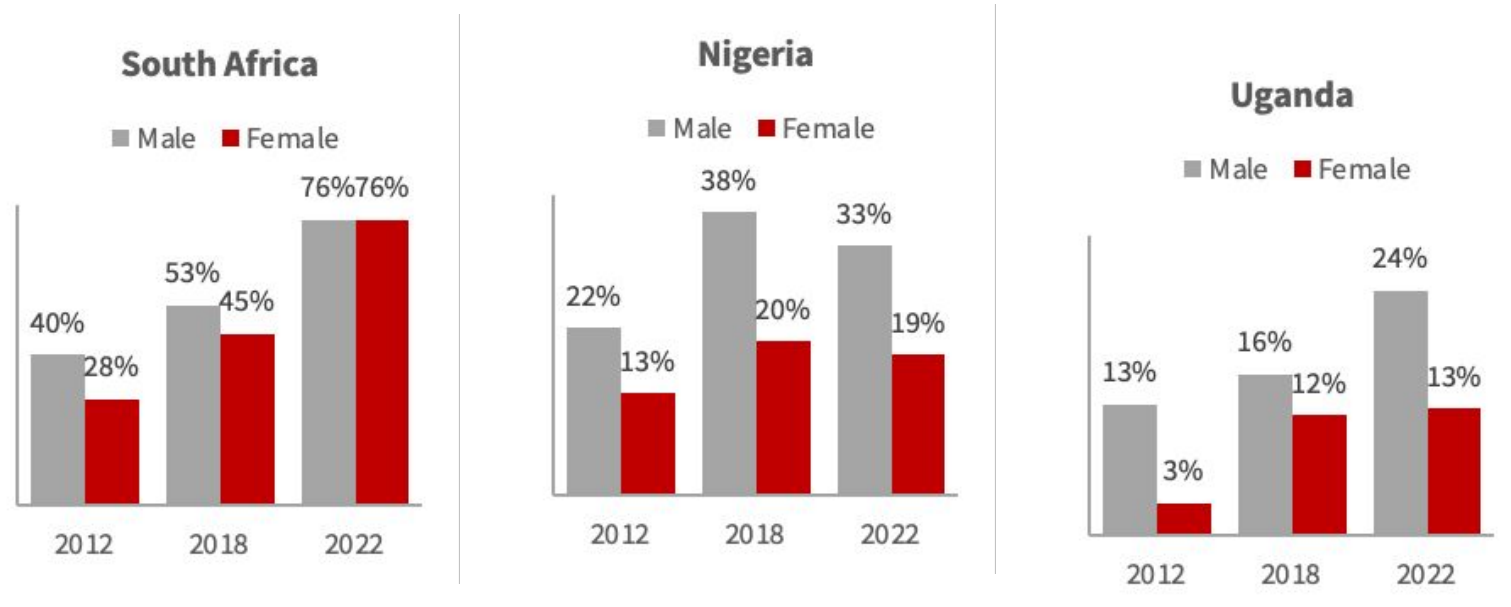
- ▶ **The Internet has long been a source of countless opportunities for personal fulfilment, professional development and value creation**
- ▶ **If poorly managed the Internet can replicate and even exacerbate the socio-economic inequalities present in society**
- ▶ **Internet uptake has accelerated during the pandemic**
 - With the COVID-19 pandemic, it has become a vital necessity for working, learning, accessing basic services and staying connected.
 - Currently 2.9 billion people remain offline, 96% of whom live in developing countries

Measuring digital inequality

Addressing digital inequality is crucial for promoting social justice and reducing disparities

- ▶ **In 2022, 62% of men were using the internet compared to 57% of women, meaning that the global internet uses gender gap stands at 8%**
- ▶ **This divide is more glaring in LDCs where only 19% of women used the internet in 2020, compared to 86% in the developed world.**
- ▶ **There is a severe lack of good quality and publicly available data that captures digital inequalities faced by specific marginalized groups particularly in relation to the needs of those who are offline.**
- ▶ **RIA has been producing high-quality data on digitalization and datafication in Africa since 2004.**

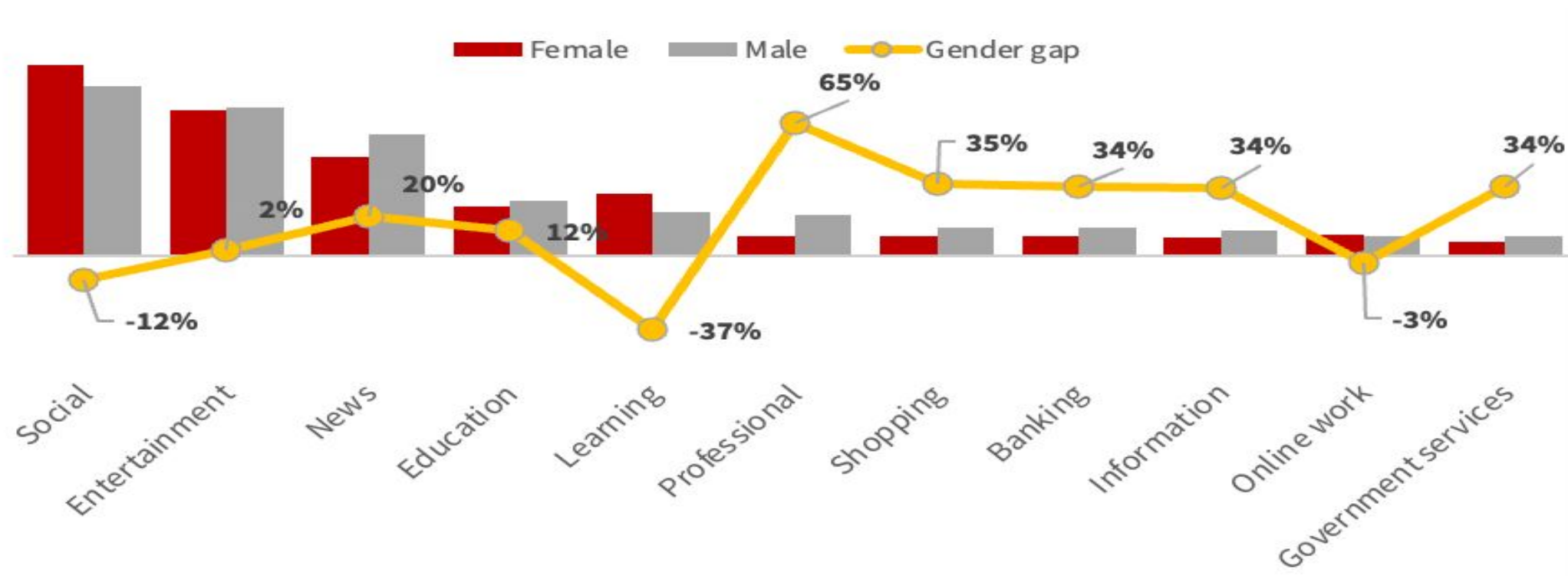
Recent survey findings on Internet access in Africa



Data Source: ([RIA, 2022](#))

- ▶ **Recent years have seen varying trends in internet access and inequality across different African country settings**
- ▶ **South Africa gap closing whereas Nigeria and Uganda has been widening despite the digital transformation occasioned by the COVID19 pandemic.**

Figure 2: Internet access for females by geographic location, income level and education in South Africa



- **Gender gaps are heterogeneous across sectors and more importantly in the professional services**
- **Where there is no gender divide in terms of access, inequalities emerge in terms of the ability to meaningfully use the Internet**

Recommendations

Disaggregation of indicators on use of ICT by individuals

- ▶ **Produce better data**
- ▶ **Different demographic and socioeconomic characteristics of individuals**
- ▶ **Gender sensitive indicators**
- ▶ **Include the experience of the offline who are often “invisible” in available data resources**
- ▶ **Coverage across more countries**
- ▶ **Establish a digital solidarity fund**

Connectivity

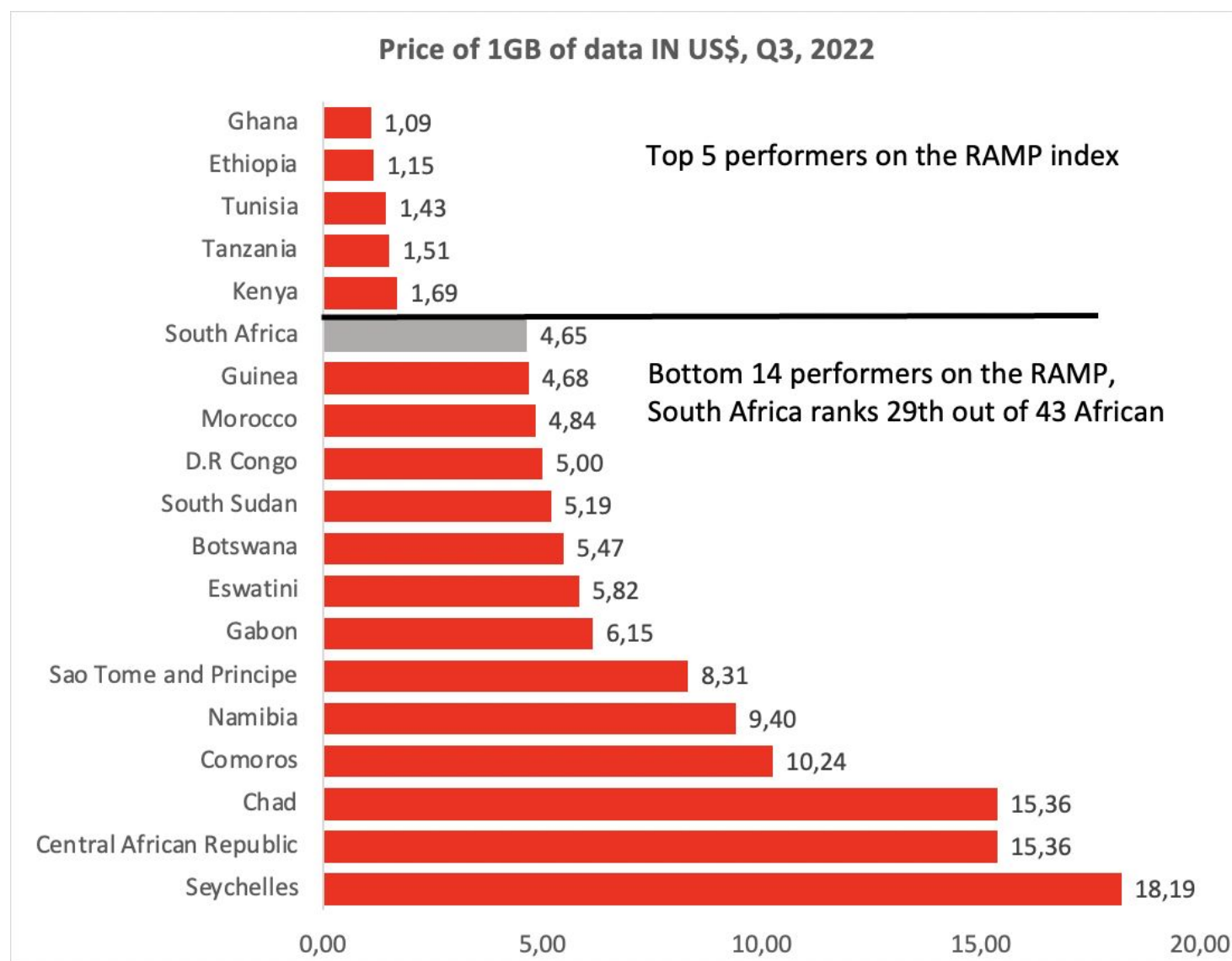
Recommendations

- **Innovative regulatory approaches:** Non-traditional connectivity providers and complementary access solutions, such as dynamic spectrum providers, micro operators and community networks, remain overlooked and often do not fit into existing licensing regimes, particularly in providing last-mile connectivity.
- **Spectrum:** New approaches in spectrum assignment should take into account recent innovations that enable dynamic spectrum access and spectrum sharing and:
 - *Develop administrative incentives* to encourage licence holders to relinquish spectrum that is not in use (“use it or share it”). Give operators spectrum auction price or tax rebates on 5G spectrum licences for sharing their currently assigned spectrum. Withdraw spectrum from operators who do not use the spectrum in their whole concession or licence area. -
 - *Create regulatory enabled business models* where small operators help incumbents achieve universal service obligations. 20 - Allocate spectrum that may not have value for operators, but will have a significant impact for small operators and community networks such as unutilised spectrum in rural and remote areas.
 - *Introduce simplified licence exemptions* or licensing with low transaction costs for small operators and community networks. -
 - *Provide incentives for serving rural, remote, or underserved areas.* -
 - *Revise spectrum fees* to incentivise a more efficient use of the spectrum, no fee commons.

- **Infrastructure sharing:** Regulatory provisions for mandating infrastructure sharing can counter market concentration and minimise unnecessary redundancy and duplication of investments in supporting infrastructure (ducts, poles, towers, energy distribution grids). allows for reallocation of infrastructure costs to investments in service quality improvements, reduces the market entry barrier
- **Open data and transparency:** need for open telecommunication data (detailed information on existing infrastructure, equipment, spectrum assignment plans, fibre backbone etc.) as well as transparent information about the backhaul pricing.
- **Public financing:** Create more agile and accountable USFs that reach the unconnected and underserved, while promoting competition and resiliency through a more diverse operator/provider base.
- **Regulatory capacity building and participatory decision making:** essential for other stakeholders (such as civil society and academia) to be involved by:
 - training to national regulators, regional regulatory authorities, policy makers and public fund holders about the constantly evolving technology landscape.
 - Working together with regulators and policy makers to study the impact of innovations on their own policy and regulatory frameworks, and update the frameworks

Pricing and Quality

- ❖ RAMP Index, Quarterly basis
- ❖ High cost of data in Africa
 - Market power and dominance
 - Social media tax (price went from USD1.5 to USD 4.27 in Uganda) and mobile money excise tax.



RAMP, Q3, 2022

Recommendations

- ❖ Regulators to remedy anti-competitive practices in the data markets in Africa. This can be actioned by targeting the underlying barriers in the wholesale market, such as the costs of roaming and facilities leasing.
- ❖ Prohibit the imposition of regressive social media and mobile money excise taxes.

Pricing and Quality cont..

- ❖ Significant improvement in connectivity in Africa.
- ❖ African population covered by 3G signal has increased by 186% between 2010 and 2020.
- ❖ 4G coverage has recorded even greater growth in Africa almost threefold in the last 5 years.
- ❖ But African countries have not fully achieved the Sustainable Development Goal (SDG) 9, target c which has the objective to “provide universal and affordable access to the internet in least developed countries by 2020.”
- ❖ Ookla® Speedtest® reported on average low mobile and fixed internet speeds across the African countries surveyed.
- ❖ Even before the onset of the pandemic, speed was below the acceptable threshold of 10mbps, considered the lower bound for a good quality broadband service. In contrast to what might be expected in OECD countries, mobile internet generally provides faster service than fixed.

Recommendation

- More investment devoted to network quality in light of spectrum fees, can lower prices to allow MNOs offer more capacity and hence offer users better quality of service with affordable prices.
- Encouraging the shift to the latest technologies such as 4G and 5G will have an impact on speed. a higher density of mobile towers supported by 4G or 5G technology is needed to make sure networks are able to deliver target speeds. Infrastructure sharing may help address the high investment costs required to upgrade the network.

E-trade, Labour, Tax and Social Protection -SM

Key Emerging Issues

E-trade

- ▶ The Digital Single Market presents an opportunity for Africa to get the scale and scope required to operate a globally competitive data market

Labour

- ▶ Digital platforms, could potentially provide alternative forms of work to alleviate mass unemployment in many countries across the continent, but precarious working conditions often characterize work on these platforms.

Tax

- ▶ Global digital platforms operating in developing countries shifting profits, as well as being non-compliant with national regulations
- ▶ Regressive excise duties being levied on the use of social media

Social Protection

- ▶ Difficulties in disbursing social welfare on the continent can be overcome through the utilisation of digital channels

Policy Recommendations

- ❖ Have ongoing inclusive multi stakeholder engagements that allow an open and transparent dialogue on how to improve digital trade
- ❖ The key structural constraints that inhibit online labour rights, gender equality and inclusive social protection should be addressed
- ❖ Acknowledging the jurisdictional challenges of enforcement when digital platforms do not have any physical presence in the country
- ❖ Location-based digital platforms should be compelled through global governance to provide more transparent innovative communication strategies and algorithms to facilitate robust and trusted working conditions
- ❖ National and regional fiscal and taxation regimes should be aligned with efforts to mitigate against Base Erosion and Profit shifting to effectively tax digital platforms

Data Governance and realising Data Justice for Africa

- ❖ Many data governance frameworks fail to address inequality and exploitation caused by collection of data.
- ❖ RIA research produced two primers on data and economic justice, data and social justice
- ❖ The African Union Data Policy Framework 2022 addresses data justice:

“creating a consolidated data environment and harmonised digital governance systems that enable the free and secure flow of data across the continent while safeguarding human rights, upholding security, and ensuring equitable access and sharing of benefits”.
- ❖ The framework recommends the following actions by states towards data justice:
 - “Safeguarding of human rights in the digital environment through the rule of law”
 - “Ensuring institutional arrangements and regulations are established only through inclusive, consultative and transparent processes”
 - “Ensuring institutions responsible for overseeing the use of data, as well as public and private data producers, are accountable for the use of public and personal data to those whose data is used”.

Data Governance Principles

Framework provides the following principles to govern data governance:

- ❖ **Cooperation:** *“African Union Member States shall cooperate in exchanging data, acknowledging data as a central input of the global economy and the importance of the interoperability of data systems to a flourishing African digital single market”.*
- ❖ **Integration:** *“The Framework shall promote intra-Africa data flows, remove legal barriers to data flow, subject only to necessary security, human rights and data protection”.*
- ❖ **Fairness and Inclusiveness:** *“In the implementation of the Framework, Member States shall ensure it is inclusive and equitable, offering opportunities and benefits to all Africans, and in so doing, seek to redress national and global inequalities by being responsive to the voices of those marginalised by technological developments”.*
- ❖ **Trust, safety, and accountability:** *“Member States shall promote trustworthy data environments that are safe and secure, accountable to data subjects, and ethical and secure by design”.*
- ❖ **Sovereignty:** *“Member States, AUC, RECs, African Institutions and International Organisations shall cooperate to create capacity to enable African countries to self-manage their data, take advantage of data flows and govern data appropriately”.*
- ❖ **Comprehensive and Forward Looking:** *“The framework shall enable the creation of an environment that encourages investment and innovation through the development of infrastructure, human capacity and the harmonisation of regulations and legislation”.*
- ❖ **Integrity and Justice:** *“The framework shall enable the creation of an environment that encourages investment and innovation through the development of infrastructure, human capacity and the harmonisation of regulations and legislation”.*

Data Justice - Social & Economic Justice Primers

Key Aspects of Data Justice for Governments and Policymakers

- ❖ Data justice is informed by social justice;
- ❖ Data justice is centered on dismantling structural and historical inequality;
- ❖ Data justice is rooted in individual as well as collective rights;
- ❖ Data Justice centers on democratic governance;

The Rights that a Data and Economic Framework should include

- ❖ The right to benefit from one's data and avoid economic harm;
- ❖ The right to access one's data, including for third parties of choice;
- ❖ The right to appropriate representation in data, including invisibility and remaining absent;
- ❖ The right to participate in governance of data, and of the relevant economic systems based on data.

Source: Global Partnership on Artificial Intelligence (GPAI)

Disinformation and Information Disorders

- ❖ Laws tackling Information Disorders tend to be **ambiguous**
- ❖ While states have deficient regulations to properly address and account for the information disorders produced online, **they have also been limited to regulate ID on global digital platforms**
- ❖ Content moderation efforts to remove harmful content are **opaque and employ harmful labour standards**
- ❖ Local staff of global companies are **thinly spread in the continent and therefore unable to work on the different African contexts**
- ❖ Factors accounting for this proliferation are; **Attention Economics, Automated advertising systems, External manipulators, company spending priorities, stakeholder knowledge deficit & flaws in platform policies in their implementation**
- ❖ Discriminatory application of platform regulation policies by major platform operators:
 - platforms are **slow to respond to emergencies** that result in serious **human rights violations**, and
 - they have **failed to invest in African languages** for moderation and, consequently, to **provide linguistic contexts for content removal**.

Policy Recommendations

- ❖ The GDC should **highlight human rights and sustainable development as agreed international standards** that are foundational for all regulatory arrangements everywhere.
- ❖ **UNESCO principles can apply to solo-, self- and co-regulatory mechanisms, as well as be institutionalised in multistakeholder roles** at all levels of rule-making, enforcement, monitoring, oversight and review.
- ❖ **Platforms can be encouraged to elaborate how they balance between global and local dimensions of their terms of use**, and provide more equitable (and auditable) resourcing for monitoring and moderation of content in the Global South.
- ❖ Tackling disinformation and hate speech online can best be done by **combining various regulatory arrangements into a hybrid overall system** including legal delegation of roles to platforms, effective codes of conduct, ensuring statutory regulators are structurally
- ❖ **Promote open data initiatives** to assist with fact checking and knowledge sharing among the publics.

Harnessing Artificial Intelligence for Africa

- ❖ As AI rapidly proliferates on the African continent, it is essential to ensure that its development and use supports socio-economic justice, alleviates poverty, and more fundamentally, protects and upholds the enjoyment and realization of all human rights.
- ❖ To address the risks and guide the application of AI for public good, it is necessary to assess existing regulations and identify regulatory gaps.
- ❖ Majority of AI use in Southern Africa indicates that;
 - AI is mostly used by privately-owned companies, suggesting the need for efforts to support public sector capabilities ;
 - Uses also fall mostly into the labour policy arena, indicating a need for the prioritisation of policies and programmes that address future-of-work scenarios such as reskilling and labour transitions
 - Significant efforts are required to ensure that AI project leaders understand and take into account the potential and ethical and human rights-related implications of their products and projects.
- ❖ Though few African countries have AI policies, there is need to ensure cooperation between countries and regional bodies, between countries and tech companies to increase the capacities of local authorities to effect these policies.

AI Misuse in Africa

1. Data governance towards innovation of AI in Africa

- ❖ Domination of global and national tech monopolies by amassing control and power through massive data collection and infrastructure ownership.
- ❖ Lack of open data initiatives

2. AI and biometric identification

- ❖ Susceptibility to cybersecurity attacks and third-party sharing of data that leaving citizens vulnerable to data breaches.

3. AI and labor in Africa

- ❖ Africa contributes significantly to the global AI supply chain as; suppliers of raw material for technology, producers of data, human content moderation supplementing algorithm-based moderation, cleaners of data sets, and as agents feeding machines with content for machine learning.
- ❖ Platform regulations need to account for global hierarchies where workers situated in the Global South are doing work for users based in the Global North.

Policy Recommendations

Infrastructure development: Governments should prioritise developing policies that ensure “safe, secure, and inclusive” infrastructure for the development of AI systems.

Taking a gender and intersectional sensitive approach to address current inequalities: Expand gender-sensitive information/data collection for the broader ICT sector to inform policies that can advance and ensure the active leadership and involvement of women in digital and AI services.

Advancing African Centred value systems in AI ethics: It is essential to address ethical concerns surrounding AI deployment by creating regulatory and policy frameworks centered in African values and principles.

Collaboration and knowledge sharing: There is a need for collaboration and knowledge-sharing among countries and regions to promote the global deployment of AI for public value creation.

International development assistance: As donors and intergovernmental organizations support efforts to build inclusive digital infrastructure and develop long term local capacity in AI governance greater focus should be placed towards ensuring African states retain their sovereignty in developing AI governance solutions rooted in national values

Accountability for Risk: Corporations driving rapid AI development should account to public authorities for the current and future risks presented by the technologies and be required to manage risk and to maintain international trust

Thank You