feminist digital justice

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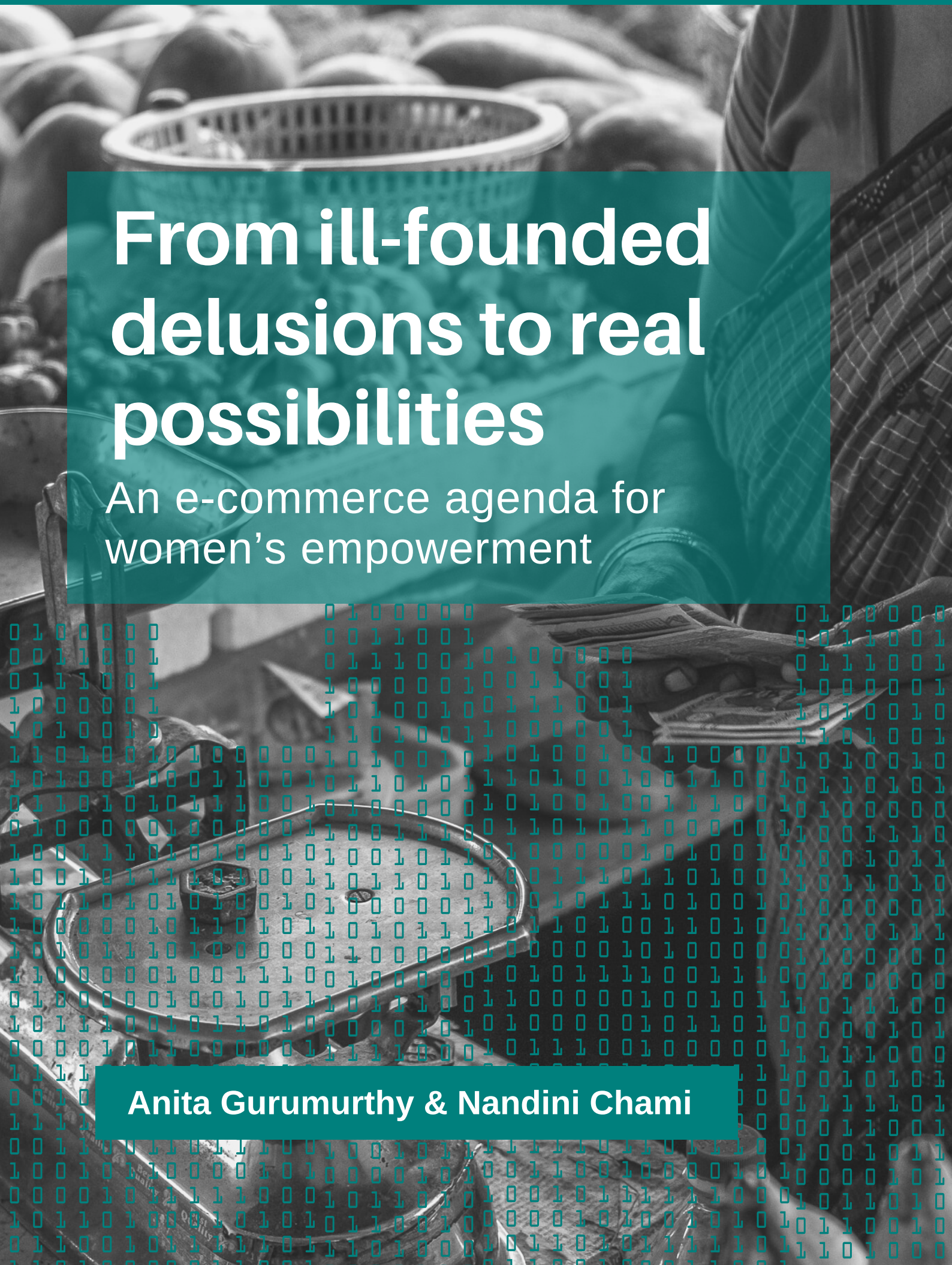

# From ill-founded delusions to real possibilities

## An e-commerce agenda for women's empowerment

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feminist digital justice

Feminist Digital Justice is a collaborative research and advocacy initiative of IT for Change and DAWN (Development Alternatives with Women for a New Era). We aim to reinterpret the emerging techno-social paradigm from a Southern feminist standpoint. The project foregrounds debates at the intersection of enduring feminist concerns about gender justice and women's human rights on the one hand, and emerging issues at the digital frontier on the other. It responds to the urgent need for Southern visions of transformative change in these times of paradigmatic shift, exhorting feminists from the South to engage with the political economy of data, and to use their knowledge and experience to reframe the debates. In doing this, we seek to support and strengthen informed and cutting edge feminist analysis and action.

This is the first piece in a series of issue papers that traces the contours of a feminist development agenda for the digital economy.

IT for Change

IT for Change is a Bengaluru based not-for-profit organisation engaged in research, policy advocacy and field practice at the intersections of digital technologies and social change, with a specific focus on social justice and gender equality. See www.itforchange.net for more.

Development Alternatives with Women for a New Era

Development Alternatives with Women for a New Era (DAWN) is a network of feminist scholars,researchers and activists from the economic South working for economic and gender justice and sustainable and democratic development. See http://dawnnet.org/about/ for more.

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# From ill-founded delusions to real possibilities

## An e-commerce agenda for women's empowerment

# List of Abbreviations

| | |
|---|---|
| AI | Artificial Intelligence |
| API | Application Programming Interface |
| EU | European Union |
| FTA | Free Trade Agreement |
| ITC | International Trade Centre |
| MSME | Micro, Small and Medium Enterprises |
| RCEP | Regional Comprehensive Economic Partnership |
| WTO | World Trade Organization |

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# From ill-founded delusions to real possibilities
# An e-commerce agenda for women's empowerment

## 1. Introduction: Key themes in gender and e-commerce

In trade policy corridors, an e-commerce agenda for women's empowerment has been rapidly gaining traction. This think piece takes a closer look at the agenda, exploring its potential for furthering a global trade order that corresponds to feminist visions of economic and gender justice.[i]

The buzz started at the Buenos Aires Ministerial Conference in December 2017, when the governments of Iceland and Sierra Leone, along with the International Trade Centre (ITC),[1] initiated the Joint Declaration on Trade and Women's Economic Empowerment.[ii] This non-binding framework for promotion of 'gender-responsive trade policies' calls upon member states to collaboratively address barriers to women's participation in trade, enhance inclusion of women's Micro, Small and Medium Enterprises (MSMEs) in global value chains, create gender-disaggregated trade statistics, and strengthen gender-based monitoring of trade policy impacts. Over 120 governments, comprising over 70% of WTO members, have signed on to this initiative.[iii] The implementation plan for the framework is centered on a series of workshops and seminars for exchange of learnings and best practices on this issue amongst participating WTO member states. Unlocking the digital opportunity for women's participation in the economy has been a prominent theme in these explorations.[iv] This enthusiasm spilled over to the WTO Public Forum 2018 as well, where the national governments and international institutions at the forefront of the Joint Declaration actively carried this dialogue forward.

We need a global trade order that corresponds to feminist visions of economic and gender justice

### WTO Public Forum 2018

In at least 10 exclusive sessions dedicated to gender and e-commerce at the Public Forum 2018, one prominent strand of discussion was women's participation in the digital marketplace. In their interventions, ITC and UNCTAD continually emphasized how the e-commerce opportunity can enable women entrepreneurs overcome restrictive cultural norms and mobility constraints and participate in the global economy. Both institutions also shared

1 A joint agency of the UN & WTO dedicated to MSME internationalization

Debates at the WTO on digital trade as a route to women's empowerment are based on the model of unbridled hyperglobalization critiqued by feminists for its pernicious effects on women in the global south

concrete initiatives they were spearheading to meet the needs of women enterprises with respect to market access, digital and financial services, infrastructural support and mentoring, demonstrating how they are "*putting their money where their mouths are*". ITC shared its plans to connect 3 million women entrepreneurs to the market by 2021 through its She Trades initiative.[v] UNCTAD announced a global mentoring platform for women entrepreneurs.

In the same vein, the WTO stressed the extensive progress made by its 'Enabling E-commerce Initiative'[2] to create an inclusive e-commerce policy environment benefiting women, young people and developing countries. The Director General of the WTO highlighted that though there were conflicting views amongst member states on the best way forward, "*detailed and proactive thinking was being done on this issue."*

## A gender consensus across institutions

Conversations went into the role of gender-disaggregated data sets in highlighting the differential impacts of trade policy measures on women in their different economic roles as producers, consumers, and paid/unpaid workers. Another widely shared concern was the urgent imperative to tackle pre-existing structural barriers to women's economic participation. The input of the Special Representative to the UN and WTO from the World Bank highlighted how "*inequitable distribution of time-use and care responsibilities, unequal access/control over productive assets, market/institutional failures, legal impediments and restrictive social norms*" cannot be magically wished away in a moment of euphoria. The UN Economic Commission for Africa and UNCTAD specifically called for a systematic assessment of the digital transition on women informal traders.

The nuance in the debate about structural impediments, differential locations and missing statistics went hand in hand with the conviction that a truly transformative change – "*a gender-responsive multilateral trade system that overcomes the gender-blindness of the GATT and UDHR*", as the Ambassador and Permanent Representative of Canada to the WTO put it – was indeed possible.

What is noteworthy is that key institutions that have had differing views on the pathways to free and fair world trade[3] seem to be in

2 Set up in partnership with the World Economic Forum and the e-World Trade Platform, in December 2017

3 For instance, UNCTAD and WTO have adopted different positions on domestic digital industry protection in developing countries. See http://www.twn.my/title2/twe/2016/pdf/625.pdf

agreement that the opportunity for women's entrepreneurial freedom is finally here with the digital revolution, and nations must hasten to make good the promise that digital trade bestows.

Hyperglobalization: The phenomenon of rapid trade integration in the late 20th century emanating from the dramatic increase in the size, scope and velocity of trade in goods and services facilitated by the Internet.

## 2. Beyond the rhetoric: Disappearing marketplaces and expelled women

The champions of gender-inclusive digital trade at the WTO may seem to be in agreement with feminist advocates about the urgent need to move beyond traditional, gender-neutral, trade policy approaches. At first glance, this institutional acknowledgment of digital trade as a route to women's empowerment may seem a victory of sustained feminist mobilization and advocacy in the WTO over many years. But as Rodríguez Enríquez (2019) has highlighted, the permeation of the women's rights and gender equality agenda in trade policy debates has been limited to a "*superficial and instrumentalist view of women´s rights, through very limited mechanisms and in evident opposition to a progressive feminist agenda that systematically denounces the co-optation of these institutions by the interests of corporations and their functionality to a system that expropriates territories and people's livelihoods*".[vi] The harsh truth is that the policy enthusiasm we are witnessing has done nothing to disrupt the current model of unbridled hyperglobalization proven to have pernicious effects on the rights and well-being of women in the global South.

### Big Tech takes all

In his intervention at the 2018 Public Forum, Jack Ma, founder of the Alibaba group and the e-World Trade Platform initiative,[4] invoked the best of inclusion rhetoric: *"Inclusive digital trade is about leveraging the digital opportunity for small businesses, women, young people, especially those in developing countries."* Towards this tall goal, Ma prescribed a simple solution; *"we need to make trade rules easier and simpler ...we need to protect trade, (we don't need) trade protectionism. This means more free trade, and more globalization."*

As the 2018 edition of the Trade and Development Report of UNCTAD[vii] demonstrates, such "digital exuberance" may be misguided. Dominated by a handful of digital companies, the platform economy,[5] is based on a topography of global value networks that

4 e-World Trade Platform is a private sector-led initiative set up by Jack Ma, founder and chairman of the Alibaba group, to incubate eTrade rules for cross border electronic trade development.

5 As of 2015, the 17 digital companies in the top 100 global TNCs ranked by consolidated balance sheet totals accounted for over a quarter of the total market capitalization of the companies on the list.

In the global e-commerce marketplace controlled by platform monopolies, the interests of MSMEs dominated by women are highly likely to be compromised

have little respect for territorial laws. Aided by a regulatory vacuum, platform monopolies have gathered enormous wherewithal, collecting and using digitized data to orchestrate economic relations between various nodes that comprise the market ecosystem they control. As has been pointed out, platforms are not just marketplaces; they are market makers, the essential private infrastructure of the digital economy.[viii]

Propped up by finance capital, big digital corporations subvert market competition to hollow out small players. In the United States, the country that is a global leader in the platfomizing economic order, evidence suggests that currently the *"number of start-ups is lower than at any time in the late 1970s and more companies die than are born"*.[ix] The advent of e-commerce has pushed the local economy to shambles; in fact, research by the Institute of Local Self Reliance (2017) found that Amazon is eliminating nearly two retail jobs for every job it creates in the United States, with particularly devastating impacts on local 'brick-and-mortar' stores.[x] In the globalization of this market system that operates on a play or perish logic, the interests of MSMEs dominated by women, especially in developing countries, are highly likely to be compromised.

For most medium to small enterprises today, business survival means being locked into the invariably unfair terms of transnational e-commerce platforms. In a 2017 survey conducted by the International Trade Centre with 2,200 MSMEs from 11 developing countries, membership fees and commission on sales charged by e-commerce platforms (which, in some cases went up to 40%) were identified as the biggest challenges for market participation.[xi] Women entrepreneurs, typically in the small and marginal segments, are not in a position to break-even under these conditions.

Platforms game the market. Using algorithmic techniques, they act as 'evaluative' infrastructure, assigning the ratings and ranks that bring some products and firms into the limelight, while obscuring others, thus determining how value tends to get distributed.

Consider Amazon's product placement algorithm that dynamically determines the order in which different sellers are featured at the end of product searches by customers. There may be many sellers of a particular product, but at any given point in time, only the seller with the top ranking is featured in the 'Buy Box', the white box on the right-hand side of the product detail page where Amazon suggests the default seller for a particular product line. Since 82% of all Amazon sales go through this slot, winning and retaining the 'Buy Box' can be a make or break for sellers on the platform. The exact workings of this algorithmic scoring process are not transparent, but certain seller performance metrics seem to be the key: competitive pricing, free shipping, low product defect rates, responsiveness to

Platform monopolies: Platform monopolies are firms that enjoy first mover advantage in the digital economy. As critical infrastructures, platform monopolies exercise control over an entire ecosystem of member nodes (which includes producers, consumers, workers and even, IOT devices), continuously harvesting data, extracting digital intelligence and mediating social and economic interactions to gain market power. Platform monopolies may be digital behemoths or traditional corporations who have begun to capitalize on their data advantage.

customer communication, and product stock levels maintained with the platform. Priority is also accorded to sellers who have signed up for storage and fulfilment services with Amazon, for which a certain minimum standard of product packaging and rate of stock replenishment has to be followed.

As pointed by the Asian Development Bank,[xii] the majority of women-led enterprises, especially in developing countries, are small size businesses with low output levels, limited growth potential, thin price margins and very little capacity to bear inventory and customer service overheads. This leaves them at a distinct disadvantage in the platform marketplace, with impossibly exacting terms and conditions of participation. At the same time, de-linking completely from well-established platforms and striking out an independent online presence is also not a viable option for small, women-led businesses. For instance, in the tourism sector in Indonesia, small, women-run, home-stays are often faced with a Hobson's choice: stay independent and be resigned to low volumes of business, or enlist on TripAdvisor and bear the brunt of their unfair terms, such as out-of-the blue announcements of discounts without prior intimation.[xiii]

Women small producers and traders who are not integrated into the digital marketplace are also at the risk of losing their livelihoods to anti-competitive practices of dominant e-commerce platforms, in particular, to venture capital-backed 'cash-burn' tactics such as deep discounting and predatory pricing. The platform business model, founded upon *"a willingness to sustain losses and invest aggressively at the expense of profits, and integration across multiple business lines"*,[xiv] is inconceivable to the vegetable vendor who depends on her daily profits to eke out a living. As a street vendor from Bengaluru, India, incisively observed in a public consultation on the impacts of e-commerce hyper-liberalization in December 2018, "Amazon is like the Guppy fish in the pond. It will bide its time and swallow up everything until no one else is left. While we hope to have made a small margin at the end of each day, the platform cares only about turnover. Doesn't matter if it is running on losses."

Big Tech corporations have sought to gain access to the MSME ecosystem and on-board small, local enterprises on their platforms, by pledging support for women's entrepreneurship. For example, Google My Business enables small businesses to create a free website, shape the information that appears about them in web search and maps, and post sales updates. The service also enables businesses to declare whether they are owned/founded/led by women, enhancing their visibility and reach. But simultaneously, it also co-opts them into Google's ambition of building an extensive database of the entire MSME ecosystem to strengthen its

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Short-term benefits are likely to be outweighed by the long-term risk of mining transaction data

intelligence monopoly. Similarly, Amazon's Shopfronts portal features curated products of small businesses and also enables customers to specifically identify product offerings of women sellers. However, going by precedence, the short-term benefits of such a partnership are likely to be outweighed by the long-term risk of Amazon mining transaction data on this portal to create its own competing private label lines of best-selling products.[xv]

Ideas of enterprise and independence peddled in the platform economy often hide the erosion of labour rights and wellbeing underpinning its business model. On-demand service platforms often characterize workers associated with them (such as drivers, masseurs, beauticians etc.) as 'independent contractors' in order to escape employer liability. Research in India, South Africa and the Philippines reveals how this practice has led to a wearing down of hard-won gains in the women-dominated domestic work sector.[xvi]

## Gendered outcomes of new trade agreements

New agreements for liberalization of digital trade in goods and services propose a complete opening up of domestic markets to transnational platform companies, even in sectors that are core to the local economy, such as agriculture and food retail. The Regional Comprehensive Economic Partnership (RCEP), the FTA in the Asia-Pacific region that is currently being negotiated by 16 member states, proposes the waiver of local sourcing conditionalities for agricultural market access, and removal of restrictions preventing e-commerce companies from owning farmland for service-related purposes.[xvii] These provisions are a route to end-to-end monopolization of cross-border agricultural supply chains through farm-to-fork consolidation. They are likely to decimate locally bounded agricultural economies, affecting subsistence farming and dairy – sectors that are highly feminized. Kartini Samon from GRAIN[6] explains how:

> *Let's take the case of Alibaba that has become synonymous with the new platform business model in agriculture and e-tail. In the initial years, the company's strategy was focused on connecting small-scale farmers in China with upper middle-class consumers, catering to the niche consumer segment demanding direct 'farm-to-fork' supply of food products. They started an app for facilitating this connection and on-boarded farmers by enticing them with bundled credit and retail market linkages. In the early years, they were just the intermediary. But along the way, as over 500 farm-to-fork small agricultural*

6 An international not-for-profit organization working on small farmers' issues. See www.grain.org for more details.

> *businesses mushroomed in the countryside, they spotted a new business opportunity – that of directly getting into the business of food retail. This end-to-end control of the agriculture supply chain has meant getting into the business of data-based analytics of every segment. With the voluntary labor of unsuspecting small farmers, companies like Alibaba can mine the Big Data they need, using drones, AI and the rest, to eventually robotize farming itself. Alibaba is now acquiring farms in other countries where prices are lower and yields are higher than in China, building a cross-border supply chain for different agricultural commodities. In the case of dairy, this has already happened. Alibaba's farms in New Zealand, from where milk is imported, have led to a complete squeeze on Chinese milk producers. In this new system, those engaged in subsistence farming will be completely edged out as there will be no room for small-scale local production.*

For the 420 million women-dominated family farms in the Asia-Pacific that currently produce over 80% of the food in the region, the RCEP can have grim ramifications in the form of a livelihoods squeeze, depleted food security, and the devaluation of traditional agricultural cosmologies. Agricultural production will be dislocated from culturally-specific, local economies of reciprocity and recast into a dis-embedded, globalized endeavor, driven only by the logic of big capital.

What makes the current moment qualitatively different from preceding rounds of trade liberalization in agriculture is the role of data and digital intelligence. The way a platform corporation restructures the local agricultural economy is guided by digital intelligence about consumption trends and production practices; intelligence that is dynamically generated through data mining over its retail and/or agro-input platforms. This enables the platform to predict consumer demand in advance to arrive at a level of precision in inventory, logistics and human resource management that is unthinkable for local traders. Even as they claim to provide the space for exchange through dis-intermediation, the real attempt of e-commerce behemoths – in the data-enabled re-orchestration of demand and supply – is about market capture, a systematic erosion of the local marketplace.[xviii] The loss of knowledge and skills this entails in the medium to long run may be devastating, especially for women producers, artisans, farmers and home-based entrepreneurs, even if there are short term gains in the form of market efficiencies for the consumer and livelihood guarantees for the producer. As Mann and Iazzolino (2019) observe[xix]:

> *One can think of this great 'disintermediation' as a process by which the platform improves overall efficiency of the market through the elimination of disparate pockets of capital accumulation and/or skill. Local independent businesses have been able to accumulate profits through their intimate knowledge of the local market, control over local infrastructures and assets and/or through their specialized and contextualized skills. The platform seeks to eliminate all these disparate pockets of capital accumulation and learning, concentrating profits and data in one central repository.*

Local knowledge systems are also codified and appropriated by platforms, in what may be seen as new 'economies of intelligence', whereby women's traditional practices become part of the AI-powered business model, leading to a corporatization of the commons. Consumer preferences for organic produce have seen the emergence of a whole new market for foods that typically have been grown for subsistence. This may have little to do with professed virtues of the circular economy and locally produced food, instead, leading to distortions in local agro-production systems in favor of a global class of elite consumers and affecting the food security of rural households. Amazon's acquisition of Whole Foods, an eco-food retail business chain, implies the potential co-option of the 'Grow Local' movement for the furtherance of an exploitative and ecologically unsustainable culture of hyper-consumption that characterizes the global digital economy.[xx]

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## Erasure of women's right to participate in market exchange

The dominant digital trade policy paradigm fails to recognize the immeasurable value that participation in market exchange affords women. As Bissio (2018) observes, *"...Market represents a very specific moment and place for women who resort to it to buy food for their families, sell the surplus produce from their plots of land or all types of homemade products, offer services, learn the news and strengthen their social networks. (Market exchange is) frequently (an) extension of women's role in social reproduction and care systems."* [xxi]

From family-run retail enterprises forced to shut shop or pushcart vendors unable to survive – regional/ plurilateral trade agreements are likely to create a situation where the digital transnational corporation displaces the rights of women, mainly in the informal sector, gaining greater and greater control over the local economy. As discussed, this poses a serious setback to women's work participation or the *"right to participate in market exchange"*[xxii], their income security and economic autonomy. The loss of livelihoods may not necessarily be evident in official statistics, since these are women who have remained invisible in national statistical systems.

## 3. How to reclaim policy space for gender-responsive e-commerce

In the unfolding present of e-commerce, the open, crowded, local market, chock-a-bloc with storefronts, vendors and push carts is being gradually replaced by a post-market reality of hyper-consumption that is inimical to feminist visions of sustainability and local autonomy. This does not mean that network-data power cannot be put to the service of women, their enterprise and livelihoods. Policy changes need to be implemented to safeguard women's rights in a platformizing economy through appropriate governance of digital corporations and measures to transform the opportunity structure for marginalized women. In a digitally restructured economy, it is also vital that developing countries recognize the role of data and intelligence for competitive advantage, and thus, tread cautiously in international trade negotiations. The promise of the digital revolution cannot accrue to women unless developing countries understand how to protect the unique knowledge interests arising from digital intelligence. This calls for simultaneous action on a range of fronts:

### (a) Reboot competition law for the digital economy

As platform companies change the very nature of markets, competition law will need to shift away from traditional signals, to detect new forms of vertical integration and algorithmic gaming of the level playing field.[xxiii] In Europe, 'platform neutrality', or the prevention of unfair algorithmic discrimination in the marketplace, has emerged as a key handle in this regard.[xxiv] Other proposals include: scrutiny by competition regulators of mergers and acquisitions and stringent public audits of algorithms deployed by e-commerce/on-demand services platforms. Regulators in the global South have a long way to catch-up. At the same time, rather than emulating the European model, developing countries also need to come up with their own context-appropriate approaches to this issue, based on a strong gender analysis of women's work participation and the structures of the platform economy. Nation states in the global South must protect their right to positive discrimination measures in the platform-mediated marketplace. Such measures may include a range of instruments, such as preferential ranking for women sellers in product search results.

### (b) Upgrade labour laws to include platform models

From minimum wages to decent work, social protection, and prevention of workplace discrimination, legacy labor laws need to be revisited so that platform companies can be held liable. Legal guarantees for women workers, such as for maternity benefits, redress in workplace sexual harassment etc., must extend to platform companies. Gender discrimination through workplace

dataveillance needs to be countered through new rules on women workers' data rights.

### (c) Implement a taxation regime for the digital economy

In the global South, where over 75% of women are in the informal economy, lacking employment contracts, legal rights, and a living wage, investment in care infrastructure becomes non-negotiable.[xxv] This is possible only by strengthening the fiscal revenue base – a bulk of which is generated through tariffs in these contexts since corporate tax systems do not raise sufficient revenues. Developing countries must aim at putting an end to the base erosion and profit-shifting strategies of transnational corporations, particularly platform companies. Equally, they must continue to maintain low de minimis thresholds[7] in cross-border e-commerce in the short to medium term, in order to preserve their tariff revenues, given that they are currently net importers in the digital economy.[xxvi]

### (d) Evolve a data governance framework to protect privacy and economic rights

Developing countries must put in place a democratic governance regime for appropriate balance between competing considerations of citizen privacy and economic interests. Personal data protection laws are needed to guarantee citizen privacy and to specify the conditions for data processing and justifiable use of inferential data. The recent leak of an open database with personal details of 1.8 million Chinese women and their "breed ready status" is a timely warning about the extreme risk to women's bodily integrity and personal autonomy stemming from the lack of robust data protection.[xxvii]

Regulation of cross-border data flows to protect strategic economic interests is an equally important component of a national data governance strategy. The current laissez-faire regime of unrestricted cross-border data flows only benefits transnational platform monopolies in consolidating their business models across the globe through unbridled data extraction. There is no room for countries of the global south to leverage their own data resources for strengthening the domestic digital economy. Instead, they risk being permanently locked into the low value parts of the emerging global digitalized economic order serviced by women's labor. Based on a systematic stock-taking of their country's geo-economic location, policymakers must independently determine the extent to which it would be advantageous to be integrated into the global economy of cross-border data flows.[xxviii]

7 *De minimis* threshold refers to a valuation ceiling for imports below which no duty or tax is charged, and the clearance procedures are minimal.

### (e) Invest in digital public goods

Universal access to quality connectivity is only a starting point for women's economic empowerment. There are a range of other digital public goods that governments must provide, in order to promote women's opportunities for income generation and entrepreneurship, such as:
**i.** essential digital infrastructure for economic transactions, viz. inter-operable APIs for digital payments and identity authentication, in order to provide an affordable public alternative to privatized, proprietary apps that charge a steep service fee,

**ii.** publicly funded e-commerce marketplaces that provide preferential terms (low commissions, for example) to local women producers, micro-entrepreneurs and artisans, and use 'public big data tools' to nudge consumers towards goods produced by them,

**iii.** publicly managed labor portals in women-dominated service work, to connect workers to clients across different cities and take advantage of employment opportunities on a nation-wide scale, along with facilitating timely access to grievance redress mechanisms, and

**iv.** seed funds for meso-level organizations such as women farmer producer groups, service worker unions and social enterprises to set up alternative platform models based on ethical brokerage and equitable value distribution in favor of associated producers/workers/entrepreneurs.

### (f) Ensure that digital policies are in sync with gender policy frameworks

In the digital paradigm, gender-responsive economic and social policy outcomes are predicated upon policy choices about connectivity, platform and data infrastructures. Therefore, governments must approach digital infrastructure policies as key instruments of gender transformation, rather than viewing them as value-neutral, highly technical exercises.[xxix] This calls for investments in the requisite processes of cross-departmental collaboration to ensure that digital policy directions are informed by, and contribute to the realization of, key priorities in traditional sectoral policy areas pertaining to social and economic development and women's empowerment.

### (g) Preserve policy space for governance of digital trade

In trade negotiations, issues such as – imposition of market access conditionalities and local presence requirements on transnational digital monopolies, selective liberalization of tariffs in cross border

e-commerce, introduction of data localization measures, and mandatory source code disclosure/sharing to facilitate public scrutiny of algorithms – tend to be treated as trade-distorting measures. Powerful countries and their corporations dismiss these important domestic policy approaches that are vital for preserving the space to intervene in favor of gender equality, arguing that such protectionism is not good for development. However, developed countries do institute policies in the name of national interest. For example, the EU has instituted a screening framework for foreign direct investment in critical technologies such as AI, which gives member states the right to disallow mergers/takeovers and restrict transnational venture capital investments in this domain. The EU is also contemplating a new framework for effective taxation of digital services. However, developed countries apply a different yardstick for the global south. For example, in the Africa E-commerce Week, December 2018, the EU labelled taxation on digital goods and services and import duties on cross-border e-commerce by African countries as barriers to be overcome for free digital trade.[xxx]

A closer investigation about the gender consensus on e-commerce reveals that the seemingly perfect agreement across institutions and actors may well be a perverse confluence of interests that does little for the majority of women in the world, especially women in disadvantaged locations in the global South

## 4. Road ahead for global negotiations on digital trade

Developing countries are caught in the throes of a new era of exploitation at the base of which are predatory data practices of transnational platform companies. The rhetoric of innovation, start-ups and women's enterprises, championing the so-called twenty first century opportunity for women in the new digital marketplace, needs to be unpacked in relation to this fact.

The consensus among institutional actors on the impediments preventing women's equal economic participation and the grand goals of a new economy that works for gender equality is not in contention. It is in the vital 'how' of the issue and what kind of ¨new economy¨ we are talking about. The road that policy actors must take towards such empowerment, where there is an unease. A closer investigation about the gender consensus on e-commerce reveals that the seemingly perfect agreement across institutions and actors may well be a perverse confluence of interests that does little for the majority of women in the world and especially, women in disadvantaged social locations in the global South.While many governments did not sign on to the Declaration, several women's rights organizations issued a statement rejecting its claims and arguing how its implementation plan would be nothing but a capture of women's empowerment language to legitimize e-commerce liberalization and cross-border data flows.

During the lead up to the 2017 Ministerial Conference in Buenos Aires, the United States and its allies succeeded in expanding the support base for its version of digital trade liberalization, by

co-opting developing country governments through the persuasive rhetoric of 'e-commerce for development' and 'digital inclusion'. India and the African Union blocked it, clearly stating that as developing countries, they were not yet prepared to enter this new line of negotiations at the WTO. The seemingly progressive Joint Declaration on Trade and Women's Economic Empowerment that came out of the Ministerial Conference was a clever maneuver – technically progressive but blatantly tokenistic – instrumentalizing women's empowerment to simply retain the space within the WTO for the e-commerce agenda. As Rajagopal (2018)[xxxi] observes:

> *The declaration itself is textually innocuous enough. It calls for collaboration to make trade and development policies more gender responsive through sharing of experiences and best practices (…) Indeed, this is the first time that such calls have emanated from the decision of a multilateral trade organization such as the WTO (…) But concerns arise when the declaration veers off to list topics on which the WTO will organize "seminars" to discuss trade and economic empowerment of women.*

While many governments did not sign on to the Declaration, several women's rights organizations issued a statement rejecting its claims and arguing how its implementation plan would be nothing but a capture of women's empowerment language to legitimize e-commerce liberalization and cross-border data flows. As Rodríguez Enríquez (2019) reflects on sustainable development: *"The statement is an obvious denial of the enormous evidence already produced by feminist economics on the gender impact of trade policies, which demonstrate, in contrast to what the statement implies, that there is no possibility of producing gender-responsive trade policies within the framework promoted by WTO [that] privileges the interests of countries in the global North and of the large corporations. This inclusion of a gender agenda among their priorities is nothing more than 'pink washing' which in no way contributes to transforming the structures that reproduce inequality."*[xxxii]

Things seem to be heating up since the January 2019 announcement by a bloc of 76 WTO members about overcoming the current deadlock on global rules for e-commerce through plurilateral negotiations. This initiative is led by the US and its allies who have been traditionally lobbying at the WTO for deregulation of digital trade in goods and services and unrestricted cross-border data flows. China has also joined in at the last minute, breaking away from its historic stance of going it alone through bilateral/ plurilateral routes and not negotiating rules on data flows at the WTO. Whether China will attempt a compromise with the US and its allies, or whether it will aim to weaken the overall outcome of these negotiations, is uncertain.

Developing countries must act now to protect and promote women's economic citizenship in the age of data.

In this scenario, developing countries need to find a way to come together to hold firmly to the "right to regulate" digital trade, rejecting the dominant policy rhetoric on gender and e-commerce. The democratic deficit in rule making about e-commerce and the red herring that women's empowerment becomes in pushing the interests of powerful corporations and rich countries are but two sides of the unjust trade coin. As Sengupta from the Third World Network notes, *"...we must remember that women's economic interests in the global trade regime are linked to their citizenship. If a trade policy agenda has to protect the interests of, say, a woman in Nepal, it must first be in the strategic economic interests of Nepal as a country."*[xxxiii] The hyper-liberalization of digital trade and its hard-coding into binding rules through multilateral and plurilateral processes can be more grievous and devastating for women in the global South than in any other previous round of trade globalization. Developing countries must act now to protect and promote women's economic citizenship in the age of data.

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