

# Summarised Input for Global Digital Compact Online Survey



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## Background

This document is a draft of Research ICT Africa's (RIA) input to the Global Digital Compact, summarised to respond to the input survey form as [published by the co-facilitators of the intergovernmental consultation process\(Rwanda and Sweden\)](#). RIA's input was developed through a two-fold process. First, we gathered policy evidence from our past and ongoing research to make proposals on addressing the digital divides within Africa and between Africa and the rest of the world. The second process involved reaching out to stakeholders through a consultation process that included a public seminar, direct email responses, and a call for input through our website forms with [English](#) and [French versions](#).

With this submission, we are responding to six of the seven themes as outlined by the co facilitators:

1. Connecting all people to the Internet, including all schools;
2. Protect data;
3. Apply human rights online;
4. Introduce accountability criteria for discrimination and misleading content;
5. Regulation of Artificial Intelligence
6. Digital commons as a global public good; and,
7. Public data as statistics, as 'other' identified theme by RIA.

We are circulating this draft for another round of consultation. Feedback will be incorporated into the final submission ahead of the UN's deadline of 30th April.

## Process followed to collect, consult, and prepare this input

The digital unevenness, marginalisation and exclusion of and within Africa applies not only to economic and social participation, global competitiveness or the geopolitical positioning of states, but also to exercising effective citizenship by its people. Rather than fostering political inclusion and datafication, digital unevenness is accompanied by a growing sense of democratic erosion, disinformation and disorder in an increasingly digitalised public sphere. And, despite the promise of economic development offered by digitalisation, most of the continent's people are unable to enjoy the efficiency and opportunities offered by online economic activity and digital substitution.

This submission is based on a two-fold public consultation on a draft discussion paper. First, we invited Anglophone and Francophone stakeholders in Africa to comment on the draft either through email or an online form. Second, we held a consultative webinar to engage a multistakeholder audience. The webinar had an audience of 47 participants mostly from African countries. Ahead of the seminar, we provided the participants with Research ICT Africa's (RIA) draft submission as well as background information about the GDC. A French version of the webinar presentation was posted for comment, the inputs of which have been incorporated into the submission.

The overarching question we asked in our public consultation, and which informs our research agenda is: 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? The final submission and these survey responses draw on the evidence base that RIA has built over two decades to support the development of contextualised policy and regulatory strategies as alternatives to those that have failed to redress digital inequality and data injustice in Africa.

## Connect all people to the Internet, including all schools

Telecoms market liberalisation resulted in a revolution in Africa through multiple undersea cables and cross-border fibre networks bringing basic telecommunications to the vast majority of people. However, a market efficiency gap is evident. This is despite mobile broadband coverage being above 75% in most countries and well above 90% in many. Both supply- and demand-side constraints are present. Broadband reach has been commercially driven with few success stories of Universal Service Funds dealing with the connectivity gap in areas where low rates of profit mean that private telecom companies are not willing to invest. Despite significant investments in network extension, these have often not been effectively regulated to produce competitive markets and ensure positive consumer welfare outcomes. Even with the price reductions documented in the [RIA African Mobile Pricing Index](#), we know from the RIA [After Access surveys](#) that the main barriers to Internet take-up and use relate to issues of smart device affordability, lack of awareness, and, once people are connected, the price of data. Access and extensive use is further determined by education and income (employment). Women, especially those at the intersection of multiple other inequalities, are concentrated amongst those without access.

We also know that it is almost impossible for least-developed (and even several developing) countries to deliver broadband services at less than 2% of monthly GNI per capita as proposed by the Broadband Commission, particularly with the current high-cost of GSM technologies, inefficient business models, high transactional costs of spectrum assignment, and regressive excise taxes on low-end smart devices, social media and mobile money.

The equitable assignment of spectrum in a manner that best serves national strategic interests remains a challenge. Spectrum auctions have proven difficult to execute well. High fees paid at auction may be a windfall for the exchequer but have been shown to result in lower consumer welfare through reduced network roll-out and higher consumer prices. Balancing the dominant commercial valuation of spectrum with demand-side valuation that recognises it as public good, an essential downstream input with both social and economic multipliers, is critical to achieve a more equitable global digital compact. This includes setting aside spectrum for common use and to enable free public access in schools and other public buildings.

## Recommendations:

We proposed a shift from the market reform models of the past to a fundamentally different approach to redressing access, use and connectivity issues. In this regard, we make the following recommendations:

- Harmonise regional regulation to create economies of scale and scope for investment, and to create effectively regulated competitive markets.
- Develop innovative regulatory approaches and low risk experimentation: Current approaches often favour incumbents as the drivers of access expansion. Non-traditional providers need to be considered when the goals are connecting underserved areas and lowering the price of access.
- Remedy wholesale access in the data market by reducing anti-competitive practices in the data markets in Africa that exclude competitive entry by new players, particularly in relation to costs of roaming and facilities leasing.
- Remove social media and mobile money excise taxes which counter affordable access strategies and impact negatively on the welfare of people. Also remove excise duties on low-end smartphones.
- Demand-side spectrum allocation: Take into account recent innovations that enable dynamic spectrum access and spectrum sharing. Possible interventions include the introduction of low-cost regional licences and micro licences that can deploy such technologies most efficiently at a far lower cost. Allocate spectrum for public access and common use and ensure public access in schools and public buildings.
- Infrastructure sharing: Encourage infrastructure sharing to counter market concentration and minimise duplication of investments in supporting infrastructure (ducts, poles, towers). This allows for the reallocation of infrastructure investments into service quality improvements and reduces the market entry barrier for new entrants.
- Public financing: Create more agile and accountable funding mechanisms to support remote areas while promoting competition and resiliency through a more diverse operator base. The rules around governing and operating these public funds should evolve as technologies evolve.
- Open data and transparency: For all the above-mentioned recommendations to be efficiently implemented, there is a need for detailed information on existing infrastructure, equipment, spectrum plans, fibre backbone, backhaul pricing, etc.

## Protect data

The right to privacy is fundamental and must be upheld in relation to data protection but it also needs to be balanced with rights to freedom of expression, access to information and public interest requirements for the collection of personal data. We need to move beyond individualised conceptions of privacy and personal data enforced through negative (breach of privacy) regulation – that dominate data governance currently. The pandemic has highlighted the need for positive regulation of data in the

collective interest or for common good, in order to redress wide-scale data-driven inequalities, both within and between countries. Racial or other kinds of exclusionary profiling can harm identity groups as a whole, not just the individual concerned. Indigenous communities may require limitations on access to their data and knowledge systems within wider calls for open data to reduce concentration of ownership of data or in the interests of competition or consumer protection – a critical issue to be addressed in the face of rampant data colonialism on the African continent.

Protecting people's data requires both establishing control by individuals over their data and empowering communities whose data is interlinked with each other to have autonomy over that data. To this end, policies need to enable alternative mechanisms of data stewardship, such as data trusts and other forms of collective data governance, instead of narrow legalistic notions of informed consent through individual contracting.

But even such alternative mechanisms on their own do not produce systemic outcomes that are just. To redress the current uneven distribution of both harms and opportunities within and between countries, positive regulatory intervention, particularly in economic regulation is required. Data justice requires that the governance of data prioritises shared benefits and opportunities associated with data value creation. There are many areas such as data availability, accessibility, usability, portability and integrity, as well as concerns about ownership, with implications for fair trade, labour and competition, that require regulation. Positive discrimination is also necessary to redress intersectional inequality to ensure access to affordable, adequate quality broadband, labour rights online, consumer protection, data protection, public procurement and data access.

## Recommendations

Key policy recommendations coalesce around localising and contextualising data rights and protections; ensuring affected communities can participate meaningfully in data governance; and guarding against the extraction and concentration of data as a resource and means of production. The following high-level policy recommendations are applicable at different levels of government, as well as in non-government and private sector settings. Within specific country and regional contexts and through the participatory processes intrinsic to democratic policy formulation, more detailed guidelines for achieving data justice can be developed.

- Ensure data governance and regulation that upholds rights, including economic rights and workers' rights, such as the right to port their work-related data to other platforms, and appropriate frameworks for redress that are binding on transnational corporations.
- Enable alternative forms of data stewardship that empower data communities.
- Enable beneficial data flow through economic relations that ensure equitable access to resources, enabling interoperability and preventing anti-competitive data practices.
- Reconcile the claims of data sovereignty and global governance through international solidarity committed to data justice, including redress of social and economic injustice.
- Develop frameworks for responsible data stewardship, as open data carries risks not only for personal privacy, but for the appropriation of indigenous knowledge systems.

## Apply human rights online

The UN has declared access to the Internet as essential to exercising human rights, and called on states to ensure that affordable broadband access is available to their citizens and access to the Internet is not unlawfully restricted. Yet most Africans do not have access to the Internet and for many of the few who do, their use is highly constrained by the [price of broadband data](#) and the quality of services. RIA [After Access](#) surveys demonstrate the human development constraints on equitable access and use, with universal variation in Internet access based on geographic location, income and education. Our research demonstrates that the intersectional inequalities in the offline world are exacerbated online; the most vulnerable to digital inequality are rural women with low levels of education residing in low-income households.

More inclusive and equitable ways of bringing people online will require moving beyond ICT sectoral policies to integrated strategies to improve education, employment opportunities and incomes, so people are able to move beyond the passive use of general purpose technologies such as the Internet and deploy them to enhance their lives, produce value, contribute to the prosperity of nations and effectively participate in contemporary forms of democratic action.

Examining social inequality at national and global levels shows how power relations and social justice are linked not only to human rights considerations but also to the complex dynamics of global economic inequality.

Intensifying global processes of digitalisation and datafication are simultaneously accompanied by a plethora of individual and collective risks that, unmitigated, could result in widespread harms to human rights, including to sustainable development and democracy. These risks, as they pertain to the African continent and to collective rights, are poorly defined and understood.

Addressing these issues of social and economic justice will require global governance of digital public goods. RIA argues for an approach to global regulation that not only redresses the uneven impact of harms within and between countries but also the uneven distribution of the opportunities associated with the highly concentrated proliferation of advanced digital technologies through regulation that ensures that socio-economic, environmental, labour and collective rights are protected and promoted through more equitable global governance of digital public goods.

## Recommendations

Applying a human-rights-based approach to digital regulation encompasses the following commitments:

- **Ensure human rights, human dignity and autonomy in the whole technology lifecycle:** Africa contributes significantly to the global digital supply chain, including as suppliers of raw material for technology, producers of data, as human content moderators supplementing algorithm-based moderation, cleaners of datasets, and as agents feeding machines with content for machine learning. However, the current practices of combating information disorders through algorithmic as well as human content moderation are characterised by

global hierarchies. Therefore, digital regulations need to account for global hierarchies where workers situated in the Global South are doing work for users based in the Global North.

- **Develop international cooperation and solidarity mechanisms to redress inequality and enhance data justice:** Intractable governance issues relating to the globalised and cross-border flows of data can only be addressed through international cooperation and solidarity. The human rights and democratic precepts underlying multilateral conventions upholding national sovereignty must be used to redress inequality and enhance data justice, and not be abused to further marginalise the dispossessed or control legitimate contestation and dissent.
- **Reduce digital intelligence-based dependencies:** Data colonialism and digital intelligence-based dependencies can amplify the inequalities between developing and developed countries. The compact should address how data intelligence will be shared between communities not only as a restorative justice, but as the right of communities to benefit from their own data. This can be achieved through the governance of data as data commons and through vehicles such as data trusts and data cooperatives.
- **Address key structural constraints to rights and equality.** The key structural constraints that inhibit online labour rights, gender equality, and inclusive social protection should be addressed. Interventions should be designed to strengthen economic justice in the digital economy and build a policy and regulatory environment fit for purpose and contextually relevant to address existing labour market inefficiencies exacerbated by location-based platform and microwork.

## Introduce accountability criteria for discrimination and misleading content

The policies that digital platforms possess to deal with misinformation online tend to be global and generic, with limited customisations according to national or regional requirements but clearly more responsive to some jurisdictions than others. When they do exist, they often lack transparency and adequate risk assessments.

Reflecting challenges at the global level, laws tackling information disorders in Africa tend to be ambiguous, with the potential of politicising the concept and criminalising speech in efforts to control narratives. As with other regions in the world, elements of information disorders, such as disinformation and hate speech, often manifest during elections and conflicts.

The proliferation of online hate speech and disinformation has serious implications. . “Information operations” to covertly sway elections have been widely exposed, while violence has been incited against ethnic groups, migrants, women, and political contenders. This has had serious implications in the exercise of democratic rights, freedom of expression and rights to political representation by structurally marginalised groups. Ideally, platform companies should collaborate with local authorities and stakeholders to deal with these challenges. Global communications networks need to conform to the rights of privacy, access to information, freedom of expression, association and movement, and equality, among others.

RIA's [research outputs](#) and [an annotated bibliography of selected African countries](#) show many of the problems of the information disorder in Africa. [Another RIA report, commissioned by UNESCO](#), addresses platform regulation challenges that have significant negative bearing on Africa, highlighting discriminatory application of content policies by major platforms. Platforms are slow to foresee or respond to serious emergencies, and have failed to invest in African languages for moderation and, consequently, to provide linguistic contexts for content removal.

Regulatory arrangements should span the interplay between platform policy rules, practices, business models and technology. The failures of 'solo-governing' by platforms in content curation and moderation should not lead to 'solo-state regulation' as governmental responses have also led to human rights violations. Hybrid regulatory arrangements with multi-stakeholder participation from affected groups and communities are required.

## Recommendations

Tackling disinformation and hate speech online can best be done on a modular basis as befits differing issues, regulatory arrangements and capacities, and by ensuring that the array of statutory regulators is structurally independent of political interventions. To address disinformation and hate speech online:

- The GCD should promote a hybrid model of binding, self- and co-regulatory mechanisms, all of which should have multistakeholder roles (as relevant) that are institutionalised across rule-making, enforcement, monitoring, oversight and review.
- Platforms should be strongly encouraged to elaborate on how they balance global and local dimensions of their terms of use and to provide more equitable (and auditable) resourcing for the moderation of content in the Global South.
- Responses to hate speech and disinformation should build stakeholder knowledge through media and information literacy, and support for de-centralised platforms.

Recommendations to tackle global inequalities and implement non-discrimination in the area of discriminatory and misleading content:

- Transparency in content moderation should be emphasised in the GDC, as it is critical for multi-stakeholder participation in platform governance.
- The GDC should acknowledge global north-south hierarchies and commit to working against those inequalities and their reproduction through digital technologies. It is therefore essential that the Compact does not limit its scope only to the digital realm but accounts for the inequalities created through digital technologies on the ground and in local contexts e.g., through working conditions and the unequal treatment of languages in content moderation.
- Human content moderation work either supplementing Artificial Intelligence (AI)-based moderation or manually contributing to machine learning should take into account the need for labour rights, as well as fair distribution of work hierarchies in the AI global supply chain.



## Regulation of AI

RIA argues for a human-rights based approach to regulate AI. Existing digital barriers such as lack of infrastructure, data, affordability and digital illiteracy make it difficult for Africa to fully harness the capabilities for AI, widening the inequality gap between nations. The global regulation of AI must actively tackle the global inequalities, data justice concerns, and risks posed by AI across its full supply-chain and lifecycle.

The development and use of AI in Africa should support, rather than hinder, socio-economic justice and poverty alleviation across the continent, and not impact negatively on the enjoyment and realisation of all human rights. Our analysis of the dynamics of use and regulatory environment in the region indicates that significant efforts are required to ensure AI project leaders understand and take into account the ethical and human rights-related implications of their products.

As foreign global monopolies dominate the AI market in the region, AI used locally is developed outside Africa, and trained on foreign and unrepresentative data, meaning they have limited capacity to address the region's priorities. Even worse, these foreign-trained models may have had serious implications for human rights through discriminatory models, or simply be inappropriate for local contexts.

Lack of (open) data that can be used in the local development of AI systems for African countries needs to be emphasised and targeted. Governments lack open data initiatives that can be leveraged for AI development. In countries where these initiatives have been set up, they eventually cease to operate as the systems are not fed with data. Globally, the continent has the least statistical capacity. The lack of data deeply entrenches inequality and harms caused by AI due to lack of (local) data on marginalised and underrepresented groups that can be used to avert these harms. Contributing to this challenge is the low affordability and use of digital devices and networks. As Africans miss out on the opportunity to use these technologies, they also miss out on the opportunities to create a digital footprint which is needed as raw material for AI.

### Recommendations:

Given the above, the following policy recommendations can be made to create an enabling environment for AI in Africa:

- **Infrastructure development:** Governments should prioritise developing policies that ensure safe, secure and inclusive digital and data infrastructure for the development of AI. The policies should also include means of promoting open data, connectivity and Internet access, and good governance critical for the development and sustenance of AI.
- **Promote access and use of technologies** to increase Africa's digital footprint. This includes proper data governance and safeguards in the collection and use of public data to promote public trust in the use of data as a public good.
- **Local skills development** is at the heart of advancement and responsible use of AI in Africa. Policies should be formulated to promote the understanding of AI at all levels, for policy makers

to understand the opportunities and risks of AI and for the continent to build the required local skills and capacities to actively contribute to the development of AI.

- **Taking a gender and intersectional sensitive approach to address current inequalities:** Expand gender-sensitive data on the use of ICTs and other infrastructures to advance and ensure the active leadership and involvement of women in digital and AI services. Standards around data quality and representivity are essential to eradicating discrimination against women, and other underserved groups, that occur in AI systems trained on biased and unrepresentative datasets.
- **Advancing African value systems and principles in AI ethics:** With the diverse social and economic contexts in the region, ethical standards for AI should emphasise digital literacy and education, community beneficiation, protection of minority communities, access to digital infrastructure and holistic reskilling programmes that include promoting diverse forms of knowledge in developing AI [solutions](#).
- **International development assistance:** In advancing the development of responsible AI solutions in Africa, development partners and funders at large should concentrate on supporting efforts to build inclusive digital infrastructure and develop long-term local capacity in AI governance. In doing this, focus should be placed on ensuring African states retain their sovereignty in developing AI governance solutions that are rooted in [national values](#).

## Digital commons as a global public good

Underpinning the policy and regulation of global digital public goods is that they are a common good that should be made available to all. The rise of the Internet, data, cybersecurity as global digital public goods and the backbone for global trade, financial and information flows requires new forms of global cooperation. In terms of global governance, the shift in traditional power relations between states, markets and citizens has blurred notions of ‘international’ and ‘national’ and of what constitutes public and private.

Understanding the Internet and data, and as (impure) global public goods depends on Africa (and other regions) acquiring the relevant national and global governance capacity to operationalise this understanding. This is because global digital public goods and the global governance of them only emerge, in considerable measure, to the extent that countries can reproduce them and the governance of them at the national (or regional and sub-regional) levels. With constrained resources this means creating the conditions for private delivery of public goods such as the Internet, or enforcing global agreements on cybersecurity or data protection.

Further global processes of digitalisation and datafication have been seen as a threat to the often-marginal tax bases that exist in developing countries. Tax-base erosion due to profit-shifting by digital platforms has been [estimated](#) to cost developing countries over USD 500 billion annually. As states in Africa grapple with resource mobilisation one of the interventions has been imposing regressive excise taxes on the use of social media, undermining the realisation of these digital public goods. Resource mobilisation for the delivery and governance of digital public goods would be far better targeted at the

giant multinational digital companies, who generally operate without physical presence in countries and often do not even pay taxes in those countries from which they emanate. Reforms in the international taxation regimes (BEPS) that would allow for such taxation to be far higher than they currently agreed on at 15% (well below the average international corporate tax rate) could go some way to meet public infrastructure deficits in developing countries.

## Recommendations

1. **Aligning fiscal and taxation regimes.** National and regional fiscal and taxation regimes should be aligned with efforts to mitigate against Tax Base Erosion and Profit shifting, such as OECD/G20 Inclusive Framework on BEPS, to effectively tax digital platforms. African countries need to build out the required systems for implementing these digital tax proposals on the continent. These efforts need to be cognisant of the institutional endowments of countries and local context and will require local research to build an adequate evidence base to inform Africa-led alternatives.
2. **Digital and data public infrastructure:** Integrated broadband network infrastructure, including the data and services level and the applications such as digital identification and payment systems, can only be realised at the national level as a result of the global governance of global digital public goods. Even if privately provisioned, the state needs through public interest policy and regulation to ensure equitable access to public digital infrastructure so that what should be common infrastructures does not serve a small elite segment of the population.
3. **Supply- and demand-side valuation:** For key resources (like broadband Internet, spectrum or data) dominant commercial supply-side valuations need to be balanced with demand-side valuation in resource allocation that properly recognise and account for their public utility. Demand-side valuation enables public-interest governance of a resource as a non-rivalrous, low-excludability public good that can be accessed for the purposes of public planning, entrepreneurship and democratic accountability. Balancing the commercial valuation of resources necessary to ensure delivery of certain public goods such as digital and data infrastructure with a demand-side approach, enables the creation of a commons, allowing those who are unable to afford commercial services to access spectrum through unlicensed spectrum or data through data lakes or alternative forms of data stewardship.
4. Promote the end to siloed policymaking and the development of transversal digital and data policy that recognises the role of digital public goods as central to contemporary forms of democratic participation and as key inputs and enablers of economic transformation.

## OTHER: Public data as statistics

There is a severe lack of quality, publicly available data that captures digital inequalities faced by marginalised groups, particularly in relation to the needs of those offline and to the situation in countries which have fallen furthest behind in digital access. The varying trends observed even in

countries with similar economic contexts and base levels of digitalisation, the heterogeneity within demographic groups, and the illustrated importance of moving beyond access to also look at use, highlights the need for granular data for all countries. The dearth of such data in the Global South is therefore a major barrier which needs to be addressed to enable policymaking which will effectively reduce digital inequalities in light of specific contexts.

Early data from the 2022 [After Access](#) surveys shows contrasting gendered trends across different countries. Whilst the levels vary, there is also a universal variation in female access based on geographic location, income and education. Those who face extreme digital marginalisation are at the intersections of all these inequalities. Gains in households with Internet access in Africa since 2018 is almost entirely attributable to increases prior to the outbreak of COVID-19 and therefore the acceleration of digitalisation during the pandemic was mainly an increase in intensity of use by those already online. Those who were offline before the pandemic were further marginalised by the increasing prominence of the digital economy.

Although it is advocated within the UN statistical system that ICT surveys be conducted on a regular basis, across most countries in the Global South there are almost no dedicated resources to do so and, at best, only a few digital indicators are included in the national census or household surveys. The World Bank ([2021](#)) notes that when data quality is poor, it lacks granularity, accuracy, and comparability.

It is critical that digitalisation efforts ensure that once individuals gain access, they are able to equally use the Internet. In South Africa, despite the gender access gap being eliminated, when viewing specific uses of the Internet through a gender lens, it is clear that females are at a disadvantage. Without nationally representative individual-level data on ICT access, national indicators and assessments of users' needs will always be biased towards more developed countries and towards those who have already been integrated into the digital economy.

## Recommendations

Given the above, the following policy recommendations are made:

- **Produce better data:** The UN statistical system is currently unable to obtain the granular data required for digital policy and planning from developing countries. An international mechanism needs to be developed to ensure the collection of digital public statistics as a public good, accessible and usable by all, and with all necessary ethical and rights-preserving aspects of gathering large data sets. This should include efforts to support African use of such data, including by supporting regional entities such as the African Union, UN Economic Commission for Africa (UNECA) and the African Development Bank to coordinate statistical collection. This will require enhancing the capacity of national statistical offices and political commitment to do so. In addition, efforts are needed for enabling and tapping into academic and civil society expertise on the continent to support the collection and analysis of nationally representative demand-side statistics.
- **Establish a digital solidarity fund:** As a priority recommendation for the creation of global digital data as a public good, it is proposed that there is a 1% contribution from the Domain Name System

(DNS) registration fees of all countries globally towards a digital solidarity fund. This could be allocated based on applications by states to the fund to enable the gathering of digital data that can be disaggregated, analysed and evaluated.

- **Develop evidence-based transversal digital strategies** focused on human development and rights-preserving regulatory arrangements needed to redress intersectional inequalities reflected in the uneven impacts of digital developments and to foster more equitable social and economic inclusion.