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It is important to assess possible institutional frameworks to democratise data value creation and distribution within the global digital economy, because the digital economy has reached a defining juncture (exacerbated by the COVID-19 pandemic) where lightly regarding the issue concerning data governance could have sustainable socio-economic implications. While current research within this domain has typically focused on the proximate causes of digital inequality, more recently, there is a shift towards the underlying value structures shaping the socio-economic contexts of data. This shift is fundamental to evaluating the institutional options for embedding the evolving digital economy within a sustainable-values data framework.

From a techno-economic paradigm (TEP), Kostakis and Bauwens (2014)¹ have put forward three institutional models for analyzing the digital economy, which can be extended to socialising data value creation and distribution. These are – proprietary capitalism, cognitive capitalism, and peer-to-peer production. While the first two, more dominant models are focussed on wealth production and protection of economic interests through centralised control of data via technological and media platforms, the budding latter is focussed on distributed (commons) data control for socio-economic sustainability, however, it requires innovative policymaking to reach dominance levels for ecosystem users. This data governance mechanism will require a commons-based reciprocity license that would permit any user to benefit commercially from the data commons insofar as they contributed to the co-created (consumer + producer) data value chain.

To attain this institutional order, according to Ostrom (1990),² this governance mechanism will not be self-regulated privately due to perceived free-rider arguments, but can only be externally imposed on the stakeholdership affected (by the state and/or citizens), concerning access and withdrawal rights to the data commons, especially for commercial appropriation. However, before this imposition can be effective, an institutional analysis of the data commons is imperative to understand the structure of incentives, resource contribution and benefit-cost valuation, and their influence on governance outcomes.³ In operationalisation, it is also pertinent to note that the aforementioned parameters are complex and variable over time, and therefore commons rules will require to be dynamic and not static. Nevertheless, the process is still largely underdeveloped and lacks a conceptual framework.⁴ In the short term, therefore, the state can lead by harnessing and strengthening commons-based actor groups to catalyse bottom-up institutional strategies for effectively and efficiently implementing these data commons idealisations.

From a Global South perspective, with the centrality of data as a key economic resource in the digital economy, the current global uncertainty with regards to the ownership and consequently governance of data raises critical issues especially for cross-border trade and trade negotiations within and without the region. This situation might risk becoming a non-tariff trade barrier, limiting investment flows to the region especially for Africa in the light of the recently brokered African Continental Free Trade

Agreement (AfCFTA). The current push-back from African countries with respect to the latest World Trade Organization (WTO) commitments on data governance as it pertains to e-commerce is a clear example of this.

Endnotes:

1. Kostakis, Vasilis, Bauwens, Michel (2014). *Network Society and Future Scenarios for a Collaborative Economy*. Palgrave Macmillan.
2. Ostrom, E. (1990). *Governing the commons: The evolution of institutions for collective action*. Cambridge University Press.
3. McGinnis, M., & Ostrom, E. (1996). Design Principles for Local and Global Commons. *The international political economy and international institutions*, 2, 465-493.
4. Fisher, A., & Streinz, T. (2021). *Confronting Data Inequality*. *World Development Report*.

