CONFERENCE REPORT

Digital Trade in Africa: Implications for Inclusion and Human Rights

31 May - 1 June 2018, Addis Ababa, Ethiopia

I.   Introduction

Digital trade is the "use of digital technologies to facilitate businesses". Digital trade is growing rapidly in Africa, implying significant changes for the way African countries trade and industrialize. The digital economy, which thrives on communication and human networks is being embraced across the continent; by entrepreneurs, businesses and governments. Governments increasingly rely on digital platforms for the delivery of services, and the provision of public information. Digital trade has created opportunities for the integration of African firms into global value chains (GVCs) through facilitating widespread marketing and distribution of goods and services within Africa, and between the African continent and the rest of the world. While digital trade can have a transformative effect on African economies, a human rights approach is crucial to look at larger issues of connectivity across the continent and within countries, access to and use of technology platforms, tools and services; privacy and data protection; and the impact of digital trade on a range of human rights in terms of its realisation, promotion and protection.

The *Digital Trade in Africa: Implications for Inclusion and Human Rights* conference was held in Addis Ababa, Ethiopia, from May 31 to June 1 2018, co-organized by the African Trade Policy Centre (ATPC) of the United Nations Economic Commission for Africa (ECA), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Friedrich-Ebert-Stiftung (FES) Geneva Office. This triangular partnership created a platform for a conversation around the emerging digital trade sector within Africa, specifically with human rights at the starting point.

The purpose of the conference was to brainstorm the scope of the organisations' joint research work on human rights and digital trade in the context of the African Continental Free Trade Area (AfCFTA). However, the outcome included not only brainstorming but also discussion and concrete outputs, including plans for a research-based compendium. The conference featured panellists from a wide range of sectors within the fields of digital trade and human rights.

Throughout the conference, the importance of a human rights focus within all aspects of digital trade was identified by panellists and attendees. OHCHR reinforced this connection by synthesizing key messages from the conference entirety.

The human rights normative framework encompasses a wide range of substantive standards covering civil and political rights, economic, social and cultural rights, the right to development, and groups in focus such as rights of the child, rights of women and persons with disabilities. Human rights norms also stress the importance of a right to remedy, in which digital trade has an opportunity to help catalyse. While governments have obligations, to include non-discrimination and equal treatment, there is also a duty of international cooperation, which should include removing obstacles to development and systemic barriers. Simply put, this duty includes ensuring not just free trade, but sustainable trade. Indeed, human rights at its most basic level is a disruptor of unjust power dynamics often present within business and trade. The open source and collaborative nature of the digital space embody the subversive, revolutionary nature of human rights struggles. This transformation gives rise to emerging norms animated by grassroots initiative, grit, and commitment to informed yet creative solutions.

Expansion on the operationalization of these ideas include the following key messages:

1. The emergence of new technology systems, platforms, and ideas creates an opportunity for human rights to be a guiding framework for digital technology and development in Africa.

2. Creating or ensuring connectivity and access, including affordability to quality internet and digital platforms as a human right is the foundation for any subsequent progress with respect to the emergence of digital trade.

3. Governments are key players in updating public services to include digital infrastructure, financing, and policies that reflect both protection and progress.

4. Private actors who are digital access providers can also undertake human rights due diligence, incorporate safeguards in design and public policy, and include stakeholder engagement in effective remedies.

5. Public investment either in the form of business creation or partnerships is an opportunity which can be supplemented by regulation.

6. Data creation, access, protection, privacy, storage, ownership, biometrics, identification and security are separate but connected issues to be addressed and normative gaps filled.

7. The importance of ongoing rapid digital transformation relies on ensuring digital inclusion through effective participation, governance and accountability.

8. Digital trade can expand the inclusion of women in trade by providing new opportunities for their economic participation, as well as autonomy connected to human rights. This goes beyond questions of access and viewing the internet and ICTs as tools and enablers of women's economic empowerment, but acknowledging that the digital economy is a different economic paradigm in which economic activities across all sectors are being restructured by platformization and dataification, creating precarity and perpetuating inequalities.

9. The creation of a democratic and inclusive governance within digital trade through informed policies, strategic partnerships, and commitment to innovative practices, can ensure accountability while fostering current and future growth.

10. In order for emerging systems to thrive, and established platforms such as micro, small and medium enterprises (MSMEs) to grow, creativity and openness must be supported as necessary ingredients for competition, along with access to finance, capital and skill development, creation of policy incubators and more public investment. MSMEs should be embedded into structural transformation strategies in two ways: as policy-receivers and as policy-transmitters.

11. Civil and political rights that directly or indirectly have an impact on the digital technology include the freedom of expression and the right to identity, freedom of assembly and association, and protection from violence; while those on economic, social and cultural rights encompass the right to work, the right to education, the right to an adequate standard of living, and the right to development. These rights should be protected, legal gaps should be filled, and restrictions should be narrowly defined, while subject to public scrutiny.

12. Digitalization has positive and negative impacts on job creation, labour rights, the future of work, social protection and the care economy, which have to be assessed in a variety of settings and respected by all governments and business actors. The right to work inherently includes skills development in shifting landscapes.

13. Gender equality and youth inclusion are necessary components in the development and success of digital trade through emphasizing choice, consent, autonomy and voice.

14. Regulation of the digital economy requires coherent and complementary governance at national, regional, and global levels. The scope and definition of the digital economy needs to be embedded in international, regional and national law.

II. **Welcome remarks and opening statements**

Welcoming remarks were delivered by Ms. Ahunna Eziakonwa, UNDP Resident Representative, Resident and Humanitarian Coordinator of the United Nations System in Ethiopia, Mr. David Luke,

Coordinator of the African Trade Policy Centre, ECA and Mr. Florian Koch, Director, FES, African Union Office. The opening session was moderated by Mr. Stephen Karingi, Director of Capacity Development Division and Officer in Charge of Regional Integration and Trade Division, ECA. Statements were delivered by, H.E Amani Abou-Zeid, Commissioner for Infrastructure and Energy, African Union Commission, Ms. Vera Songwe, Executive Secretary, ECA, Mr. Carlos Lopes, former ES, ECA and presently Professor, Graduate School of Development Policy and Practice, University of Cape Town, and Mr. Mukhisa Kituyi, Secretary-General, UNCTAD.

Based on many challenges already present within the digital trade and human rights nexus, speakers quickly identified solutions or potential opportunities. For example, the AfCFTA's implementation presents a potential challenge across a continent with no common currency. This issue was compared to India's digitalisation success amidst a similarly sized population and language and governance obstacles. The implications of differentiating between foreign and domestic transaction currencies could render human rights impacts in the form of discrimination or dubious regulatory standards. Additionally, labour advantages once present, are no longer an incentive, which necessitates a shift toward digitally-based workforce. While this can be and often is a challenge due to levels of skilled labour, the opportunity present lies in Africa's bulging youth population. The viable leveraging of women in the digital workforce depends on their digital competence predicated on societal support, access to training, and inclusive innovations. For example, the introduction of MPESA's mobile money platform in Kenya has helped to empower women through receiving payments direct into their mobile money accounts, and therefore addressing the issue of capture of funds by their husbands.

Ensuring equal growth, access, and high standards of digital trade necessitate the inclusion of women, youth, and the overarching commitment of government support. However, before these ideals can be developed, internet penetration must be addressed. While mobile technology penetration is high within Africa, digital infrastructure focused on internet connection is needed especially for those in landlocked countries. Since the main driver of infrastructure development is often the private sector, preference has been given to highly populated urban areas where the returns on investment are higher. This has resulted in an inequitable distribution of access to the internet. At the same time, IT as a share of Aid for Trade (AfT) has declined.

Many opening speakers included statistics and current data to provide baseline facts and highlight future focus areas. Within Africa, although the digital economy contributes 7 percent to GDP, only 10.9 percent of the population has internet access beyond the speed of 10MB. This presents a realistic glaring barrier to digital trade and e-commerce. On the other hand, the session emphasised the positive nexus between digitization and the human right to an identity. In particular, digital means of identification can support migrants to identify their history, and to support access to jobs, finance and healthcare. The session also highlighted the need for empowered citizenship participation to engage in and influence the digital debate in Africa to ensure good governance, data and cyber protection, and inclusive digital development. In order to move forward inclusively with development, trade, and human rights, citizens must be allowed to engage and become active participants in governance processes. The importance of ongoing rapid digital transformation relies on ensuring digital inclusion through active and effective participation.

Creative solutions were identified as a necessity in order to address current gaps and future goals. Opening statements reminded attendees that these solutions can be new, or they can manifest from streamlining international frameworks and applying guidance, best practices, and technical expertise. The nature of sustainable trade should include quality, economic benefit, and efficiency, though not at the cost of impeding sustainable development. The Agenda 2030 and the Sustainable Development Goals (SDGs) provide a framework, which focuses on the need to weigh

environmental and social costs in all development-based decision making. In this way, there can be a shift from a labour and capital economy to a knowledge economy. E-commerce, identified as one of the fastest growing components of commerce, includes immense potential for financial benefit, though requires technology infrastructure that allows for not only access and connectivity, but also speed of internet. Including the financial means, political support is also a necessity to make e-commerce a competitive and available option for African businesses. Creativity must be fostered and promoted in theory, practice, and as part of an overall strategy to compete and thrive within a global digital trading space. Streamlined polices for skills development will be key. These innovations, however, must not be void of understanding how digitization has disrupted traditional forms of employment. Traditional platforms of work must either be supported in evolution or moulded within the current and future work-field forms.

The identification of key actors responsible for the creation and enhancement of digital trade and human rights within Africa, was an important component to the conversation. Governance at the national and continental level was discussed in terms of identifying a balance between regulation and openness. A lack of regulation was raised as a risk for the emergence of monopolistic behaviours, which could increase the digital divide. However, it was also noted that the beauty of the digital age may instead reduce the "first-mover advantage" since it lowers entry barriers for MSMEs. While technology presents opportunity for a newly defined democracy, social awareness and accountability, it also presents human rights concerns around increased surveillance, use of personal data, and security. The entry of EU's General Data Protection Regulation (GDPR) regulation brings up concerns about regulation, capture, analysis and general questions on how personal data is being protected, kept, or used. Since data has become tradable and lacks regulatory policies this presents both the need for checks and protection, but also the support for MSMEs to compete with larger companies. In Africa, there is an opportunity to redirect energies, capital and knowledge, investments in education regarding digital technology. A notable and delicate tension exists between regulation and not over governing this space. Government intervention and action has the unique role of ensuring an open environment ripe for creativity while also curbing potential abuses and security concerns. Within key actors are also key participants, including women and youth. Digital trade can expand the inclusion of women in trade by providing new opportunities for their economic participation, as well as autonomy connected to human rights.

The internet can be an enabler for the realization of a wide range of human rights for Africans. Digital trade can be an avenue for the realization of economic rights primarily and of other human rights indirectly. This realisation, current policy development, and future progress however cannot be reached without inclusion and equal treatment of all groups within Africa. This includes human rights protections offline and online. The absence of equality presents significant risks within the deployment of digital trade and can result in further widening of societal inequalities. The full range of opportunities and threats which digital trade poses rely fully on the range of work that is being undertaken to secure greater protection. In that spirit and with the interlinkages of many key messages, the conference continued with panel presentations and discussions.

III. Panellist presentations

1. Digital Futures: new challenges and opportunities

Kasirim Nwuke, ECA, chaired the session on digital futures with presentations provided by Duncan Cass-Beggs, OECD and Mbanan Mku of Public and Private Development Centre.

The first session of the conference appropriately set a foundation for conversation through presentation and definition of the current landscape, challenges, and opportunities regarding "digital futures". The term digital futures described expected shifts within the technology and trade landscape including economic implications, governance, human rights, workforce, and active participation of all people with special attention to certain groups including women, youth, and creative minds.

In his presentation, Duncan Cass-Beggs emphasized that the speed, breadth and uncertainty, which characterize the digital age call for better anticipation of possible futures to make well-informed decisions and support the fulfilment of human rights in Africa. Since the digital economy offers significant returns, a sense of competition or "be ahead of the pack" sentiment has been created. Therefore, appropriate and well-designed digital policy will be crucial for Africa to leapfrog and tap into the remaining untapped potential of the digital economy. The digital economy is "disrupting" all elements of life, which presents a need to respond and harness opportunities within multiple scenarios. Africa has an opportunity to design well-informed policies and strategies at both national and regional levels. Exercises of foresight must also consider the political feasibility of the scenarios, since many countries are currently using digitization to gain economic dominance against other countries. In this way, understanding the digital future may also be a proactive foreign policy, and means for cross-national collaborations.

The session also highlighted the need for empowered citizenship participation to engage in and influence the digital debate in Africa to ensure good governance, data and cyber protection, and inclusive digital development. Examples were shared by Mbanan Mku of Public and Private Development Centre regarding effective citizen participation within governance processes, the importance of the ongoing rapid digital transformation, and digital inclusion. Empowered citizenship also included the reminder of each person's right to an identity, right to identification, and right to access digital infrastructure which includes areas such as finances, health care, and other forms of digitally accessed livelihood portals. In particular, the continued development of agriculture within the region has already seen improvements through mobile technology that may continue even more so through more advanced levels of technology including internet, and blockchain mechanisms.

Within the many challenges and opportunities identified, themes including choice, consent, and autonomy, were presented alongside the need for regulation, comfort in uncertainty, and governance at multiple levels. A key takeaway of the session was that although digital trade presents a number of challenges for African countries, these should not prevent the continent from advancing a digital strategy to take advantage of the clear benefits it can bring.

2. Human rights in an age of digital revolution

Mr. Idrissa Kane, OHCHR-EARO chaired the session with presentations by Ms. Meskerem Geset Tchane, Vice-Chair, United Nations Working Group on Discrimination Against Women and Ms. Ololade Shyllon, University of Pretoria.

A number of thematic reports have been drafted in the human rights field, which focus on digital rights including access, use and innovation. One guiding principle identified in these reports and in the panel session, was the fact that human rights exist regardless of offline or online status. In this way, it may not be so much about creating new human rights frameworks for the digital space, but to first extend and then ensure new strategies to enhance applicability and protection.

Key rights identified by panellists were:

1. *Right to equality and non-discrimination*, including barriers and offline discrimination as well as discrimination in relation to participation in the digital space. Intersectionality- the incorporation, awareness, and equal weight of all people and all relevant components, is an important inclusion. Real life barriers include poverty, lack of economic access, states' failures in protection of rights, especially women's rights.
2. *Privacy and access to information*. This also links with violence and other security risks, which are often used as pretexts for surveillance and restricting access. Legal protection is often lacking.
3. *Freedom of speech and expression, assembly and association*. This includes the creation, expansion, or updating of governance to ensure the use of and access to necessary means of communication.
4. *Right to work and other labour rights.* There is a lack in equality of opportunity.
5. *Right to education*. Technology can enhance the right to education but women and girls are underrepresented furthering an already marked gender digital divide in Africa.
6. *Right to development*. This is the core of African human rights instruments - Maputo Protocol. Harnessing technology is a key challenge so that violence and inequalities are not aggravated and perpetuated. Better education and literacy are needed to create an equal society.

Specifically, in relation to the multi-dimensional and multifaceted concept of privacy, Ms. Shyllon spoke about the challenges of digital technology in terms of freedom of expression, access to information, both gathered and shared. There are conceptual problems defining privacy in terms of time and context. The elements of privacy include that of (1) the body - autonomy (2) territorial – no trespass (3) information and (4) communication. The present framework on privacy and technology lacks attention and mention of human rights or human rights instruments. While frameworks regarding ICTs and e-commerce in the African Union (AU) Convention on cybersecurity criminalize slander in general, specific subjects including sex and gender are omitted. Consequently, this is not sufficient protection in the African context. Additionally, there is no right to privacy in the African Charter on Peoples' and Human Rights. This means the African Commission cannot adequately be engaged on this issue, nor can it respond to privacy discrepancies already being created for many African citizens and companies. Unlike in Europe, the African human rights framework has not guided the elaboration and implementation of the regional privacy/data protection sphere. There is a convergence of cybersecurity, data protection and e-transactions that further remove data protection from the realm of human rights.

Freedom of expression, managing and updating personal data, protection, and personal security are all current risks to be mitigated on the grounds of human rights. Finally, exploring social and cultural rights in relation to digital rights is equally important as it is unexplored. Panellists reinforced that access to information and privacy are not opposing rights but can be mutually reinforcing, when done in a proactive, inclusive, and well-intentioned way. The normative lacuna in dealing with digital rights issues generally within the African human rights system needs to be addressed with jurisprudence and strategic litigation leading the way.

Challenges to human rights can be called into question through public and private sector innovations, as well. For example, personal data in the form of genetics, or biometric data is already being captured, stored, and made use of. A case in point is the South African Social Assistance Program (SASSA), a biometric database operated by a private sector company, which shares information with other subsidiaries. The SASSA system is not 100% accurate and yet, it is relied on for official recognition and some social benefits. In order to ensure correct, fair, and non-discriminatory sharing of information, programs and innovations such as SASSA must be reliable and be in accordance with privacy and personal rights. The increased linking of biometric

databases by public bodies creates more opportunities for surveillance and mistakes in collection, and biases in the development of the technology for collection and processing could perpetuate existing inequalities.

Social media and online platforms have been vital components to positive effects including an increase in civic space and accessible platforms of knowledge. However, these same online hubs can and have previously suffered from unjust restrictions on freedoms of speech and expression. Law enforcement mechanisms have systematically used surveillance to silence bloggers and human rights defenders. The panellists cited the importance of narrowly defining the national security scope in the AU Convention on cybersecurity as States are increasingly using cybersecurity as a justification for surveillance and neglecting privacy/data protection. The GDPR portal offers a change in power dynamic wherein persons are notified when personal data is used, including how the company received information and how they plan to store it. Private actors who are digital access providers can also undertake human rights due diligence, incorporate safeguards in design and public policy, and include stakeholder engagement in effective remedies.

3. Digital trade landscape in Africa: trends in business and policy

Ms. Nadira Bayat, Global Economic Governance (GEG) Africa chaired the session with presentations provided by Jamie Macleod, ECA, Mor Talla, Africa Alliance on e-commerce and Shamel Azmeh, London School of Economics and Political Science.

The many challenges that digital trade presents to African countries should not dissuade the continent from pursing the clear benefits that it can bring. Jamie Macleod highlighted that a system of governance that both tackles the challenges associated with digital trade and capitalizes on the opportunities it offers, is needed. The opportunities raised in the session included connecting MSMEs to buyers abroad, boosting intra-African trade, and enhancing consumer welfare. Challenges referenced included the digital divide, exacerbated by the skill-biased technological shifts within digital trade, which benefit developed and other developing countries, thus resulting in inequalities. Additional challenges identified were the network effects and market concentration, as well as the risk of increased transfer pricing. In order to mitigate challenges and bridge the digital divide, African leadership as well as international actors must be aware of the benefits and especially the challenges that are already present within digital trade and a globalized system of development.

Industrial policies were highlighted as an important factor, which could harness and foster a well-designed and ethical industry. Mor Talla presented examples and current initiatives to promote digital trade and e-commerce within Africa. He highlighted that the current e-commerce situation is not in Africa's favour, citing a lack of legal frameworks, inadequate IT infrastructure and e-commerce services, insufficient business interest, and e-commerce entrepreneur activities.

Shamel Azmeh highlighted that the divide is not only about connectivity but also content. Bridging the knowledge gap while boosting capacities of use within Africa are key components. If this does not occur, the risk of the current digital revolution contributing to even less value capture in developing countries and the phenomenon of re-shoring will continue and spread. It was noted that the WTO African Group are taking a cautious approach to e-commerce at the WTO due to the need to further understand and explore some of these risks.

Lastly, an insight was raised about the lack of understanding within governments about digital technology. This may translate to a fear of development in fostering this important and competitive type of growth. MSMEs presence and presentations at the conference encouraged the government to be aggressive rather than timid, in this subject. Examples from attendee

participants, including Deliver Addis, an online food delivery site noted that public sector officials seem to be unaware of what e-commerce is. This presents a grey area of regulation, support and terms of agreement on which businesses and policy makers often clash. One recommendation was to establish sensitization programmes and policy incubators similar to existing tech incubators, to guide policy learning and development.

4. Digital trade landscape in Africa: special focus on informal, micro, small and medium enterprises (MSMEs) in digital trade

Robin Miller, Dalberg Advisors chaired the session. Speakers included Roy Ombatti, CEO, African Born 3D Printing, Azuko Ogo, Cargo Defence Fund and Jenny Rafanomezana, CEO, TruTrade Limited.

During this session chaired by Robin Miller (Dalberg Group) it became obvious that MSMEs should be embedded into structural transformation strategies in two ways, as policy-receivers and as policy-transmitters.

MSMEs are policy-receivers as widely acknowledged. Though working on very different topics with very different stakeholders, all three MSMEs of this session have many challenges in common. Some challenges may present themselves as so basic they become easy to overlook. The facilitation of and access to information has been revolutionized by ITC. However, for illiterate people, this revolution has tremendous limits, which was underlined by the presentations of Jenny Rafanomezana and Azuka Ogo. Roy Ombatti's 3D printers can produce more timely and cheaper parts for broken medical equipment of hospitals than imported products. However, because this innovation is not included in local health strategy plans, the full potential of impact cannot be reached. MSMEs continue to need additional and well-targeted assistance by policy-makers in order to survive economically. This investment may prove successful for the very governments that support and fund them, due to the role as "policy-transmitter" of MSMEs.

The slogan "local solutions to local problems" used by the speaker Roy Ombatti fits equally perfectly to the examples shared by Azuka Ogo and Jenny Rafanomezana. This highlights the role MSMEs can play as policy-transmitter. MSMEs have the potential to serve as an important enabler for broader development goals. While this potential might not be neglected by policy-makers a change of mindset might still be necessary. Especially in trade discussions, MSMEs are either portrayed as struggling with numerous highly-complex challenges or called upon to "go global" to solve the same challenges by connecting to global value-chains.

The examples provided by the before-mentioned speakers highlighted that MSMEs can be valuable government partners and enablers to achieve economic and social development goals at the local level. They – usually - are committed to increase not only their wealth but the wealth of the community they are located in. This perception could lead to a more differentiated policy-toolbox offered by governments to MSMEs; a policy-toolbox which focuses on achieving jointly economic and social development based on human rights with the support of MSMEs.

5. Digital trade and the right to work

Ms. Bolaky Bineswaree, UNCTAD chaired the session with presentations by Georgios Altintzis, International Trade Union Confederation, and Karishma Banga, Overseas Development Institute.

Digital trade is defined as the "use of digital technologies to facilitate businesses", which is a rapidly growing sector within Africa that may create significant changes to African trade and industry. Digital trade offers new opportunities for job creation, though these tend to be higher-

skilled jobs. At the same time, new business models of digital trade embody much automation, threatening to hollow-out lower and mid-level jobs and potentially make it more difficult for African countries to follow the traditional labour-intensive pathway to industrialization. This session discussed the risks and opportunities that digital trade poses for unemployment and inequality in Africa, and identified what complementary policies will be needed to guarantee the fulfilment of the rights to work and an adequate standard of living.

The two presentations and statements delivered by the moderator underlined the need for policy-makers to distinguish between the impact of digitalization on employment and the impact of digitalization on labour rights. In the context of the impact on employment, it was argued that firms investing in IT solutions are equally investing more in skills development of their employees. Higher skilled employment will be created if a company decides to upgrade its performance based on IT solutions. Various examples of success stories of African companies were provided by Karishma Banga where ICTs value-added manufacturing has been created. However, this can lead to an increasing pressure on low(er)-skilled workers. Skills development and an adequate adaptation of education policy should be in high priority to secure employment opportunities. Due to lower internet penetration in Africa the impact of ICT on the economy as a whole is still rather weak. Nevertheless, ICTs would be used more by young people in less developed countries than in developed countries.

With regard to the impact on labour rights, so-called IT giants tend to escape regulation in general and including labour rights. The example of a big US born online market platform was used and criticized for its low wages and reluctance to cooperate with trade union federations. Governments have a role to play in holding IT-giants and other IT-companies accountable for respecting labour rights embedded in international and domestic law. The asymmetric power-relation between big employers and workers persist also in the digital economy with increasing pressure on wages, which leads automatically to inequalities and hence to an abuse of the right to work provided by Article 15 of the African Charter on Human and People's rights and of Article 6 of the International Covenant on Economic, Social and Cultural Rights. The facilitation of communication due to modern technology was mentioned as a positive development which could lead to higher unionization of workers.

6. Digital trade and gender equality

Ms. Kiranne Guddoy, ICTSD chaired the session with presentations by Baratang Miya, Founder and CEO, Girlhype Coders, Hilda Awomolo, Head of Digital Content, She Leads Africa and Nandini Chami, Deputy Director, IT for Change.

In Africa, the proportion of women using the Internet is 25 percent lower than the proportion of men, with the continent experiencing a widening in the gender gap in contrast to other regions. The intersection of digital trade and gender equality presents either a potential risk of widening inequalities or an opportunity to leverage change that empowers women and girls. African women are "time poor" primarily from child rearing responsibilities, therefore access to technology may offer increasing flexibility of work as well as potentially reduce the gender pay gap, including for disabled women. Digital platforms are transforming care work, and may potentially lower traditional barriers for women and girls to gainful economic activities. Production, consumption and labour are fundamentally being reshaped which raises some vital questions for women's right to economic participation, decent work, and social protection. Access to financial services and credit are expanding on the digital platforms and have the potential of widening women's' strategic life choices.

Ms. Awomolo provided insight into how digital platforms can assist women in exercising their right to work and adequate standard of living, through building technology competencies, networking and acquiring professional and social skills. Millennial women are often seen as influencers and decision makers capable and willing to become entrepreneurs. Therefore, learning digital competencies is vital for African women to progress in living their best lives. Her organisation "She Leads Africa" capitalizes on its huge social media presence to share engaging content for women, create digital connections among women as well as availing them resources aimed at building their capacity. "Collaboration is the new competition" is a mantra well used at the annual Slay Festival, which brings together women in technology. The aim is to let the data speak through good content, such as raising capital for business, saving for low-income women. It is imperative to enable women access to technology in order to run their businesses in a data informed manner.

Ms. Miya offered that with only about 2 percent of technology investment going into women-led and focused digital endeavours, it is imperative to adopt a "business as unusual" approach to future proof women in employment. A business case can be made for the inclusion of women in the digital economy. However, education is paramount to teach women digital skills which allow them to compete in the digital economy. Technical skills such as coding and robotics are required to future-proof women. Technology has played a powerful role in enabling social commerce for women through increasing autonomy in their control of the household finances. In this respect, block chain in particular has essentially omitted the middle-person, such financial institutions, that often require additional consent from the male in the partnership, and has seen women registering land rights. According to her organisation "GirlHype" coding should be every child's second language and policy frameworks should be geared at inclusiveness and investing in people, particularly to encourage women to adopt technology. Inclusiveness for African women and girls must manifest in their ability to participate freely, actively and meaningfully in development of technology, and the acquiring of skills and experience to bridge existing gendered gaps.

Policy interventions adopted towards ensuring women's meaningful inclusion in the digital economy are predicated upon the framework through which we approach this issue. Ms. Chami posited that women's inclusion and empowerment within the digital economy requires support in access and in skills-capabilities. Access is not enough to bridge women's exclusion from the benefits of connectivity and merely bringing women online will not open up their access to economic opportunities. Some studies suggest that when online, women are 30-50 percent less likely than men to use the internet to increase their income, and 25 percent less likely to use the internet for finding job opportunities. The poorest and most disadvantaged African women find themselves in an access trap.

Looking into skill-capabilities, there is a shallow and celebratory narrative of the platform economy opening up new doors for women-run MSMEs in the global South. However, this is not backed by a deeper investigation of what it takes to build a level playing field for such women-run MSMEs, especially when considering prohibitive fees of dominant e-commerce companies. Nuanced policy responses must acknowledge that the internet is not a flat neutral field with equal benefits for all. Additionally, the unequal terms of e-commerce that often disadvantage MSMEs from developing countries, should not be overlooked. Equal playing fields for MSMEs can exist through exploring alternatives such as publicly owned and operated platform marketplaces or cooperatives. There must also be an awareness and assurance that e-commerce negotiations do not compromise the right to development of marginalised women in the global South by prematurely opening up markets on terms that are not favourable to developing countries. The impact of digitalization on African women's economic participation needs to be considered from a loss of livelihood perspective, as well. Currently, 87 percent of African women work within a shrinking informal sector which could be threatened by digital trade. The enormous market

power that corporations can gain from access to digital intelligence and data sets about developing countries may further marginalize women from the economy.

7. Digital trade and youth

Ms. Yvonne Matuturu, UNESCO, chaired the session with presentations by Ms. Aya Chebbi, Afrika Youth Movement, Godwin Benson, CEO; Tuteria and William Edem Senyo, CEO, Impact Hub Accra.

With the largest youth population globally, Africa has the opportunity to harness its demographic dividend by addressing the challenges of its significant youth digital divide relative to the rest of the world. The transformative potential of an education that is fit for purpose with targeted skills-development and robust technical competencies is key to the foundational abilities necessary to foster digital trade and entrepreneurship. In this way, youth entrepreneurship can be an enabler of structural changes essential for a conducive environment in that the institutional and market frameworks are compelled to conform. The development of policies and frameworks should involve the participation of young people in order to be more responsive to their needs and challenges in a manner that encourages dialogue, and dissent without fear of reprisals. Inter-Africa youth collaborations should be strengthened to enable the sharing of innovation that will vehicle the replication of novel approaches to other African countries. Poverty reduction schemes aimed at young people, and incentives that ease doing business should be a priority. While digital trade may create jobs, it should equally facilitate the advancement of other human rights that uplift the basic needs of youth to enable young Africans to fully engage with the digital platforms. It should encourage innovation and their creative thinking. In so doing interventions would respond to the specificities of the youth in the African continent. As one speaker said, it is difficult to innovate when hungry.

Ms. Chebbi spoke of this generation as a waithood generation and emphasised that discussions around youth should not be just about providing jobs for youth or youths as drivers for digital development. Many youth suffer from anxiety and depression and they are looking for spaces to exist. The present discourse around digital issues is elitist, when 70 percent are offline in Africa. This is a privileged, closed space. It is vastly unequal as a landscape when the powerful control access. If there is access, then there can be disruption. The question should be how we can democratise technology, through increased accessibility and infrastructure and not deepen inequalities. Presently the way digital technology works, it makes us online consumers and not digital traders. The presentation covered the increased censorships and threats to activism with internet shutdowns and laws that shrink civic space. The internet has also allowed for social mobilisation and a space for exercising freedom of expression. For example, Afrika Youth Movement is a Facebook group, with membership fees paid through MPESA, based on transnational organizing and non-violence. Digital space has to be collaborative, emotionally intelligent and enable development.

Mr. Benson remarked that many African youth remain at subsistence level and that it is difficult for one to be creative and innovative while in need. There is an imperative for a comprehensive approach to solutions geared at enhancing youth entrepreneurship on ICT platforms to adopt a whole systems approach that also addresses issues of poverty. Some of the challenges that youth in Africa face include education that is not geared towards self-sufficiency in that it does not match the job market, essential skills such as project planning and management are scarcely taught, while enabling skills such as problem solving are not taught at all. Policy frameworks should be formulated to facilitate ease of doing business for youth, for example tax breaks on youth run businesses or start-ups for a period of time, in order to attract youth entry into business. Company registration and securing capital are particularly challenging, and the significant personal

financial investment does not incentivize youth entering into business as they lack the safety net on which to rely should the enterprise fail.

The presentation on Tuteria showcased an innovative platform that capitalizes on the power of peer to peer learning by connecting tutors with learners across a variety of subjects and trades including on African languages within and outside the continent. The platform has created jobs for numerous young people and has particularly been successful in a) involving youth with disabilities and enabling their gainful employment and b) encouraging learners to set up independent MSMEs and start-ups. Education is key and the right to education can be transformed through innovation and digital platforms to improve the academics of African youth and, not only create jobs for them, but also see young people in Africa creating their own.

Mr. Senyo underscored that with respect to the context in Africa, becoming digital should go beyond the mainstream as it is not necessarily only about creating jobs but fundamentally, it is about building the creative confidence of young Africans. Most African economies are inefficient and any attempts to advance in commerce on the digital platforms would not be able to circumvent the economic deficiencies, the infrastructure problems nor out-manoeuvre energy deficits. While some 70 percent of African youth are in agriculture, this is not where young people necessarily aspire to be and is more a result of poverty than choice. As such, measures that address youth in digital trade should enlarge choices and not perpetuate a stereotype or widen inequalities that will keep African youth in low-earning agricultural jobs while their counterparts in other continents are involved in innovation and technology.

Impact Hub has created a business incubator and mini-Silicon Valley through creating physical and virtual spaces within which young people can connect with the continent and the rest of the world, having invested in full-high speed internet capacity shielded from the market inefficiencies within the vicinity of operations. To this end, this novel set-up is 60 percent green-powered and capable of independent power supply to the national grid allowing for uninterrupted creative collaboration with continental and global networks that thrive on youth ingenuity. Education remains crucial as entrepreneurship is not for everyone. The private sector can play a pivotal role in countries addressing structural problems that persist between education and work by way of contributing to assessments of job market requirements.

8. Global, regional and national governance of digital trade

Mr. Jean Bertrand Azapmo, African Union Commission chaired the session with presentations by Mr. Ibrahima Nour Eddine Diagne of GAINDE 2000, Ms. Martina Ferracane, European Centre for International Political Economy (ECIPE) and Ms. Vahini Naidu, South African Permanent Mission to the WTO.

Speakers during this session made it clear that each level of governance from regional, national, to even global levels within the digital trade world has its own sets of challenges, opportunities, and areas for potential coherence. Since technology is an inherently changing field, the nature of static laws, policies, and boundaries are in flex.

The growth of digital trade has led to new rule proposals within the WTO which would discipline the use of certain policies that might affect digital trade, and provide for a more facilitative policy framework. Jean Bertrand of the AUC emphasized that although there is disagreement on whether to introduce formal negotiations on e-commerce at the WTO, there seems to be consensus that a standstill is no longer an option. At the same time, e-commerce rules are being advanced in the "plurilateral" setting. In this context Africa must position itself to engage in discussions and potential negotiations on e-commerce. The AfCFTA offers a platform for Africa to develop common

rules and an African position on e-commerce, and lessons could be learned from the EU GDPR in this regard.

At the national level, Ibrahima Diagne of GAINDE 2000 provided an overview of Senegal's experience with developing its national digital strategy, which dated back to 1995, highlighting the country's bold ambitions. Many delegations, including some from Asia, have visited Senegal to observe with the intent of replication. The Senegalese digital experience has also been commended by the UN, and the WTO Secretary General visited in 2015 to learn.

Data is the most valuable asset of the digital economy. Currently the main large e-commerce platforms are owned by developed economies. Therefore, there is a need for African-owned e-commerce platforms, in order to own data generated through the platform and enhance value capture. One key problem offered by one panellist, was that big players in Africa are not interested in e-commerce, which is instead dominated by start-ups. If true, political will from governments is needed to push for e-commerce and incentivize the involvement of big companies.

At the multilateral level, Vahini Naidu, spoke about e-commerce at the WTO. Though there is a strong push from many developed and emerging economies to initiate negotiations on e-commerce, the mandate for this does not exist. Many existing proposals for rules on e-commerce pose risks by constraining the policy space for developing countries to industrialize, given the current digital divide. This is why the WTO African Group is reluctant to sign rules on e-commerce. She also noted that some proposals relate only to domestic governance, and that the WTO would therefore not be the right platform to address these issues. Multilateral rules would close off domestic policy space to regulate. The meeting agreed that it would be crucial for Africa to develop a common position on e-commerce at the WTO, informed by well-designed and development-friendly domestic strategies.

Martina Ferracane of ECIPE presented on digital protectionism, and highlighted that currently the highest number of digital protectionism measures imposed are by lower middle-income countries. She noted that when the severity of measures is also considered, emerging market economies are the most restrictive. The cost and inefficiency risks of restrictive measures, such as restrictions on the free movement of data, were highlighted. In the context of increased backlash against trade and globalization, it will be important to reflect on the efficiency of restrictions and work together to make trade, including digital trade work for everyone. She noted that digital education will be key to driving industrialization in Africa, and that this should include sensitization to change attitudes and the development of supportive incubators and accelerators.

Audience and Participant input:

In addition to many expert and esteemed panellists, the conference platform facilitated discussion among audience members and participants. Two central focus areas, which surfaced during these discussions were tax policy and data sovereignty.

Human rights need to be realised based on the indicators under the SDGs. However, rights require "maximum available resources". There is a need to engage with how states can and should achieve the SDGs from a financial perspective. This includes but is not limited to: (1) Regulation of Illicit Financial Flows; (2) Ensure better collection of tax revenue and better redistribution using the SDGs as an expenditure policy; (3) Building capacities including grassroots organisations, lawyers, accountants, economists, government civil servants, judiciary, as well as revenue collection agencies; (4) Domestic resource mobilisation for the realisation of human rights; and (5) Global wealth chains and their impact on human rights.

The concept of data sovereignty at present is an extractive model created and modelled by Northern monopolies. Therefore, MSME's or emerging business that might benefit from consumer data are disadvantaged by the fact that larger companies have a hold on and over consumer data. The remedy to this unequal advantage was not identified. However, audience members, panellists, and participants agreed that for Africa to become a main player in digital trade, this concept must be understood, explored, and remedied for the benefit of all people, consumers, and companies. Data sovereignty also includes the component of intellectual property and personal security, which can be regulated at a regional, national, or global level, though coherence and standards of practice in this area are emerging and often aggregated geographically.

Conclusion and Next Steps

Mr. David Luke, ECA, Ms. Nwanneakolam Vwede-Obahor, OHCHR-EARO, Ms. Susan Mathews, OHCHR, and Ms. Yvonne Bartmann, FES Geneva, closed the conference by remarking on the importance of addressing both digital trade and human rights together. In their words, digitization has not just transformed trade, it has also transformed human rights discourse. For example, there is still a need to define privacy, data protection, consent, use of and storage of data. The importance of this lies in the understanding that societies are not immune to digitisation as human rights advocates, lawyers, academics and defenders. Recalling the youth panel and emerging needs, the representatives underpinned the need for special focus on empowerment, protection of freedoms and protecting human rights defenders, including through their mobilization online. In addition, arbitrary government control, surveillance, limitations and restrictions on speech, expression, assembly and association, must be continually addressed. However, a precursor to all of these definitions, ideas, solutions and demands, must be two rights which are fundamental to exploring the digital and human rights. The first being right to self-determination and the second, the right to life. Self-determination implicates a range of issues from choice, consent, autonomy and decision-making and self-identification. Discourses are needed which are not paternalistic, patronising and top down. The second is right to life. Human rights and environmental defenders, whistle blowers should also be defended and protected from violations by both government and business actors also through digital means and protections.

The engaging panels and rich discussions, created momentum at the Digital Trade in Africa conference, and gave voice to many suggestions on next steps and future events. The main outcome was an agreement by partner organizations to prepare a joint edited publication showcasing conference takeaways and expanding on issues raised. To maintain an inclusive approach, partnering organizations invited the key speakers to serve as authors for the publication and develop their presentations into chapters. The publication will be divided into two parts. Part I will summarize the main policy messages of the publication, and Part II will feature findings from a selection of thematic chapters on digital trade and human rights to be contributed by selected authors. To facilitate the coherence of the joint publication, as well as to promote high quality, all authors will be invited to attend an authors' workshop to peer review the papers and receive feedback from experts at ATPC, OHCHR and FES later in the year.

This report is a key outcome of the conference, as it documents the content, themes, emerging issues, and organic momentum to which all participants and panellists contributed. Future events including potential presentations at international conferences can reference this content and its authors, as well as the pending publication. In this way, next steps include the continuation of personal networks, professional ties, and regional commitment to keeping the conversation and movement toward digital trade focused and predicated on a foundation of human rights.