




Research Report

Towards Inclusive Platformization in Nigeria



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Towards Inclusive Platformization in Nigeria – The Regulatory Framing

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1. Executive Summary

The rapid growth of digital technologies in the past decade furthered the platformization of the economy, across the globe. Today, every aspect of human life experiences digital information processing – banking, commerce, education, entertainment, communication, etc. These sectors are shifting from traditional mortar-and-brick methods of organization to digitized business models, processes and infrastructures that constitute a unique platform ecosystem and shape national economies as well as the lives of individuals (Evans, 2016). Since this ecosystem impacts human lives, it calls for equitable governance and inclusive development.

This study provides evidence from the Nigerian context to complement the global debate on designing appropriate regulatory frameworks for platforms that ensure accountability of platform providers to the societies in which they operate. The key research questions comprised the following:

- a) What are the key concerns/challenges for inclusion that are posed by the new business models of the platform economy?
- b) What new legal frameworks are needed in the platform economy to make it more inclusive?
- c) To what extent do the consumer protection and privacy rules of the platform compare with global standards and align with existing policy frameworks?
- d) What new legal frameworks are needed in the platform economy to make it better governed?

A qualitative approach was adopted in order to gain deep understanding of the operations of platform companies in Nigeria with regard to inclusion and governance. The data was collected through case studies (archival data from relevant documents available and interviews with the employees) as well as interviews with the users of three indigenous case platforms: Konga (e-commerce), Gomyway (e-transport) and Diamond Y'ello Account (mobile money). These companies were selected for the case studies because they are indigenous and pioneer platform enterprises. Insights from four focus group exercises enriched the discussion of the findings from the case studies and interviews. Data obtained from the archival sources was thus triangulated with field data to enrich it and enhance reliability. The interviews with consumers used the narrative inquiry approach to grasp issues from respondents' perspectives. The resulting data from these multiple sources were critically analyzed to assess the interplay between regulation and governance, the digital environment in Nigeria, the operations of the platform companies, and their consumers, so as to answer the research questions.

Key points revealed from the interview results include customer protection issues, data protection and privacy concerns, value capture, digital divide issues, concerns for vulnerable users and possible reasons for failure for platform operators. Based on our analysis, we recommend some policy directions to minimize inequality and promote inclusion as well as enhance platform governance. We expect that this study will contribute to deepening debates regarding platform regulation-related issues and also provide a foundation for enhancing the sustainable growth of the platform economy in Nigeria and beyond.

2. Rationale and Context

Although the digital economy has been described as emerging (Kenney & Zysman, 2016), it has become an essential facet of today's global economy, enabling businesses to leverage it to grow dramatically in size and scale (Evans & Gawer, 2016). New platforms constantly emerge to change and shape multiple facets of lives globally and locally (knowledge sharing, commercial transactions, logistics, entertainment, civic participation, etc.); they are not just online marketplaces – they are market-makers. Kenny & Zysman (2016) described platforms as “a set of digital frameworks for social and marketplace interactions.” They replace and rematerialize markets, restructuring economic exchanges and information flow patterns (Cohen, 2017).

Tech startups continuously yield disruptive innovations and transform these into profitable business. As is typical of the platform ecosystem globally, they deploy business models based on co-creating with customers (Kaplan, 2014).

The opening up of the Nigerian economy to competition with the boosting of private sector participation in 1992 led to the need for legal provisions directed towards economic growth and consumer protection via effective competition (Popoola, 2016). Following this, Nigeria witnessed exponential growth in its information and communications technology (ICT) sector with the digitization policy of telecommunications sector (National Telecommunication Policy, 2000). Within the past 15 years, Nigeria has received foreign direct investment of over 32 billion USD in the ICT sector (Ezigbo, 2018). The ensuing ICT infrastructural development has powered other sectors such as e-commerce, insurance, banking and transportation. The introduction of mobile money in 2011 and the subsequent licensing of its operators has also boosted the economy. These developments have caused significant growth in the emerging technology ecosystem, comprising technology companies, start-ups, accelerators and incubators that are growing organically into clusters.

One manifestation of this revolution is the emergence of technology hubs. In Yaba, Lagos State, the Yabacon Valley accommodates over 60 start-ups and other technology companies such as NG_HUB (Facebook), PagaTech, Passion Incubator and Co-Creation Hub (Cchub) (Sustainable Conversations, 2018). The Enspire Hub, in the Northern part of Nigeria, was started in 2009. The idea is to promote business growth while offering comprehensive business services to support members of their incubation program. Enspire Hub is a major driver for the platform ecosystem in Abuja (Ndiomewese, 2017). Other technology hubs operate across the country and serve an ever-growing user base.

In the developing world, there is as yet insufficient research on the platform economy and proprietary rights of platform providers over the data of users (David-West & Evans, 2016). Gillespie (2010) indicates that platform companies command huge discursive power, deploying rhetoric effectively to influence legal and judicial discourse. Incidentally, countries that are still struggling with digitalization and 'datafication' are also those with the weakest legal frameworks. This gap needs to be bridged – with the world economy becoming more digital, technological progress has a more significant impact on inequality than globalization (Papageorgiou, Lall & Jaumotte, 2008).

Therefore, we chose to look at a few select Nigerian platform companies in the areas of e-commerce, e-transportation services, and payment systems, to assess the regulatory framework shaping their operations in relation to our identified user groups. Based on our findings, we proposed future directions for platform policy.

Konga - konga.com (Marketplace/e-commerce)

Konga.com is Nigeria's largest indigenous online retail mall, launched in July 2012. It aims to be the "Engine of Commerce & Trade in Africa." Its customer base and the variety of product offering are constantly growing. Konga offers good prices, order tracking, delivery, and an efficient return policy.

Gomyway - gomyway.com (Transport)

Gomyway was launched in 2015, as a platform for carpooling on short- and long-distance trips. The intent was to connect car owners with empty seats to spare with individuals looking for a ride along the same route. Ride-sharers would contribute to covering the expenses of the ride owner. The platform produced a triple benefit – reduced carbon footprint (environmental), reduced transportation costs (economic), and access to a new network of friends and business opportunities (social). Despite these potential success

indices, Gomyway wound down and is no longer operational was because the venture capital providers backed out suddenly (Mulligan, 2017a). This case study gave some insight into the unique challenges of a platform for e-hailing of taxis within the weak legal and regulatory environment.

Diamond Y'ello Account - CWG and MTN (Mobile Money)

The Diamond Y'ello Account was developed by Nigerian ICT company, Computer Warehouse Group (CWG) and a GSM company, MTN. This DYA thus acts as an agent banking service where its customers can opt for a hybrid service combining telecom and financial services. Its goal is to address inclusion and ease of opening an account. Over six million accounts were added to the Diamond Bank, the operators, within the first year of its launch (Okere, 2016).

3. Methodology

We adopted social constructivism (Vygotsky, 1978) and social cognitive theory (Bandura, 1985) as our main theoretical lenses; the former helped to lay a good foundation for a discourse on inclusion while the latter brought to the foreground the interactions of the person and behavior with the environment. Social constructivism emphasizes the importance of culture and context in understanding society and social change and constructing knowledge based on this understanding (Derry, 1999; McMahon, 1997). This perspective is closely associated with many contemporary theories, most notably the developmental theories of Vygotsky (1962) and Bruner, Goodenow and Austin (1956), and Bandura's social cognitive theory (Kim, 2001). According to Bandura (1989), social cognitive theory is founded on a model of causation involving the interaction of personal factors, behavioral factors and environmental factors that influence each other in a bidirectional manner.

In order to surface the visceral, human experiences of the platform economy and to complement the contextual data from the case studies, we talked to users, consumers, sellers, buyers, and employees. Through critical analysis of this data, we have gained a better understanding of platformization, the operating systems and value systems of these platforms and their interactions with regulators and other people. We also got insight into how these platforms replace, challenge or improve existing infrastructures and the implications of these for policy considerations.

Also, to gain an in-depth understanding of how platformization impacts economic, social and environmental justice, we mapped the ecosystem – its economic arrangements, actors/stakeholders, information infrastructures, datafied layers, technical protocols and the connectivity paradigm on which it is predicated. To do this, we explored the interaction of these elements with prevailing policy frameworks and policy discourse:

- actors that make up the platform ecosystem
- structures that constitute the norms, rules and practices of the platform ecosystem
- value extracted by/contained within the platform ecosystem

Our research questions were:

- a) What are the key concerns/challenges for inclusion that are posed by the new business models of the platform economy?
- b) What new policy frameworks are needed in the platform economy to make it more inclusive?
- c) To what extent do the consumer protection and privacy rules of the platform compare with global standards and align with existing policy framework, if any?
- d) What new policy frameworks are needed in the platform economy to make it better governed?

To answer these questions, we collected case study data (three indigenous operators) and interview data (using narrative inquiry for users) for a rich understanding of the complex issues. Leedy (1993) explains that qualitative research presupposes that firsthand experience gives the deepest meaningfulness to data. Also, qualitative data yields large volumes of quality data from a limited number of people and aids understanding participants' world from their frame of reference (Walker, 1985). The data from secondary sources helped ensure the reliability of the data the field and led to in-depth analysis for reliable conclusions about what is needed to properly legitimize, extend and protect platformization in Nigeria.

3.1 Data Collection

3.1.1 Research Instruments

For our purpose, we used semi-structured interviews which involved the asking of open-ended questions that allowed new ideas to be brought up during the interview. According to (Kvale, 1996; Walker, 1985), (cited in WireDspace), a semi-structured interview allows the researcher some flexibility to adapt and re-word questions for each interviewee. It also gave the interviewer the opportunity to probe for further information and clarification. This was particularly the case with users of the DYA platform. The predetermined guide questions in the interview protocol (see appendix 1 and 2) served as a framework and covered platform economy issues around trust, user/consumer rights, discrimination, and value creation. Interviews lasted 50 minutes on the average. Respondents were closely observed for non-verbal cues as they answered questions and related their experiences which allowed for further probing and sometimes a change in the line of questioning. We considered that how participants tell their stories is suggestive of what meaning they attach to their experiences, in line with Neuman's (2000) advice to researchers to note non-verbal communication as they might add meaning to the respondents' content (Cited in WireDspace). The use of voice recorders also allowed proper revision of the interviews and helped to preserve meaning and avoid the interpretation bias inherent in transcription (Markle et al, 2011).

3.1.2 Respondents

Respondents were operators and or staff of targeted case platform companies (ex-staff in the case of Gomyway) on one hand, and users of their services on the other). Operators here refer to third party agents for mobile money. In most cases, users comprised more than one category. For the e-commerce platform, Konga, 'users' were buyers and sellers; for the e-transportation platform, Gomyway, users included riders and drivers; and for the mobile money service platform, DYA, users were primarily customers.

Staff and operators of targeted case companies are mostly youth within the 18-35 years' age bracket, technologically savvy and upwardly mobile; most are graduates. Former users of Gomyway we interviewed also belonged to the same age bracket as the staff of the service companies. Users of Konga and Y'ello mobile money also fall within the 18 to 35 age bracket but with a mix of others within the 36 to 50 age bracket. Konga users are tech savvy (proficient in the use of modern technology) while the users of Y'ello mobile money were mostly traders or artisans within the 36 to 50 age bracket; they are users of basic feature phones, most requiring basic assistance while responding to survey questions, as they could not speak English.

Table 1: The Respondents for the Case Studies

	KONGA			DIAMOND Y'ELLO		GOMYWAY		
	Buyers	Sellers	Staff	Agents/ Customers	Staff	Drivers	Riders	Staff
Number	6	2	3	6	4	2	4	3
User/ Operator	User	User	Operator	User	Operator	Users	Users	Operator
Age Bracket	18-45	18-45	18-45	18-50	18-50	18-35	18-35	18-35

Each case study, included interviews with staff as well as observation data and archival data from online sources on each platform company. The narrative inquiry was carried out with six consumers per platform company. The sampling approaches were adopted based on the peculiarities of each targeted case platform. Mostly, snowball sampling was used to select respondents from the operators of the targeted case companies; this was largely due to the limited population size and the inherent trust issues with giving research information (which was more pronounced with ex-staff of Gomyway; one of the targeted case companies that wound down in December 2017). To select respondents from the users of Konga and Y'ello mobile money, simple random sampling method was adopted, while a mix of snowball and simple random sampling methods were used to select respondents from the users of Gomyway. Data collection lasted from November 2017 to July 2018.

3.2 Procedure of Analysis

With a view to creating, applying, and disseminating knowledge and potential solutions for the platform company and society (Zingales, 2015) at the end of our research, we proceeded to analyze our data using a combination of manual coding and content analysis using *a priori* themes derived from our research questions, while also noting the emergence of any themes that we had not deliberately looked for. The part of the content analysis that corresponded to the findings via narrative enquiry was carried out using NVivo software. In the process, we employed critical analysis to understand social debates around platformization, its operating systems and its value systems, and how the Nigerian people and their regulators are interacting with this phenomenon. According to Henderson (2007), critical analysis involves breaking down an idea or a statement, such as a claim, and subjecting it to critical thinking in order to test its validity. In the process, we were also able to explore how platforms replace, challenge or improve existing infrastructures and the implications of these for the common good and for policy considerations.

3.3 Challenges

For DYA, the selection was based on simple random sampling from a database of operators and users provided by the platform. Despite the fact that locating and accessing operators and users staying in the interior parts of Lagos was difficult, especially given the traffic situation and bad road infrastructure, we went ahead with this in order to preserve the integrity of the sampling method. Besides, communication was a problem with those who lacked formal literacy or education (some questions needed interpretation into pidgin or other languages).

Both Konga and Gomyway staff were not eager to be interviewed. This was more pronounced in the case of the Gomyway team as its ex-staff/operators were difficult to reach and when contacted, difficult to persuade to participate in the research. This could be attributed to the company's business failure, and an

attendant reluctance to revisit an unpleasant experience. The recent acquisition of Konga by Zinox Group (an indigenous integrated ICT solutions conglomerate) in February 2018, also affected the responses of the interviewees to some extent, as some information given were based on Konga's operations before the acquisition.

3.4 Ethical Considerations

The purpose of the study was explained to the participants verbally and in some cases electronically through emails, instant messaging or other social media. Confidentiality and anonymity were assured. Respondents were aware of the fact that their voices were recorded for referral purposes and that they were not obliged to answer any questions they deemed inappropriate. In some cases, interview questions were emailed to respondents for review ahead of the scheduled interview dates.

4. Findings

4.1 Case Description 1: Konga.com

4.1.1 Background – Industry Snapshot

Increased internet penetration has enabled the development of the e-commerce industry in Nigeria. Projected to be valued at \$50 billion over the next decade (Olatuyi, 2018), the current market estimate is \$13 billion as at 2018 (Jumia, 2018). The market is also said to be growing at 25 percent per year (Ihenyen, 2017). Players in the industry include Jumia, Konga, Jiji Nigeria, OLX, and Slot Online.

Despite the growth in the sector, profitability seems far off, as the major players are yet to record profits since they began operations, some over a decade ago. Industry experts have also identified the need for more big players (players as big as Jumia and Konga) in the Nigerian e-commerce space to make the sector more viable (Awosanya, 2018). Given the existence of a 35-million addressable market, the current players do not have the capacity to process up to 5000 orders per day (Matuluko, 2015).

Trust remains the major challenge faced due to the mostly intangible nature of operations and unclear regulations in the e-commerce sector. However, the government has made efforts to put proper legislation on key activities involving stakeholders in e-commerce, thereby improving the trust deficit. The cyber security and information protection bill, electronic transaction protection bill, national internal security bill, electronic commerce bill etc., are examples of legislations intended to further strengthen the industry (Orimobi, 2018). Despite these efforts, legislations seem to be evolving at a slower pace than the e-commerce industry.

4.1.2 Company Overview

The company was launched in July 2012, to facilitate retail trade and e-commerce in merchandise products in Africa, relying on a consumer-centric convenience model as its competitive business value to disrupt the traditional buy-sell market. Offering third-party and direct first-party online marketplace transactions, featuring over 8000 merchants, users can buy and sell products ranging from personal care to consumer electronics, books, home appliances, fashion, health care, and children items on the platform. Konga is transaction-enabled, and uses its pre-paid KongaPay platform that is vertically integrated with payments and logistics. While the platform has grown in customer base since its inception, its operations in Nigeria's digital economy has been hampered by the challenges of poor broadband penetration and high access costs, power availability, and inadequate logistics infrastructure, while user lethargy, lack of trust to making

online payments in the country's nascent platform ecosystem due to fraud, and low digital literacy has worsened the external business environment. In spite of these, Konga has remained in operations because of the need the platform satisfies for users in terms of accessibility and reach.

Konga as an e-commerce business has opened up economic opportunities for Micro, Small & Medium Enterprises (MSMEs) in Nigeria by providing a gateway for them to expand their businesses through increased visibility, lower cost of operations, access to a wider audience, convenience of transacting business and time savings through greater operational efficiency enabled by e-commerce. This way, without a physical storefront, MSMEs can operate effectively, expand market, increase market share without incurring rental costs and also reduce labour cost. Socio-economic inclusion has also been enhanced given the increased participation of MSMEs in e-commerce. All MSMEs need in order to participate is to follow the prescribed guidelines for registration. MSMEs, therefore, have more choices and avenues of exploring business opportunities and increased buyer-seller interaction

4.1.3 Operations within Nigeria's Platform Economy

Konga.com has become one of the strongest players in Nigeria's platform economy – a sector projected to reach a market size of about \$30 billion by the National Bureau of Statistics (NBS) - catalyzing adjacent businesses that have in turn helped in shrinking unemployment in the country via the force of technology, especially in the small and medium enterprise sector. The platformization effects (the ability of products and services to be accessed by buyers and sellers in any location) of Konga.com on commercial transactions, as evidenced by the increasing adoption of online shopping in the country's e-commerce domain, are highlighted by the 2016 Online Shopping Survey Report conducted by Phillips Consulting. Nevertheless, there are still issues of user preferences for product sampling before procurement, and fears of personal data security that hamper the platform's adoption.

For example, regarding product sampling, users expressed concern about consistent product quality as seen on the platform. Especially for fashion items: there have been instances where people purchase items and get a different quality - usually lower – than what they ordered. A user expressed dissatisfaction this way "... what you see is not what you get ... especially when it comes to items like fashion. Like you see a really pretty bag and then you buy the bag and it's just some flimsy material. But in the picture, it looked very good. So, you know, it's not always what it seems...". It is the lack of trust provoked by such experiences that makes most users of Konga.com prefer the pay-on-delivery service which was stopped sometime in 2017 (Ogunsanya, 2018) and which made Konga.com lose some of its customers. Later on, the pay-on-delivery was re-launched (Ojekunle, 2018).

On fears of personal data safety, while they stated that types of data typically collected include full names, phone numbers, email address, house address, passport photograph, means of identification – such as national identification, driver's license or international passport – they also expected that all personal information would be kept safely and securely by platform operators. A sample response on this is "... if I am giving my information, it is between me and you ... not... a third party... so I expect that you protect me ..." and "... the platform people know ... they have to protect the privacy of their customers ... because they are the customers...". However, some users made personal efforts to protect themselves by creating special email accounts, not giving out full names and giving alternate home addresses for online transactions or taking special care not to perform online transaction on devices and/or websites that are not trustworthy. Sample responses on this include: "... I am careful about the website or platform I use it on... I try not to use is on devices that I am not sure of... only my personal device or ... on another device of someone trustworthy ..." and "... I am comfortable with giving out my email address because my email address and name are two different things.... I have a private email that I can put that has nothing to do with my name at

all...". Possible reasons why some customers take extra measures is due to activities by cyber criminals as well as email spammers.

Konga also guarantees secure payment using the pre-paid KongaPay platform that links users to their bank account.

Also, some users did not express any concerns on data collected by platform operators as they expected to provide such information to the operators in order to sign-up to the platform – "... if you're ready to use a platform you should be ready to give out some certain information...", but they also expect that information collected should not be too intrusive such as birthdays – "... why ask for my birthday...".

Furthermore, a majority of online shoppers prefer to pay for products on delivery and with cash rather than payment cards. This is a problem because of the security concerns of the platform regarding postpaid orders. Also, they have to incur the cost of delivery return and of multiple delivery attempts. Other service quality problems highlighted by online users include product delivery delays, inexact product description, and absence of product tracking. Regarding timely and quality service delivery on the exact product ordered, a user expressed a particular challenge in this manner: *"... there was a time I bought an item, I can't remember, it was a wallet, but the type they delivered, is not the one I paid for ... I think the delivery time can be made shorter ... and also to make the return policy easier, ... it takes a while to get your money back if the product is not up to your satisfaction..."*. This narrative buttress seamless service and timely delivery which builds customer trust if done properly.

Konga.com is an integrated platform that operates a subscription-based marketplace model, charging a fee that ranges from between 4.5 to 20 percent of item sales value based on the transaction category, while also offering application programming surface (API) capabilities to third-party merchants on its KongaPay platform for payments validation. It also runs a mixed-asset model that integrates the platform system, with warehousing and distribution logistics infrastructure, in order to connect more effectively with its growing number of merchants and customers, facilitating transactions between buyers and sellers who don't have any digital channel for money exchange. The critical mass for these transaction exchanges is the middle class that has considerable access to smart phones and internet connectivity.

With regards to consumer security, its KongaPay platform enables users to pay for purchased products via a secure server, to prevent unauthorized access. Further to consumer protection, the Konga Buyer Protection Program guarantees returns for certain categories of purchase items in cases order issues such as: delivery delays, inaccurate product description, defective or counterfeit products, and items with manufacturer warranty; this cover is not extended to products that include personal items, unsealed electronics, and consumables (Konga, 2018b; 2018c). Konga customer protection concerns included trust, in the sense that users of the platform opined that warranty and return policy are great measures of ensuring trust, however, this was mostly so for electronic items, as other items such as fashion and household items are not likely to have warranty and favorable return policies.

A sample interview response regarding the preceding statement is "... and I understand for electronics or gadgets ... the important thing is to have a warranty ...you can always return it for a new one or get it fixed at no cost ...".

Responsiveness to customer complaints was another area for customer protection on the platform and this was met with mixed reactions from users, while some narrated that the platform was responsive, "... it was fast, ... when I bought an X Box pad ... it was spoilt ... they gave me another one...", others said that they were either totally ignored - "... and I said I am not satisfied ... how can I reach the manger? ... and they cut communication with me ...", or responded to after long period of waiting - "...my ... brother also had ... a

bad experience ..., they made an order for a TV it was supposed to come in a week and it didn't come that week ... he went on and on and on and on until...they had to refund his money...". However, it is important to note that most of the positive reactions regarding responses were from electronic items while the negative responses were from mainly from non-electronic items. This can be attributed to the return policy on selected items; which includes items with manufacturer's warranty – mainly electronics (Konga, 2018b). Thus, when there is little risk because of a warranty, the customer enjoys it as well.

Across the platforms, common areas of customer protection include issues on customer care, example lack of proper channels for complaints and dispute resolution, and impatient customer care representatives – "... because I was calling and calling, nobody....it was...they didn't rectify it", "the merchant is very unhelpful and practically really rude"; lack of government intervention especially in regulating the platform operators' activities ; and safety concerns especially in cases of fraudulent activities experienced by users - "... and some people will come and say they wanted to collect cash and we will not give to them because of how we see them...".

In the course of transaction exchanges, Konga.com collects personal data from registered accounts and further leverages this data for targeted product advertisement (in which users can opt-out from), and also for server diagnostics; information collected might be also shared with other corporate entities as required, to check illegal activities, while third-party linking sites could also access personally identifiable data from the platform as stated in the privacy policy in on the website (Konga, 2018a).

The privacy policy covers the collection of personally identifiable information (name, email, address, phone number, etc.), the use of demographic and profile data, and the sharing of personal information (only to the extent to help detect and prevent identity theft, fraud and other potentially illegal acts).

In November, 2017, Konga's CEO, Shola Adegoya, announced its plan to transition its platform from a pay-on-delivery service (initially to gain consumer trust) to a pre-paid only model (except direct transactions between buyers and sellers on its platform) to gain more orders and process payments efficiency, and reduce transaction costs. This elicited mixed reactions from users, especially with users citing issues such as user lethargy to online payments, low digital literacy and, perhaps in part due to this, the Pay-on-Delivery mode was re-launched in August 2018, post the acquisition by Zinox (This Day, 2018).

With regards to platform security, the platform develops and updates continually a propriety buyer safety algorithm (Konga, 2018c) to monitor data for patterns, and quickly detect potential risks and violations. Furthermore, sellers on the platform are put through a verification system, with closely monitored ratings reviews from consumer feedback.

4.1.4 Actors (state, private, civil society and multilateral):

Actors can be grouped into six categories thus: Suppliers, Regulators, Shareholders, Staff, Multilateral and Financial Institutions. While they are concerned about the direction of the platform, the interests range from financial to non-financial gains for each actor. The table below surmises actor category:

Table 2: Actor Category

Category	Actor	Domain
Suppliers	Internet service providers, Software providers, Hardware Providers	Private domestic and foreign owned
Regulators	Central Bank of Nigeria, Inland Revenue Services, Corporate Affairs Commission, Standards Organization of Nigeria, Consumer Protection Council	Federal and state owned
Staff	Managers and Employees	Domestic
Shareholders	Investors and Owners	Domestic
Multilateral Organizations	World Trade Organization, International Standards Organization	Foreign
Financial Institutions	Banks, Payment Companies, Investment Banks	Domestic and Foreign owned

Konga is now owned by Zinox Group (a result of an acquisition that happened in 2018 - Quartz Africa, February 2018). While owners and shareholders are concerned about profits, other actors in the ecosystem have interests such as setting standards, protecting all actors, providing services such as payment infrastructure etc. For example, organizations such as Standards Organization of Nigeria and International Standards Organization measure processes and services across the value chain. Also, the CBN regulates all payments and financial transactions that occur across Konga's value chain; from investments, to credit, to transactions and payments.

4.1.5 Structures (material, techno, policy and discursive):

Konga provides convenience to its users and thereby saves the users from spending time on transportation and shopping at malls and markets. The platform also gives the users access to variety of products and services in addition to providing a wider market for the sellers.

Material structure for Konga would include computer hardware, software, servers, uninterrupted power supply, software application developers, user interface designers, product managers, network administrators, marketing team, service delivery team, facilities and maintenance team, and management team. Techno structures would include, internet connectivity, Microsoft and/or Mac operating systems and office suites, integrated development environments, collaboration tools such as bitbucket, GitHub and Slack, email applications and payment gateways.

Discursive structures include aggregation of sellers on a single platform – marketplaces - such that buyers can choose a preferred seller from a range of sellers of same product/service. This service was not originally offered when Konga began operations. As a result, the buyer is given the opportunity to rate and review sellers based on service delivery and quality of products. This practice enables Konga to keep track of activities for both buyers and sellers; suggesting best or similar products to customers based on past transactions and on sellers on the platform with the best reviews. Konga currently has privacy policies,

return policy, terms of use, authentic items policy and buyer protection. For Konga.com, privacy policy covers the collection of personally identifiable information (name, email, address, phone number, etc.), the use of demographic and profile data, and the sharing of personal information (only to the extent to help detect and prevent identity theft, fraud and other potentially illegal acts).

Value accrued to various actors in the Konga value chain are:

Privatized-corporatized value: Shareholders get the profits from all transactions on the platforms, infrastructure providers which could be in-house or outsourced, gets value from providing network and data services to the platform operators. also, marketing agencies derive value from branding and advertising platforms to a wide range of users.

Private-individual value: Buyers on platform services get convenience, time savings and variety of offerings while the sellers get more income and/or business opportunities on the platform services. In the interactions with them, e-commerce platform users claimed that they appreciated the convenience afforded by the platform – a respondent described it thus: “There are ... times you want to buy things, but you don’t want to go to a shop or market, so you just buy it from the platform”; time savings; ability to make quicker decisions; reach; and income opportunities as value creation areas.

Privatized public value: Platforms provide time savings in terms of commute time to traditional pipe companies on same or similar products and services. It also provides alternate income channels, growth and expansion opportunities for both individual and enterprises.

Public value through public good: Transparency driven by digital activism as well as intermediation of goods and services so as to provide access and fair returns to more people are examples of public value of ecommerce platforms. An interviewee summarized the value created by e-commerce platforms thus: “... it saves fuel, it has created jobs for people and it has given a lot of vendors’ visibility at least a lot of people now sell there ...”.

4.2 Case Description 2: Gomyway

4.2.1 Background – Industry Snapshot

As already referred to above, the digital platform economy (Kenney and Zysman, 2016) has enabled businesses to grow exponentially in size and scale (Evans and Gawer, 2016). In some instances, this has led to greater inclusiveness. From finding solutions to congestion, cutting down on pollution and parking, improving access to transportation for the public good to reducing or avoiding cost of vehicle maintenance, what may be called the future of mobility is gradually becoming a reality in Nigeria, thanks to technology. In the past three years, shared transportation as well as e-hailing has grown in major cities in Nigeria, taking advantage of the country’s poor transport system, population and rapid urbanization and growing environmental, energy and economic concerns (Kingsley, 2017).

Car-pool services such as GoMyWay have positively impacted mobility and transportation by providing increased access to transportation, particularly in urban locations. However, there are limitations in the rural areas due to the focus of such companies on the urban rider. This strategy can be related to the availability of infrastructure, particularly internet access and also the number of literate users in urban settings compared to the rural environment. Access to infrastructure (smartphones, internet connectivity) and literacy levels still limits a greater part of the population, particularly in urban setting and fosters digital

divide thereby creating non-inclusiveness in Nigeria's development. This situation needs to be addressed by stakeholders for inclusiveness to be encouraged.

4.2.2 Company Overview

The popular Lagos commercial shuttle 'Danfo' is a staple of many parts of the cosmopolitan city (Oladeinde, 2018): think of a large tin with some wooden benches placed in it, one large door for entry, a few openings (windows, they are called) and just the barest minimum of the mechanism required for vehicular movement (think exposed wires; old car batteries and sometimes a jerry can of fuel in the open trunk feeding the old and rusty engine. This is the popular Lagos commercial shuttle, 'Danfo' as it is widely referred to. Apart from the terrible conditions of these buses, there are also health and hygiene concerns that come from the number of passengers per time (usually an unhealthy maximum) as well as road safety concerns that come from the reckless habits of commercial bus drivers (think hard drugs and inebriation). There are also the security concerns that come from poor regulation of transport activities; reported cases of theft, kidnapping, etc.; economic concerns from arbitrary pricing; and, perhaps also noteworthy, concerns about how one is perceived if one is seen riding in a Danfo (especially for youths from the low and the middle-income groups who have aspirations to a higher societal status).

For the average Lagosian, Danfo buses are 'necessary evils' and every one welcomes a better alternative. Still the introduction of the BRT scheme which seemed promising did little to overcome these 'Danfo woes'. Thus, when transport services on the platform economy came to Nigeria, a lot of people welcomed the idea; they were more affordable, convenient and 'classy' alternatives to the existing transport choices; however, their reach was limited to certain areas and more importantly they were beyond the economic reach of most Nigerians and particularly, Lagosians.

When Gomyway entered the transport scene, it presented itself as a car-sharing service that provides transport from point A to B for as low as N300 (approx. \$1). Not only did it promise to challenge all 'Danfo' woes, at the time it was certainly more affordable, convenient and yet had 'class'; what's more, it made convenient transport still more within the reach of Lagosians, so you had people paying the same fare to move in an 'air conditioned' vehicle as they would pay to ride in a 'Danfo'.

With the possibility of reducing traffic due to the number of cars; reducing pollution due to less emission; the economic, social and environmental benefits seemed endless and almost unbelievable; besides the model seemed scalable – Gomyway appeared to definitely be the future of transportation.

However, some questions rose at the outset, starting with a customer who asks himself or herself: will I be comfortable sharing a ride with a stranger? Other concerns revolved around:

- Security risks: what measures for verification are in place for determining the suitability and credibility of users and drivers the drivers?
- Double coincidence of wants: for this to work there had to be a driver and at least a passenger going to the same place and at the same; to make economic sense for the driver, four people have to want to go the same way at the same time.
- Regularity and timing of the service: will there be a driver (and other passengers) available every time I need the service?
- Collusion: refusal of the user and driver to disclose subsequent rides to the company (this is more profitable for the driver and cheaper for the user but would take away possible revenues to the company)

4.2.3 Operations within Nigeria's Platform Economy

Gomyway launched its e-transportation platform in 2015, connecting passengers with car owners going the same route with empty seats to spare, in a bid to provide a solution to transportation problems in Nigeria via a people-powered transportation network. The startup received backing from a number of well-known investors, including Konga founder and chief executive officer (CEO) Sim Shagaya and former Amazon and Naspers executive, Bill Paladino.

Gomyway's initial business plan focused on customer onboarding, rather than pushing for revenues, and all seemed to be going to plan; within two years of operation, it announced a 150 percent increase in registered members and a 300 percent increase in the number of seats offered in the last year (Mulligan, 2017b). The platformization effect of Gomyway was evidenced by the rapid increase in its user base, and an active interactive online user community. In the words of its former CEO, Damilola Teidi, "over the last 2 years, the team put in time and effort to growing the business and building a trusted e-transportation community. We went from less than 1000 members in the first few months to 12,000+ members; 106,630 rides offered and rides shared across 16 states."

Gomyway was an e-transportation platform that, upon inception, promised to ameliorate the transportation woes of commuters especially within major cities like Lagos and between different cities/states of Nigeria. Gomyway was designed as a pay-as-you-go model where riders contributed to covering the expenses of the ride owner on a transaction basis ('contribute' in the sense that any trip under consideration is one the driver would make with or without the riders). The contribution per rider was determined at the discretion of the ride owner which, in most cases, was priced below (and in a few cases, at par with) prevailing market prices. The youth population represented the critical mass (about 98 percent) of Gomyway's transaction exchanges; these are typically people who are aged 18-30 years, technologically savvy with considerable access to smart phones and internet connectivity, aspirational, upwardly mobile and more inclined to try new experiences, markets and products.

To use the Gomyway platform, users registered on the company's website via the internet by providing personal details, a valid means of identification as well as other social media profiles (Facebook and Twitter) strictly for multi-level verification purposes; this typically puts both riders and ride owners at ease. There was no third-party access to user data beyond what was needed to facilitate the service exchanges between the riders and the ride owners. Still there were issues around trust and revenue generation that may have hampered the operations of the e-transportation platform, causing investors to pull out funding and consequently, the eventual shut down of the platform (Mulligan, 2017a).

4.2.4 Actors (state, private, civil society and multilateral):

There are no platform specific state actors within Nigeria's platform ecosystem as such, there are no special regulations relating to service exchanges within the e-transportation space. Generic Nigerian laws of contract govern contractual obligations and Gomyway, as with most online platform owners, resorted to designing its terms and conditions of service to protect its business.

Protection of consumer rights is overseen by the Consumer Protection Council who is vested with authority to redress general consumer complaints through negotiations, mediations and conciliations. Similarly, in the aspect of labor, the policies and framework in existence are the Nigerian Labor Act, LFN 2004.

Other state actors in Gomyway's business include; Utilities, Revenue services (Federal and State); the Corporate Affairs Commission (CAC) which handles registration for all businesses domiciled in Nigeria under the Company and Allied Matters Act (CAMA); Standard Organization of Nigeria and the Federal Road Safety

Corporation (FRSC); the Lagos state transport management Authority (LASTMA); The National Insurance Commission; National Advertising Agency.

Private actors include Gomyway's founders, its investors, management and board of directors as well as its staff, users and suppliers.

The impact of e-transportation platforms on transportation in Nigeria act has been profound, giving rise to multiple platforms providing different variants of e-transportation services and even extending to motorcycles and tricycles. Still, the transport system in Nigeria, and particularly Lagos, is too vast, complicated and inefficient to have been altered in less than a decade by a few e-transportation companies.

The extent of the impact of e-transportation companies, especially the likes of Gomyway is hampered in part by the factors listed above but also by cultural factors, especially the widespread aspiration of owning a car, the ego/show-off effect of being seen riding a car and the perceived increase in quality of life through car ownership.

For the growing e-transportation user base however, lower prices and lower security risks as a result of ratings and reputational systems, continue to make services offered by e-transportation platforms attractive. On the ride owner side, Gomyway offered the opportunity to earn a living or create an additional source of income for many who already have jobs or other income- earning activities.

Still a growing number of traditional transport companies and individual car owners are beginning to explore platform business models through a variety of strategies. For the companies, some are attempting to grow organically while others are using acquisitions to speed growth. For the individual car owners, most operate on all or most e-transportation platforms to minimize pain an or maximize gains depending on the added value each platform offers from time to time as well as offline.

However, there are concerns over the structure and operations of platforms like Gomyway especially with regards to licensing, regulatory jurisdiction, labour rights and tax administration as well as the handling of private personal data, which is has brought and likely to bring about increased regulatory scrutiny or even perhaps new regulations on digital platforms, and in the digital space in general.

For example, Gomyway and / or its drivers were not subject to NURTW (National Union of Road Transport Workers) membership or licenses. More recently, the Lagos State Ministry of Transportation announced that e-transportation platforms were required to pay as much as ₦100,000 per car for a franchise license. The Ministry claimed that the law has always existed but was rarely enforced; creating the question of what the motive is behind the sudden focus on stricter enforcement.

Gomyway customers saw that the general attitude of drivers when relating with passengers as well as proper verification of drivers before they sign-up on the platform as customer protection concerns. Issues around physical and verbal assault by drivers especially from male drivers to female passengers seemed to be a major issue of attitude and behavior.

One customer narrated her experience thus: "... like one time, I didn't have ... cash and was like 'okay, card trip' ... and the man... he'd already started the trip and I was like '... it's ... card trip o not cash' and then he pulled me out of the car ...". On another occasion, a respondent narrated an experience and how it was handled by the platform operators: "... there was one case where the driver was pretty nasty ... demanding that ... we understood that there was traffic ... but he wasn't saying it in a pleasant way ... so ... I complained about that and ... he was deleted from the service...". This decision by the platform operators to delete the

driver gives an example of how platform operators value and respond to customer complaints; after proper investigation regarding what transpired between both parties.

Customers also revealed that vetting a driver using valid driver's license, social media accounts and address are ways that could ensure proper verification of drivers on the platform. One participant said "... you know they had to profile ... very well, you have to provide some ID's for you to be registered or provide your driver's license ...". Knowing that proper due diligence was carried out by Gomyway before a driver comes on the platform was a way to build customer confidence, particularly with regard to customer protection concerns.

4.2.5 Structures (material, techno, policy and discursive)

Gomyway owned and operated a ride-sharing marketplace connecting passengers with ride owners going along the same route and have empty seats to spare. The company was founded in 2015 and was headquartered in Lagos, Nigeria at the CoCreation Hub (CCHUB); Nigeria's first open living lab and pre-incubation space designed to be a multi-functional, multi-purpose space where work to catalyze creative social tech ventures take place. The hub is a place for technologists, social entrepreneurs, government, tech companies, impact investors and hackers in and around Lagos to co-create new solutions to the many social problems in Nigeria (Co-Creation Hub, 2018).

It was a limited liability company with a crop of both local and foreign investors including Konga founder and chief executive officer (CEO) Sim Shagaya and former Amazon and Naspers executive Bill Paladino. The business employed both permanent and temporary offsite workers. Ride owners were not employees of the company but were referred to as partners. Gomyway did not own any cars but facilitated transport service exchanges between ride owners and prospective riders.

Details of Gomyway's tech structure were unavailable but we infer that it employed a range of technology infrastructure to provide its services. These include connectivity and access architecture, general software layers that support digital activity (operating systems, office suites, browsers, the applications that provide a gateway to the platform ecosystem and the large data and cloud computing apparatus, algorithmic models, machine learning and Artificial Intelligence, and technical protocols (Singh, 2017) as cited in Gurumurthy & Bharthur (2018). There is also the use of GPS Navigation devices to determine the route, Smartphones on which the app is downloaded to request a ride, and social networks to establish trust and accountability between drivers and passengers (Ajala, 2016).

The entrance of Uber into the Nigeria's transport scene signaled a new dawn in transportation in Nigeria. On the back of this, Gomyway's entrance was met with less skepticism than would otherwise be. Indeed, public expectations, particularly within the tech and business spaces, were high. Gomyway was not only indigenous, but also promised to solve long standing problems that plagued the Nigerian transportation scene but also provide additional economic and social benefits. The youth population, engaged very well with the service Gomyway offered and were its primary advocates, supporters and publicity channels (as reflected in community exchanges between Gomyway and its customers through social media interactions on Twitter and Facebook as well as details from interviews conducted with staff).

There were no specific policy interventions from state actors or regulators. Gomyway's activities were regulated within existing frameworks for traditional pipe (i.e., non-platform) business. For example, drivers (ride owners) were required to provide state issue drivers' licenses; the business was registered by the Corporate Affairs Commission (CAC) under the Companies and Allied Matters Act (CAMA 1990).

However, the company and its customers were bound by its data sharing, ownership and privacy policies enforceable by recourse to Nigeria's traditional laws governing trade, agreements and contracts. Also, to secure payments, Gomyway had a payment platform where users could register a credit card and pay directly.

The value proposition of Gomyway was very clear from the start - the intent was to connect car owners with empty seats to spare with individuals looking for a ride along the same route. The platform produced a triple benefit – reduced carbon footprint (environmental), reduced transportation costs (economic) and access to a new network of friends and business opportunities (social). Gomyway platform saved the passengers time and cost of searching for means of transportation via going to bus parks and waiting for the buses or cabs to be filled up with passengers. It also provided income for the drivers/ride owners.

While the focus, at first, was on public value creation, the plan by its shareholders/investors was to run a free service for a year or two, to grow the user-base. Thus, capturing private value was the primary objective; there were plans to expand to other parts of Africa within five years of operations.

The ultimate revenue model thus was charging a transaction commission from facilitating the service exchanges between ride owner and ride sharers.

At the start, creating awareness and getting people to understand the value accruing to them from a typical Gomyway transaction as well as getting them to sign up whilst answering all their questions about safety/security was a challenge. Another challenge was hiring the right person for a role especially as Gomyway could not afford to pay high salaries as a startup.

Also, both drivers and passengers stated that reviews for both – drivers and passengers – are essential in building trust among parties. "... after a trip ... you ... write a review of about your trip as a driver and as a passenger... when ... somebody wants to book they will be privy to it ...they can ... read what people have said about the driver and about the passengers as well. So, for me that's a conscious effort ...".

Value for actors in the ecosystem are:

Privatized-corporatized value: Gomyway gets profits from each transaction, hardware and software vendors to Gomyway get receive value by providing infrastructure and data services to the organization, and branding and advertising companies receive value through various marketing efforts and services on behalf of Gomyway.

Private-individual value: Passengers benefit through cost savings compared to riding in commercial buses or taxis, or other ride hailing services such as Uber. Also, drivers benefit by getting paid for providing a service using available space in the car. Overall, all individuals – passengers and drivers get added benefit through more social connections that could lead to businesses opportunities. E-transportation users definitely considered networking a benefit - "... then you meet other people... network people that you'd never naturally meet ...", leading to more social connections and income-generating opportunities "... how he made... money because he was a driver on Gomyway..." and also comfort (compared to commuting with typical public transport services such as buses, taxi, tricycles or motor cycles) – "...in the car, there's air conditioner... you can even sleep ... so comfort was key..." as top value creation areas provided by the platform.

Privatized public value: Overall, time is saved by using the service versus waiting in line for a public bus/taxi service to get filled, coupled with the multiple stops along the way when using public service.

Public value through public good: Gomyway proved to be a good intermediary platform for transportation services, through leveraging on digital technology to provide services as well as income opportunities for people who otherwise would not be connected.

4.3 Case Description 3: Diamond Y'ello Account (DYA)

4.3.1 Background – Industry Snapshot

The Nigerian financial services sector is predominantly reliant on the traditional financial services providers or the brick and mortar banks, insurance companies, pension funds, service companies and capital market institutions. The traditional financial services operators, like the banks, do not have wide spread locations for customers to access and perform financial transactions, thereby inadvertently excluding some classes of persons from having access to such financial providers. Hence the Nigerian government, through the Central Bank of Nigeria (CBN) initiated the Financial Services Strategy (FSS) 2020. In furtherance to achieving the objectives of the country's FSS Vision 2020, the Nigerian Financial Inclusion Strategy (NFIS) was launched to increase access to financial services at an affordable cost (CBN, 2013) and reduce financial exclusion to 20 percent of the population by 2020 (EFInA, 2017a). According to Enhancing Financial Innovation and Access (EFInA)'s 2010 Survey titled *Access to Financial Services in Nigeria*, the target for Nigeria is to increase formal use of financial services from 36.3 percent of adult population to 70 percent by 2020 (EFInA, 2017b). The use of mobile money platforms and technologies, like the Unstructured Supplementary Service Data (USSD) protocols/channels and the cashless policy initiatives adopted by the Nigerian financial regulatory bodies (CBN, 2018), are meant to bring in more of the informal sector, widen tax base for VAT or tax payment in the Nigerian economy, limit revenue leakage, reduce cash-related crimes, provide convenience, enhance financial integration in the domestic and international financial markets, develop a robust and vibrant economy, etc. Although there is no specific law or regulation governing financial inclusion in Nigeria, there are various financial inclusion policies like the regulatory framework for mobile payments services 2009, the 3 tiered Know Your Customer (KYC) regime, guidelines for agent banking amongst others.

4.3.2 Company Overview

The Diamond Y'ello Account (DYA) is a service provided by Diamond Bank Plc in collaboration with MTN, that has several products. DYA was the 1st of its kind in Nigeria before other competitors came up in the USSD channel mobile money sector. It is a bank account platform that has 3 tiers -Tiers 1, 2 and 3. The 3-Tier KYC (Know Your Customer) regime is a requirement under the Regulatory framework for Mobile Payments Services in Nigeria, 2009. DYA is only available to subscribers that are registered with the MTN telecommunication company.

DYA was launched in August 2014 and currently has over nine million users. Its target market is both current and potential MTN subscribers. They hope that from among low-income earners, young population and the masses in general, more consumers would join the MTN network and open a Diamond Bank account). Non-governmental organizations like the EFInA (Enhancing Financial Innovation and Access) and Women's World Banking (WWB) are partners in the DYA and they have contributed with funds, training, technology, expertise, research and advocacy towards the sustenance and success of the mobile money service platform. The DYA is in line with Nigeria's FSS vision 2020 and the CBN's financial inclusion plan.

4.3.3 Operations within Nigeria's Platform Economy

The procedure for account opening under the DYA is that an MTN subscriber dials a short code, also known as the Unstructured Supplementary Service Data (USSD) code or channel, *710#. The terms and conditions

for opening the account is displayed on the telephone screen and the user either accepts or declines the terms and conditions of using the account and its products. The DYA can be operated on any type of phone that has features and not exclusively for smartphones. The DYA user must be 18 years or older and must have a clear understanding of the terms and conditions of operating the bank account. The account is operated in accordance with the CBN regulatory guidelines and policies. The user will be classified under either Tier 1, Tier 2 or Tier 3 KYC rule.

Tier 1 account has a minimal requirement for account opening and can be upgraded to Tiers 2 and 3. The user's data required for registration in the Tier 1 DYA account is the MTN registered SIM card. Already, registration of MTN SIM card requires that the customer presents a valid form of identification which can include an International Passport, Voter's card, Driver's license, National ID card, Valid Student ID card, E-tax cards or Letter of authentication by a traditional ruler or community leader. Thus, when a Tier 1 customer is being registered, the customer's information with MTN will be accessed and it will be the basis for opening an account for the customer. Tiers 2 and 3 requires BVN (Bank Verification Number) of the customer and more details about the customer – this could attract more people to enter the banking system in a more complete way. At this stage, more documentation is carried out for the customer. The Tier system is tied to the volume and value of monetary transactions being conducted by the customer. The difference between Tier 1 and Tier 2/3 is in the volume of transactions and type of documentation to be presented by the user.

DYA users can pay bills, buy and send airtime, transfer money, withdraw or deposit money, balance enquiry, disbursement of payments, lottery and gaming payments, etc. (Diamond Bank, 2018b). The DYA operators are also planning to introduce microcredit and insurance services. Some banks like GTB, FBN have salary advance applications via USSD codes. Diamond Bank is yet to introduce such.

DYA also has a provision for secured payment for all transactions. To achieve this, the process involves completing financial transactions from a phone using a USSD code.

4.3.4 Actors (state, private, civil society and multilateral)

Apart from the DYA, other mobile money platforms that use USSD codes are – Guaranty Trust Bank (GTB), Wema Bank, Access Bank, Zenith Bank, EcoBank, FBN, Fidelity, Stanbic IBTC, FCMB, UBA, Skye Bank, Unity Bank, Sterling Bank, Standard Chartered Bank, all with varying daily limits (HowToTechNaija, 2016).

Participants in the USSD ecosystem are the financial institutions, mobile money operators (MMOs), mobile network operators (MNOs), value added service providers/aggregators (Nigerian Communications Commission (NCC) licensees and customers. State actors are the Nigerian Communications Commission (NCC), Consumer Protection Commission (CPC), Scheme Operators, Financial Institutions, member of National Payments System Committee and Central Bank of Nigeria (CBN).

For the DYA and other USSD platforms, apart from the Central Bank of Nigeria (CBN), and the Nigerian Communications Commission (NCC), other regulators/institutions that have some stake in the mobile money platforms are the Nigeria Inter-Bank Settlement System (NIBSS), Nigeria Deposit Insurance Commission (NDIC), Nigerian Stock Exchange (NSE), National Information Technology Development Agency (NITDA) and National Office for Technology Acquisition and Promotion (NOTAP).

NCC is the federal telecommunications regulatory body that has the responsibility of stipulating standards for all telecommunications network service providers to facilitate embedding mobile payment solutions and issues short codes while the CBN regulates financial and non-financial institutions that have licenses to operate mobile payment services. NCC also has a Consumer Affairs Bureau that handles consumers' complaints, protection and quality of service (NCC, 2018).

The traditional financial regulators are in support and are part of the mobile money initiatives. As earlier mentioned, under the Regulatory framework for Mobile Payments Services in Nigeria, there are three models for the mobile money payment, namely Bank-Focused (financial institution as lead initiator); Bank-Led (financial institution and or consortium as lead initiator); and Non-Bank-Led (corporate organization as lead initiator). The regulations recognized the role performed by telecommunications companies and provided guidelines for their operations.

The regulation envisages that customers require education with regard to the usage of the mobile payments system and that agents must be trained and managed and presents these as the responsibility of mobile payments scheme operators. The regulation also stated the responsibilities of mobile payments scheme operators under its user protection provisions, specifically providing for a dispute resolution mechanism; responsibility for agents; and consumer education. The rights of users include ease of enrolment, convenience and ease of use, privacy and confidentiality, trust, transaction security, access to funds and immediacy of transfers, etc. Users are responsible for password protection, reporting, compliance with security rules, complaints to CBN, etc.

The CBN Ombudsman for resolution of disputes comprises representatives from NCC, CPC, Scheme Operators, financial institutions, eminent professional or respectable Nigerian, member of National Payments System Committee and CBN. CBN is to monitor compliance of regulatory framework on paper and appropriate sanctions to be determined by CBN. What constitutes appropriate sanctions were not clearly spelt out giving CBN wide and unfettered discretion in determining and appropriating sanctions/penalties.

Regulatory framework for the Use of USSD in the Nigerian Financial system 2018: The Regulatory framework for USSD is the one of the governing rules that covers application of DYA. The objective of the regulatory framework on USSD as stated in the Regulation is to establish the rules and risk mitigation considerations when implementing USSD for financial services offering in Nigeria.

Participants in the USSD ecosystem are the financial institutions, mobile money operators (MMOs), mobile network operators (MNOs), value added service providers/aggregators (NCC licensees) and customers. Although the Regulatory framework on USSD is yet to be implemented, there are provisions that cover governance and inclusion in the regulation. For instance, the regulation provided for Dispute Resolution of customers' complaints. It is the financial institutions that are responsible for setting up the dispute resolution mechanism to facilitate resolution of customers' complaints and the financial institutions are also to treat and resolve such complaints within 3 working days. Where a financial institution does not comply with the dispute resolution provisions, the CBN has powers to prescribe penalties.

During the DYA interview sessions, some users that had complaints were unable to access the help line or complaint desk. However, another user was able to get through the helpline desk, but the reported matter was not resolved. The regulation made no provision for a reporting line or system of financial institutions that are non-complaint with the dispute resolution provision. Having regard to the literacy level of the users of the mobile money, there is a gap in the regulation for escalation of complaints and educating of customers on ways and means to access the CBN approved dispute resolution mechanism. The question then is that, who should the customer turn to where the financial institution fails to resolve disputes? Is it the OMBUDSMAN for mobile payments services or the Consumer Protection Department of CBN? How CBN capturing data and information of unresolved disputes? Is the CBN accessible for the ordinary user who wants to report complaints considering that the amount normally involved in USSD transactions are small amounts like N1000, N5000, etc. which although are not small amounts of money to the average common man struggling to make ends meet on a daily basis?

The **Regulatory Framework for Mobile Payments Services in Nigeria** provided for an Ombudsman in Dispute Resolution comprising of representatives from NCC, CPC, Scheme Operators, Financial Institutions, Eminent professional or respectable Nigerian, member of National Payments System Committee and CBN. (As at the time of writing this article, we are yet to confirm the number of complaints handled by Ombudsman since its inception)

The USSD regulation provides that customer/user's information or data stored shall be encrypted and NCC shall define minimum security standard for MNOs and aggregators. A thorough perusal of the USSD regulation will show that the hallmark of the USSD regulation is to enhance security of electronic payments rather than encourage a focus on inclusiveness. The users are relatively comfortable with the mobile money services and there is a sufficient level of trust that their money transfers will get to the beneficiary of the funds transfer provided the right information or details are used for the transfer and users do their part in protecting their pin numbers.

Diamond Y'ello Account customer protection concerns include: sending money to the wrong person because of the possible errors, they try to ensure that the account name tallies with the number otherwise, they don't do the transaction. Sample responses on this are as follows: "... when we want to make the transfer.... if the account name does not tally with the number, we will stop it ..." "... so you must be careful with the account number ... because if you make a mistake it could go somewhere else ...", "... some dey fear whether them fit just send money and the money no go enters the correct account ...".

The second major concern was service downtime; they were particularly concerned about the predictability of the services by the operators as sometimes this causes lack of trust for various parties during transactions. A respondent while expressing his frustration with service availability narrated thus: "...After you make transfer ... after two or three days, they've not done the transfer...If you go back ...they will ... tell you that it's their network ...".

Also of concern was the amount of money available in an agents' wallet for transactions. Agents would be expected to have funds available for transactions, however, sometimes agents run out of cash for transactions due to limited funds in the wallet and therefore might be unable to carry out further transactions if that occurs. One agent attested that "... we have very minimum amount of our own to put in it ...".

On privacy, the customer data is controlled by both Diamond Bank and MTN and they each have a privacy policy. The Diamond Bank privacy policy states that the Bank is the controller of its customers' personal data and can only disclose it in the following circumstances:

- To client organizations in connection with their dealings with the organizations;
- To other Diamond Bank entities
- To people from whom they receive, or to whom they make, payments on clients' behalf;
- To service providers that provide application processing, fraud monitoring, call center and/or other customer services, hosting services and other technology and business process outsourcing services;
- To their professional service providers (lawyers, accountants, auditors, insurers and tax advisors);
- To legal advisors, government and law enforcement authorities and other persons involved in, or contemplating legal proceedings;
- To competent regulatory, prosecuting, tax or governmental authorities, courts or other tribunals.
- To other persons where disclosure is required by law or to enable products and services to be provided to clients.

MTN can only disclose users' personal information to law enforcement agencies, government agencies, organizations that act as their agents, and other parties in favor of whom users have given express or implied consent.

The above mentioned privacy policies of the Diamond Bank and MTN conform with the companies' legal obligations to strictly protect the privacy of their customers from unauthorized infringements (Diamond Bank, 2018c). Although it is part of the CBN policy for operators to collect data from the customers under the KYC (Know Your Customer) policy and the Money Laundering Decree of 1995, the information gathered from the customers are used specifically for the purposes and reasons stated under the terms and conditions of the DYA product (Diamond Bank, 2018c) and in accordance with statutory provisions and policies governing/applicable to the DYA product/service (CBN, 2016).

From the interviews conducted during this research, the operators of the DYA were actively conscious of their legal obligations as it relates to data protection of consumers and gave a convincing response when asked about the efforts in place to ensure that the data collected from their customers are adequately protected. Various awareness campaigns were also being utilized to educate the populace about the need to ensure that they protect their own data. For example, not releasing their PIN to third parties, timeously laying complaints through appropriate channels etc.

4.3.5 Structures (material, techno, policy and discursive)

Most of the banks in Nigeria have mobile banking applications that require the use of internet or data. Whereas mobile banking can be carried out via different instruments, for example laptop, mobile phone etc., it also requires data unlike mobile money which has to be done through a mobile device without necessarily having a bank account or internet connection. Some other mobile payments systems in Nigeria are ReadyCash, GTMobileMoney, FirstMonie, PocketMoni, Paga, Fortis Mobile Money, Cellulant, EazyMoney, etc. (Quora, 2013). The challenges in USSD include processes related to SIM Swap susceptible to fraud, high cost of the technology for USSD, multiplicity of USSD codes, network fluctuations, security of agents, etc.

USSD technology has been adopted by mobile telephony-based providers for financial services and this has led to multiplicity of USSD channels without a common standard for all the channels providers. According to the proposed regulatory framework for USSD 2018, the USSD technology is considered cost effective, user-friendly, speedy in concluding transactions and handset agnostic (CBN, 2017).

DYA serves as a means of providing accessible and affordable banking services to the unbanked populace and at the same time, the DYA service is also a financial service model which enhances the service providers' customer base in the form of number of operating accounts and volume of financial transactions attributed to the service providers. The key governance challenges can be found in the dispute resolution structure and enforcement as discussed earlier.

A major challenge that users faced in the Diamond Y'ello Account platform was receipting; lack of evidence of a transaction. Respondents confirmed this concern as "... the challenges we are having is that ... it doesn't generate receipt ...", "... no receipt, ... no evidence of payment to customer ...". They complained that sometimes, the transaction is successful on the agents' part. However, there is no evidence, either as electronic receipt or a confirmation on the user device/account that the transaction is successful. The users could only confirm receiving money by checking their account balance using the special code and following instructions thereafter (*710#); this service is however not always available due to network challenges from mobile network operators.

DYA value accruals include:

Privatized-corporatized value of the DYA to the business operators includes profit, data, branding and advertising, wider reach and network. Since the inception of the DYA, over nine million, seven hundred thousand accounts have been opened through the support of Diamond Bank partners- MTN, WWB (Women World Banking) and EFINA (Enhancing Financial Innovation and Access) (Diamond Bank, 2018b). DYA also serves as a business venture for agents who make money from marketing the product/service and get paid on a commission basis.

Mobile money customers spoke about access to banking services that were not readily available in certain locations before the advent of mobile money – “... it is helping a lot especially this ... rural area.... the only bank here ... was First Bank and the bank was always crowded...”. They also said that mobile money was convenient - “... they’ve actually made things easier. ... you can easily transfer...” and caters to people who are not well educated – “...some people literate ...so it has actually helped them to withdraw money by themselves through this platform or ... send money to somebody ...”.

Privatized-corporatized value: Diamond Bank and MTN derive profit from transactions, infrastructure providers get paid for providing hardware and software services while branding and marketing agencies receive payments for branding and advertising.

Private-individual value: Using Diamond Y’ello account provides convenience compared to walking into a banking hall for similar transaction, especially for users in remote areas where banks are not situated in. It also provided income for the agents as they also charge a fee for each transaction.

Privatized public value: The Diamond Y’ello Account has also provided economic opportunities in the form of business for the agents.

As noted earlier, it is difficult to identify any concrete frameworks or explicit policies that address issues of data-based surveillance and manipulation tactics by platforms regarding consumers, users and workers. Although the Constitution of the Federal Republic of Nigeria (1999, as amended, section 37) stipulates that “the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed.” In reality, many are unaware of their rights regarding data protection. In any case, these provisions are now partially outdated and inadequate to sufficiently address the issue of data protection for a vibrant economy as Nigeria. With a view to addressing the gap, a personal information and data protection bill has been sponsored and is already being deliberated upon (Aliyu, 2016). In the meantime, most companies follow the NITDA guidelines (Aderibigbe, 2018) which will be further discussed below as well as rely on self-regulation – their own internal policies on data sharing.

Thus, at present, the system remains relatively fluid without a codification of the regulations and guidelines relating to data protection or a central coordination of related agencies. What is needed is a comprehensive legal framework that will address the issues of data protection and privacy rights in the digital age. It is hoped that the proposed bill¹ will do this. Though not related to platforms, the case of *Habib Nigeria Bank Limited v. Fathudeen Syed M. Koya* is nevertheless instructive (Udo Udoma and Belo-Osagie, n.d.) and can be extended to understand the position of the government on data protection and privacy. In that case, a bank was alleged to have disclosed a customer’s transactional information. The Court of Appeal found that the bank owed a duty of care and secrecy to its customer even if the law did not expressly provide for it. One can infer that a court will take a similar stance in the case of platform companies.

¹ The contents of the bill can be accessed at [here](#).

4.4 Findings from the Narrative Enquiry

The narrative enquiry involved survey interviews with customers from the three platforms studied - Diamond Y'ello Account, Gomyway and Konga. At the end of the exercise, a total of 20 interviews were done with customers across all platforms. Top areas discussed by customers during the survey include, customer protection, value creation, data protection and privacy as well as user expectations from the platform companies.

Customer Protection

E-commerce platform users seemed more concerned about the customer protection than other platform users – 39 out of the 79 referenced quotes on customer protection were from e-commerce platform users. Overall, 17 out of the 20 respondents spoke about this area – 49.37 percent e-commerce, 20.25 percent e-transportation and 30.38 percent mobile money.

Across the platforms, common areas of customer protection include issues on customer care, example lack of proper channels for complaints and dispute resolution, and impatient customer care representatives – “... because I was calling and calling, nobody....it was...they didn't rectify it”, “the merchant is very unhelpful and practically really rude”; lack of government intervention especially in regulating the platform operators' activities; and safety concerns especially in cases of fraudulent activities experienced by users - “... and some people will come and say they wanted to collect cash and we will not give to them because of how we see them...”.

Data Protection and Privacy

15 out of the 20 respondents spoke about data protection and privacy areas: 26.67 percent from Diamond Y'ello Account; 23.33 percent from Gomyway; 50 percent from Konga. While they stated that types of data typically collected include full names, phone numbers, email address, house address, passport photograph, means of identification – such as national identification, driver's license or international passport. They also expected that all personal information would be kept safely and securely by platform operators. A sample response on this is “... if I am giving my information, it is between me and you ... not... a third party... so I expect that you protect me ...” and “... the platform people know ... they have to protect the privacy of their customers ... because they are the customers...”.

Others had made personal efforts to protect themselves by creating special email accounts, not giving out full names and giving alternate home addresses for online transactions or taking special care not to perform online transaction on devices and/or websites that are not trustworthy. Sample responses on this include: “... I am careful about the website or platform I use it on... I try not to use is on devices that I am not sure of... only my personal device or ... on another device of someone trustworthy ...” and “... I am comfortable with giving out my email address because my email address and name are two different things.... I have a private email that I can put that has nothing to do with my name at all...”. Possible reasons why some customers take extra measures is due to activities by cyber criminals as well as email spammers.

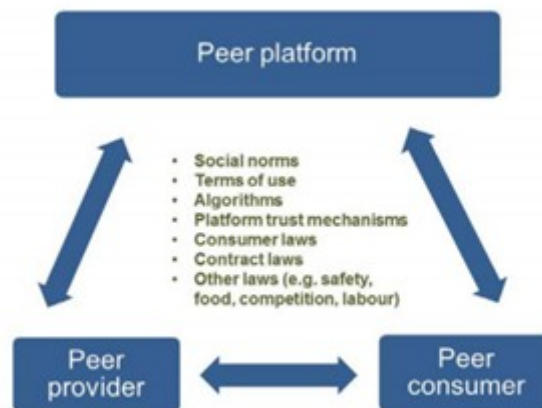
Also, some users did not express any concerns on data collected by platform operators as they expected to provide such information to the operators in order to sign-up to the platform – “... if you're ready to use a platform you should be ready to give out some certain information...”. But they also expect that information collected should not be too intrusive such as asking for birthdays: “... why ask for my birthday...”.

5. Discussion

5.1 Answers and the OECD lens

As evidenced by our findings, despite its many benefits, the growth of platform markets has implications for regulatory policies in the areas of consumer protection, unfair commercial practice, and prohibition of deception (OECD, 2016). Our key policy themes focused on inclusiveness and governance, especially with regard to the protection of consumers in platform markets, with sub-themes as adapted from the regulatory demands of OECD (2016) as shown in Figure 1 below:

Figure 1: Identified regulatory demand for digital platforms (Source: OECD, 2016: 12)



Regarding social norms, we looked out for discrimination, social responsibility, e-inclusion, digital gender divide and vulnerable users. Impatient customer care representative, poor government intervention in regulating platform operators and ensuring safety for platform users are issues e-commerce operators should be concerned about. Gomyway platform intended to enrich commute experiences experienced by riders, however there were issues around general attitude towards female drivers ranging from physical to verbal assault.

We watched out for issues to do with the enforceability of rights, unfair terms (e.g., pricing), and unfair commercial practices. Most Konga users expressed concerns about timely delivery as well as quality of products delivered. Repeating a customer experience detailed above, "... there was a time I bought an item, I can't remember, it was a wallet, but the type they delivered, is not the one I paid for ... I think the delivery time can be made shorter ... and also to make the return policy easier, ... it takes a while to get your money back if the product is not up to your satisfaction...". Pricing in Gomyway starts at less than \$1, for a comparable service provided by private taxi companies, almost same for what they would pay for regular buses but with much better services. While DYA customers faced lack of transaction evidence (receipting) issues.

We also sought and found both personal and business consequences for lack of transparency and clarity, information asymmetries, inadequacy of verification systems, lack of trust in payment systems. While Konga communicates with its customers, via its websites and email, about its various safety and protection programs, some customers preferred to use aliases to register on the platform to avoid being found by cyber criminals. Gomyway ensured transparency for all users by creating a system to monitor and rate compliance as well as penalties for non-compliance. DYA customers mainly complained about service downtimes, particularly the predictability of services by the operators.

Furthermore, there were issues surrounding data privacy, safety, insurance, certifications, guarantees, dispute resolution mechanisms, accountability, and consumer injury policies. Konga customers expect that personal information as well as transaction history is kept safe. This Konga does and communicates through its terms and conditions on its website. To ensure customer data safety, Gomyway made sure that no third-party had access to user data except what was needed to facilitate the service exchanges between the riders and the ride owners. DYA customer protection concerns include: sending money to the wrong person because of the possible errors, they try to ensure that the account name tallies with the number, otherwise, they do not do the transaction.

In our introduction, we had raised the questions that the research sought to address. This part of the report addresses the questions in line with our findings, the already existing literature, using concerns for socio-economic inclusion and policy considerations as the two main themes for discussion.

Concerns for socio-economic inclusion

A look at the case study – Konga.com provides insight into the gaps in and possibilities for socio-economic inclusion. For konga.com its subscription-based marketplace model of charging a fee that ranges from between 4.5 to 20 percent of item's sales value based on transaction category, while also offering application programming surface (API) capabilities to third-party merchants on its KongaPay platform for payments validation makes the platform inclusive.

This is to the extent that your bank account is linked to your Konga account to make payment easy for you. You do not have to go to the bank or have a debit card. In this light, it is important to restate that Konga.com also runs a mixed-asset model that integrates the platform system with warehousing and distribution logistics infrastructure in order to connect more effectively with their growing number of merchants and customers, facilitating transactions between buyers and sellers who do not have any digital channel for money exchange. This channel aids inclusion – enabling people to have the resource, capabilities and opportunities they need to learn, work, engage and have a voice to achieve the outcomes they wish (Australian Social Inclusion Board, 2012), so that customers can have a variety of products with a different price range to pick from. Konga.com has made their platform easily accessible by developing a mobile application that saves data and is compatible with smartphones. Thus, users do not need to have a computer to access the platform. The only other issue that can exclude users is access to smartphones and internet connectivity. Social inclusion means have access to resources, capabilities and opportunities to engage and achieve outcomes they wish (Australian Social Inclusion Board, 2012).

Access to smartphones and internet connectivity to access platforms such as ecommerce, ride-hailing services as well as mobile money services can drive further development and income opportunities in situation otherwise not available. For example, farmers in remote villages could list their produce on ecommerce platforms for wider reach, financial services would also be available for those farmers as using mobile money services and logistics to move certain produce could also be available using ride-hailing services. In all, a number of SMEs have been able to boost their business because of the access to the market provided to them by DYA and Konga, even though many more are yet to be enabled to take advantage of such opportunities because they are illiterate or in areas with little infrastructure.

It is important to state once again that, with regard to consumer protection, the Konga Buyer Protection program with self-set return policy and specific return validity conditions and returns charge covers consumer purchases for payments that are made in advance to protect against delivery delays, inaccurate product description, defective or counterfeit products, and items with manufacturer warranty; this cover is not extended to products that include personal items, unsealed electronics, and consumables. Again, the channel for rating products and merchants is a good avenue to check and protect the customers from

vulnerable users. For Konga.com, customers and merchants do not have access to the details of other customers. In the course of transaction exchanges, Konga.com collects personal data from registered accounts and further leverages this data for targeted product advertisement (in which users can opt-out from), and also for server diagnostics; information collected might be also shared with other corporate entities as required to check illegal activities, while third-party linking sites could also access personally identifiable data from the platform. To this end, only Konga maintains the database of its users – customers and merchants alike. With regard to consumer security, its KongaPay platform enables users to pay for purchased products via a secured server to prevent unauthorized access.

Policy considerations

Policymakers must address the issue of inclusiveness. The regulatory framework should shape operations of platform companies in relation to the vulnerable user groups in order to be inclusive. The question is how the platform economy can be utilized more inclusively. Key focus segments in bridging the digital divide include vulnerable users, gender, illiterate users, amongst others. Accessibility is key. For instance, under the language barrier, there should be provision for reading terms and conditions in local Nigerian languages (platforms). Inclusion means people have the resource, capabilities and opportunities they need to learn, work, engage and have a voice to achieve the outcomes they wish (Australian Social Inclusion Board, 2012).

Policy framework in relation to vulnerable users should encompass platform-specific issues relating to consumer rights, digital content, unfair terms, and unfair commercial practices. Policies that adequately reflect the inclusion of these groups in the provision of platform services should be paramount, recognizing their specific needs and expertise.

Policies should follow UN 2030 resolution of 'Leave no one behind' and include measures that encourage inclusiveness.

In Nigeria, there is no specific consumer protection law for platforms. However, the Nigerian government has a duty to protect its people from any form of harm to human health through the use and purchase of items to meet daily needs. In light of this, the Nigerian Consumer Protection Council (CPC) was established by an Act of Parliament in order to promote and protect the interest of consumers over all products and services. The CPC aims to protect and enhance consumers' interest through information, education, and enforcement of the rights of consumers. In implementing their function, the CPC has established guidelines. Nigeria is a member of the Organization for Economic Co-operation and Development (OECD) and, as such, its established guidelines meet with the OECD. Thus, the consumer protection policy in Nigeria generally meets with global standards.

The National Information Technology Development Agency (NITDA) is mandated by the NITDA Act of 2007 to develop Information Technology in Nigeria through regulatory policies, guidelines, standards, and incentives. Part of the reason for this is to ensure the safety and protection of the Nigerian Citizen's personal identifiable information otherwise known as Personal Data, Object Identifiable Information and to assure the successful implementation of the Data Protection Guidelines. The NITDA has therefore enacted the 'Data Protection Guidelines 2017' (NITDA, 2017). Every platform and internet provider must adhere to and implement this policy. In addition, the NITDA plans to appoint an employee of each organization as its Data Security Officer, who is meant to make sure that the organization keeps to the Guidelines regarding data protection and privacy policies and procedures and that protects personal data.

However, currently, in Nigeria, platforms have their own consumer protection and privacy policy, but the said policy must meet with the CPC guidelines and the Data Protection Guidelines of 2017. For Konga.com, they have developed a proprietary software algorithm to automatically monitor data for patterns, and

quickly detect potential risks to the customer (Konga, 2018). Konga's privacy policy entails the collection of personally identifiable information (name, email, address, phone number, etc.), the use of demographic and profile data, and the sharing of personal information (only to the extent to help detect and prevent identity theft, fraud and other potentially illegal acts).

For DYA, its security policy mandates that its user selects a confidential Personal Identification Number during account opening, which PIN is mandatory for the use of all DYA features in such a manner that no transaction could be effected without entering and validating this PIN. Users are responsible for keeping their PIN secret and for all transactions that take place on their accounts with their PIN and they indemnify Diamond Bank against any claims made in respect of such transactions. If at any time a user believes that his or her PIN has been stolen or compromised, he or she is to call 118 immediately to block the account. Sometimes, users make mistakes when transacting on the DYA platform. Mistakes may include sending money to a wrong account number or sending more than the amount of money intended. There is also the possibility of losing one's Personal Identification Number (PIN). When a user loses his or her PIN, he or she is responsible for any transactions that occur until the account is blocked.

Generally, the customer data is controlled by both Diamond Bank and MTN and they but have their individual privacy policy. The Diamond Bank Privacy policy states that Diamond Bank is the controller of its customers' personal data, and it went further to describe what personal data means and give reasons why Diamond Bank process customers' personal data, it also explains where Diamond Bank obtain personal data from, to whom it is disclosed to and how they protect the personal data, while that of MTN explains how MTN collects, uses, accesses, transfers, stores, processes and disclose users' personal information. It also explains the users' options regarding this. Yet there is still a gap in data privacy especially as it relates to how platform companies store and use data provided by platform users. Thus, there is need to regulate the use of consumers' data.

Our research confirms that platforms prefer to be self-governed since they claim more knowledge of their operations and better enforcement mechanisms than traditional regulators (Finck, 2017). To this end, platforms can be allowed to determine the terms and conditions of their intermediary function and define online and offline standards of behavior, this will make them to govern their platform economy better. That notwithstanding, there should be a harmonized legislation governing platforms operation, at least regarding platforms' internal operation. to avoid each organization determining its own policy that maybe detrimental to the employees and the platform users. In other words, the platform economy should be co-regulated. That is, to achieve a better-governed platform economy, both the government and the platforms must regulate its various aspects concurrently. Neither a command-and-control regulation or pure self-regulation is an adequate solution since either on its own would raise significant problems in its application to the platform economy. Hence, co-regulation such as described above for Konga and DYA emerges as the best approach.

In discussing regulation, it is important to mention that Nigeria is a member of the World Trade Organization (WTO) and has rectified the General Agreement on Trade in Services (GATS). The objectives of GATS, among other things, include to ensure fair and equitable treatment of all participants (principle of non-discrimination) and promoting trade and development through progressive liberalization. Many services which have long been considered domestic activities have increasingly become internationally mobile (e.g. electronic banking, health or education) (WTO, 2018). Since the GATS covers commercial services in any sector regardless of the mode of offer and the execution and delivery of the service, it covers all commercial digital platform services (WTO, 1999) except for air traffic rights-related services (WTO, 2018). This means that excessive regulation of digital platforms may throw up barriers to trade in the platform economy. Considering that the aim of GATS is to remove unnecessary barriers to services trade,

Nigeria's regulatory bodies should take due care to ensure that whatever laws/policies made to regulate the Platform Economy should not constitute a barrier to foreigners to trade in the Nigeria digital economy.

5.2 Commonalities and Contrasts in the Three Case Platforms

Some commonalities exist between the three case platforms. The challenges faced by the three platforms are similar. The challenges of poor broadband penetration and high access costs, power availability, and inadequate logistics infrastructure are faced by all three platforms.

Also, the challenge faced by users of the three case platforms are common. For example, the challenge of internet access and owning a smartphone. Although this is the problem that DYA had tried to address when it started the USSD code. However, still, users of the three platforms still lack the trust in making online payments in the country's nascent platform ecosystem due to fraud, and low digital literacy has worsened the external business environment.

While privacy policies of all three platforms are in conformity with the NITDA Data Protection Guidelines 2017, which is currently being reviewed, they differ with regard to specifics already mentioned when presenting each case study. Other data protection-related regulations in conformity with which the privacy policies of the three platforms operate are the NCC Consumer Code of Practice 2007, the CBN Consumer Protection Framework (CBN, 2016) and the Consumer Protection Council Act. The DYA privacy policy is also in line with the CBN Consumer Protection framework (paragraph 2.6, CBN, 2016) and the NCC Consumer Code of Practice (2007, paragraphs 34-38).

All three case platforms provide for secured payment for all transactions, again as already mentioned earlier in this paper.

Other areas discussed were:

Digital divide issues, of which only 10 of the 20 respondents answered with 58.33 percent of references from mobile money users and 41.67 percent references from e-commerce platform users. There were no references from e-transportation respondents of which access to the internet and knowledge on how to use the internet were main areas discussed.

Vulnerable users, again 10 of the 20 respondents answered with 59.62 percent of reference quotes from mobile money users, 3.45 percent reference quotes from ride-sharing users and 41.38 percent reference quotes from e-commerce platform users. Ability to read and write, language preferences, security, user interface, service and delivery availability in remote locations and discrimination against female drivers (in the case of ride-sharing platforms) also were areas of discussion in this aspect. Here, we describe vulnerability as a permanent or temporary state of affairs as situations that weaken self-determination arise in people's lives (Tisdale, 2004). This weakened self-determination was reflected in the categories above.

Possible causes of platform failures, such as favorable policies for small businesses, funding, improper management, cost of data, poor customer service were issues users of the various platforms identified.

Additional reflections on value accruals: The platform ecosystems in our study accrue socio-economic value through various means. The three platforms offer intermediation of goods and services so as to provide access and fair returns to more people, transparency driven by digital activism via online reviews, online videos, hashtags, etc. Several economic opportunities and entrepreneurial growth have been created by these platforms. For instance, in the Diamond Bank 2017 Annual Report, it is on record that the DYA had over 9 million customers and 2.4 million mobile users. The DYA also won a Lafferty award for excellence in

financial inclusion. On page 30 of the 2017 Annual Report, the CEO, Diamond Bank Plc, Mr. Uzoma Dozie stated thus,

“Our financial inclusion propositions – Beta and Diamond Y’ello – are transforming lives and providing the underbanked with sufficient knowledge and tools for saving, borrowing, making payments and managing risk using the banking systems. Over two million previously unbanked Nigerians today transact regularly on Diamond Y’ello accounts from the convenience of their phones or through mobile agents without ever visiting a branch.” (Diamond Bank, 2018a)

16 out of the 20 respondents spoke about value creation, Time saving, convenience and income opportunities were top areas spoken about. Percentage frequencies from platforms under review are: 25.86 percent for both mobile money and e-transportation platforms and 50 percent for e-commerce platforms. Having already discussed the value accruals separately when presenting each case study, we include here a table recalling the high points:

Table 3: Value Accruals

Privatized-corporatized value	Private-individual value	Privatized public value	Public value through public good
<ul style="list-style-type: none"> • Profit • Network • Data • Branding and advertising • Wider reach 	<p>Konga: convenience, time savings, variety; wider market for the sellers</p> <p>Diamond Y’ello Account: convenience; income for the agents</p> <p>Gomyway: cost savings for the passengers; income for the drivers</p> <p>Others: income for users; networking</p>	<ul style="list-style-type: none"> • Time savings for women/families • Economic opportunities/ growth of entrepreneurship • FDI 	<ul style="list-style-type: none"> • Transparency driven by digital activism • Transportation services • Intermediation of goods and services so as to provide access and fair returns to more people

6. Conclusion and Policy Recommendations

Platforms have the potential of improving productivity and contributing to the development of economies (Evans, 2016). Yet, the obvious and inarguable benefits of increasing openness may be impaired by the challenges to equity and fairness such as marginalizing some groups or taking advantage of others. Our study explored what specific domains of law currently touch the platform economy in Nigeria and came up with policy recommendations to increase inclusivity and enhance governance. In a previous study, we already built a base knowledge of the state of play of the platform economy in the Nigerian system and presented the institutional-regulatory context in this regard. Now, having collected and analyzed field data, we are able to shed more light on the operation of the platform economy as well as to recommend policy frameworks that tackle inequality, promote inclusion and advance overall development justice.

The rise of platforms is triggering reactions from governments both at the international and national levels. In many cases, platforms are seen as vehicles for positive change, as spurring innovation, driving greater productivity captured through better asset utilization and the ideas of the “sharing economy” (Evans and Gawer, 2016). However, in other cases they are creating challenges across a range of policy issues including labor, tax, competition, and disparities in insurance coverage (Evans and Gawer, 2016). Within the e-transportation space, there are policy issues surrounding the protections for users, communities, clients, and workers as markets are disrupted; some will be about business models that are playing a game of policy arbitrage, whereas others may be about rules for creation and capture of value.

In the case of Gomyway, some of our sources opined that the problem was that what seemed, at first, like a scalable model became, upon closer examination, actually better suited to only a group of workers (regular 9 am to 5 pm) and thus, not only lacked the ability to attract the critical mass necessary for the network effect and the success or long term sustainability of the business but also overlooked the trust and integrity factor required on the part of both users and drivers for repeat usage of the service (application) or the full declaration of the value of each transaction (from the interviews). On the other hand, according to other sources, the company ran out of funds and could not sustain its original plan to run a free service until enough trust was built for them to start charging consumers, and they could not attract further funding from the investors (Mulligan, 2017).

In summary, the answers to our questions have emerged as follows:

- a) On current configuration: Each platform makes the effort to reach the largest number and variety of users possible since this widens their market. Yet, illiteracy and access to smart phones and internet connectivity still limit a greater part of the population and fosters the digital divide so that the country’s development is not as inclusive as it could be. As mentioned in the beginning of this report, broadband penetration is abysmal, and this happens mostly in rural and certain semi urban areas buttressing the internet connectivity issue. The DYA has been able to reduce the issues pertaining to digital divide through dialing code – 710 – which enables anybody, without needing the internet, to use a mobile phone to register an account and perform banking transactions that they ordinarily would have performed at the bank. However, there are a lot more platform benefits that are internet dependent and inaccessible to many Nigerians.
- b) On policies for inclusion: Vulnerable user groups need to be recognized and provided for. Gender discrimination should be tackled and efforts should be made to educate those still in danger of being left behind by the digital revolution. Access in terms of language and infrastructure needs attention as well. This means that platform operators should offer language options beyond English language for ease of navigation in each app.
- c) On consumer protection and privacy rules: With regard to platforms, these are inadequate at the moment although they are globally comparable with regard to the traditional economy and each platform player (Konga and DYA) has made considerable effort in this regard, as already discussed above. There is still need for an update of national policies and to reflect the current reality of a platformized economy and to strengthen the protection for the users of the mobile money, e-commerce and e-transportation platforms. The National Information Technology Development Agency (NITDA) is working on this.
- d) On policies for governance: Platforms need some level of self-governance but must also be regulated by government in order to better protect all stakeholders. Such co-regulation would help to achieve robust levels of governance and inclusion. However, the government has made efforts to

put proper legislation on key activities involving stakeholders in e-commerce. The cyber security and information protection bill, electronic transaction protection bill, national internal security bill, electronic commerce bill etc., are examples of legislations intended to further strengthen the industry, (Orimobi, 2017). Despite these efforts, legislations seem to be evolving at a slower pace than the e-commerce industry.

Nigeria has numerous acts, regulatory agencies, and regulations that touch on digital ecosystems and consumer welfare. Thus, there are regulations that will cover one or more aspects of a platform's activities. However, majority of these acts and regulations are framed outside the conceptualization and emergence of the platform ecosystem in Nigeria. For example, platforms are fluid and usually pervade different sectors, and geographical boundaries (both local and international); this raises conflicting issues with regards to the jurisdiction of each regulator. In the light of the foregoing and based on our analysis and findings from the research carried out, we end this report with some policy recommendations.

Legislation is at a slower pace in Nigeria compared to other parts of the world (for example some bills have remained unpassed for over 10 years). Thus, there is need for an update of national policies to reflect the current reality of a platformized economy. However, excessive regulation stifles innovation; there should be a balance between innovation and regulation. New regulation should not be burdensome to the stakeholders.

A delayed reaction to the digital revolution on the part of government agencies, resistance to change and the analog mentality of the civil service limit the pace of policy vis-à-vis the rapidly evolving digital landscape. Beyond regulation, preexisting systemic inefficiencies such as corruption, deficiencies in policy and regulatory support, huge infrastructural deficit and insecurity also limit inclusion. Overall, a more enabling environment is crucial to make platforms thrive in Nigeria.

Tracking all exchanges within the platform economy locally and internationally is also a major issue. This reflects in issues related to taxation (as with the gig economy or geographical presence); labor and welfare (in the case of e-transportation platforms and their drivers); trade legislation among others. The government should have a tracking mechanism to monitor trends in the dynamic platform economy and ensure robustness of policies to protect stakeholders while simultaneously encouraging innovation.

Self-regulation is not enough to ensure inclusion and protect vulnerable stakeholders. This is because self-regulation left to the discretion of the platform companies, may not cover antitrust practices (e.g. access and pricing); data privacy; national control of information access tax policies; labour regulations; welfare systems, screening and certification; content manipulation etc. Although platforms need some level of self-governance, this must also be regulated by government in order to better protect all stakeholders. Such co-regulation would help to achieve robust levels of governance and inclusion.

A new legal framework, therefore, should include policies that close gaps affecting:

- a. Greater and equitable access to platforms: The government could require platform companies to respect diversity by providing accessible ICT concept definitions and minimal services in major local languages of Nigeria (a language policy). There could also be ways to incentivize the provision of cheap and available internet connectivity especially for the rural areas. Also, companies that have policies that create unfair dominance should be investigated. A requirement that platform companies should implement good practices inclusive of disability protection and disability rights would also be important here. It would be good to require of 'external auditing' of platform companies to ensure that their policies adequately protect vulnerable users. This would include adequate mechanisms for monitoring activities of platform companies and also provisions for reporting of adverse policies and activities of these companies.

- b. Control of data: laws should be made to guarantee the security and integrity of Nigeria's data and information assets, as well as safeguard the information of its citizens. A robust data/digital policy will enhance consumer protection, data protection and regulation, and overall platform governance:
 - Consumer protection legal provisions that will recognize and provide for the specific needs of vulnerable users including codes of conduct and guidelines for operation, (as voluntary measures in some cases)
 - Requirement of a deliberate digital inclusion commitment by platform companies for transparency, accountability, respect for the rights of vulnerable groups;
 - Requirement to provide for the safety of vulnerable users by providing a trusted internet-based environment
- c. Tax policies: Our current tax law covers companies with commercial presence in Nigeria. Platform companies need to pay tax whether or not they have commercial presence in Nigeria since they make money in the Nigerian market and compete with other companies that are paying tax. In addition, taxing foreign and multinational players higher than their local equivalents could be a good way to encourage small players and MSMEs.
- d. Labour regulations: the evolution of platform has given birth to new types of labour relationships, for example, freelance consultants. For example, e-transportation platforms do not employ their drivers, they only provide a platform for people to get rides. There is need to make laws that regulate this type of labour relationship, so as to protect the weaker parties (drivers of e-transportation cars, agents of mobile money, suppliers of e-commerce platforms, etc.).
- a) Social policies (education, rights, social security and welfare, cultural representation) should also be put in place to boost the:
 - Promotion of education or enlightenment of the vulnerable group on their rights and responsibility of platform companies
 - Requirement of local content for the transportation platforms so as to reduce capital flight and the killing off of local enterprise
 - Provision of legal advice and accessible legal representation for vulnerable groups or alternative dispute resolution (conscious of affordability and availability) whenever the need arises.
- b) Stronger economic policies pertaining to financial regulation and development, trade and e-commerce, anti-trust and competition, and incentivizing small players and MSMEs should also be put in place.

In summary, platform is the new oil, and the government needs to pay due attention to it. It is important to ensure that knowledge and policies are in place to take advantage of the opportunities that platforms present while reducing their threats. There is enormous value to be created and captured for platform players. Nigeria needs more platforms to spur inclusive growth, and it is important that we build or review, in earnest, a policy landscape establishing the principles of operation, competition and regulation. This can be achieved with a combination of several independent consumer advocacy groups including statutory regulation, commercial alternative dispute resolution systems, and businesses built around regulation (for example a subscription-based service that reviews platform products, services and activities).

Government should be actively involved in driving the platform economy with Nigerian economy experiencing IT growth as platforms evolve. However, we need stakeholders, like a working group, that will regularly advise the government on the state of the platform economy and its potentials for growth. A

collaborative relationship must exist between the government and these stakeholders for an inclusive platform economy to thrive. On the part of platform companies, they could be more intentional about promoting inclusion and embed these in their service to the community and must make increase equity considerations in the governance aspects of their policy statements in order to act as responsible organizations.

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