

Policy briefing

# E-pocalypse Now

How the e-commerce trade agenda promotes corporate power and threatens the global south

2018

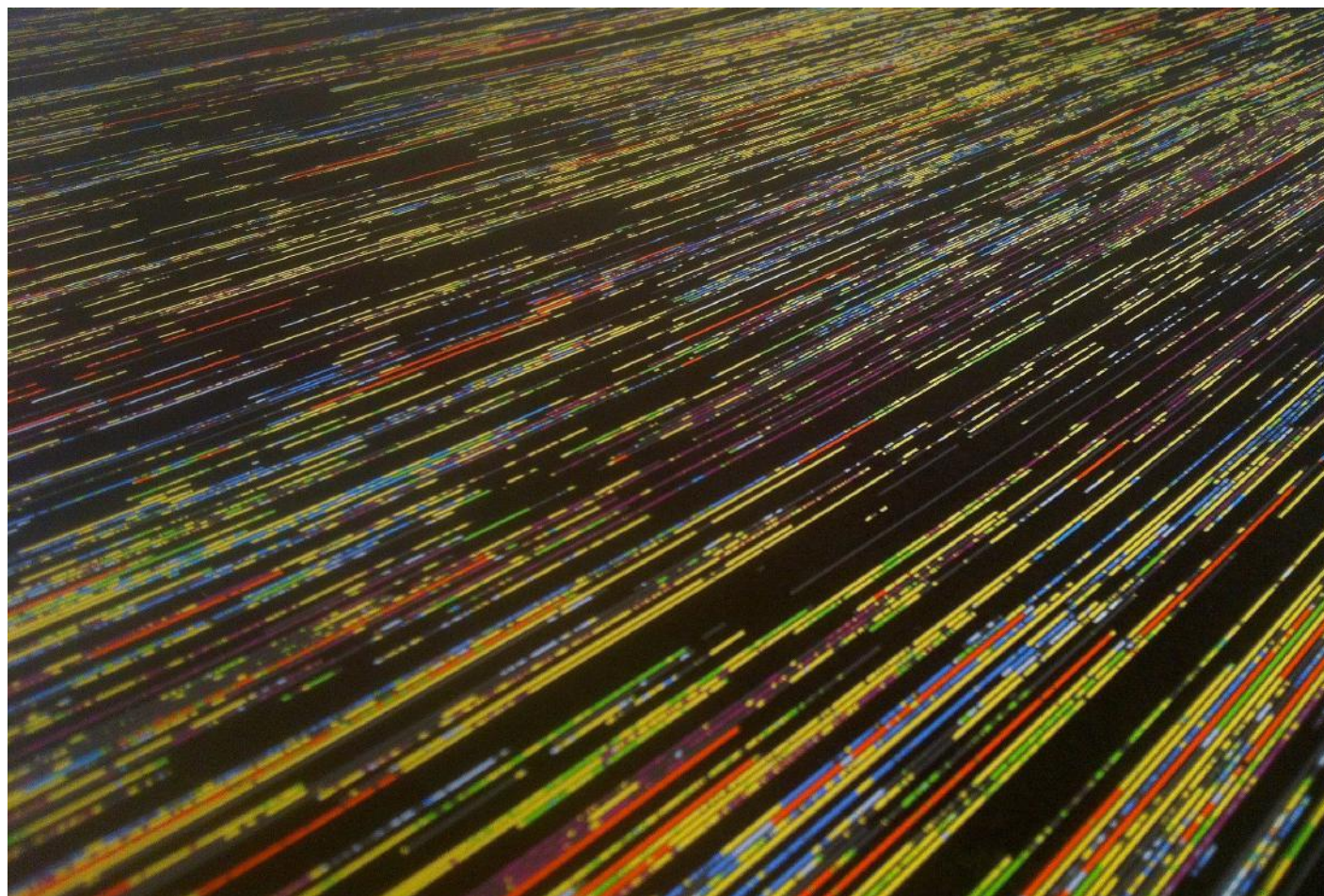


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Imagine a world in which a multinational company knew every intimate detail of your life. Details like what you had for breakfast, your love life, your innermost beliefs and who you're thinking of voting for.

Imagine that this company made billions of pounds in revenue selling this information to other companies and that foreign intelligence services used it to influence the outcome of elections.

The terrifying reality is that we are very much living in this world already, and moving further in this direction. Tech companies like to project a modern, progressive image to the world. But under the surface,

companies like Google, Facebook, Amazon and Uber are pursuing an agenda that could hand them dangerous levels of control over our lives and profoundly harm economic development in the global south.

**“There is a battle going on for the future of the internet – and by extension the vast majority of the future global economy”**

# What do they want?

## Watering down privacy regulations

The tech industry lost the battle at the EU level to dilute the EU's new rules on privacy. But they are continuing to fight against other key protections, especially through trade deals.

## Creating a 'toll booth' internet under corporate control

Many of the big tech companies don't make most of their money by selling goods themselves. Instead, they profit from their position as a "platform". This means that they own the marketplace which others use to buy and sell products, and take a commission from each sale. They also make money from controlling and selling peoples' data. Amazon makes more per item sold by other people using its marketplace than it does selling an item from Amazon's own stocks. Uber tries to claim that it isn't a taxi company but a "digital platform for connecting people". This model of business is rent-seeking by its very nature and as such is dangerous.

## Exploiting global south markets with minimal investment

Tech industry multinationals are lobbying hard for trade deals that ban measures like mandatory technology transfer and local presence requirements that mean that poorer countries get a slice of the tech industry cake. Companies like Uber and Airbnb get huge commissions from the incomes of low paid taxi drivers and accommodation owners in countries like Uganda and Nepal. What's more, they often structure themselves to pay very little tax in country. These companies want to continue doing this and protect themselves from any future regulations.

## Freedom to take your data anywhere they like

Companies like Google want the freedom to move and store your data across the world with as little regulation as possible. For example, the US generally has lower levels of privacy protection than the EU. Details like your name, email, IP address, location and what you're having for supper tonight could be transmitted across the world, packaged and sold for advertising purposes.

## Locking in the rules of tomorrow's economy to prevent future regulation

Every year the size of the digital economy increases. As time passes, more goods that used to be physical (e.g. books, music) have become digital. With the advent of the Internet of Things and new technologies like 3D printing, many more goods will become digital and obtaining them will be as simple as downloading a file. The tech companies want to set the rules (or lack of rules!) for this brave new world now to ensure that they can dominate what will increasingly be the major growth centre of the global economy.

## The corporate enclosure of the human soul itself

All of these agendas amount to a power grab by the technology industry. Many of these companies' whole business model is knowing our innermost desires and motivations. We share our deepest secrets with Google's search box. Companies can then sell this information to advertisers who can tailor their pitch to people like you. They sometimes even reinforce sexist stereotypes (for example by directing more management jobs to men in search results).<sup>1</sup> The more freedom we give these companies now, the more power they will have to monetise our very souls.



## What is e-commerce?

E-commerce sounds pretty self-explanatory. At core, it is essentially commerce conducted over the internet. It can refer to trade in purely electronic 'data' products (e.g. e-books) but it also encompasses trade in tangible goods and services - like shoes or furniture - that is conducted online.

But in the world of trade, it's important to recognise that what is being talked about when policymakers refer to e-commerce is actually a very specific dangerous agenda. In essence, the e-commerce agenda, as discussed in the corridors of the WTO or Liam Fox's Department for Trade here in the UK, is the lobbying shopping list of the corporate giants of the online world - Amazon, Google, Facebook, Apple, Alibaba, Microsoft and Uber.

At first glance, the corporate e-commerce agenda does not sound too worrying. In fact, some of it even sounds positive. Proponents talk about protecting "the free and open internet"<sup>2</sup> and pay homage to the international "open and decentralised" model of governance that keeps the internet "free from government control". They claim that their goals will lead to increased economic growth and more opportunities for small and medium sized businesses.<sup>3</sup>

But behind the rhetoric lies a darker reality. The freedom companies like Amazon and Google are really interested in is their own freedom to

make money in every corner of the globe and prevent competition. They want to get rid of national regulations, not to foster creativity and internationalism, but to enable them to conquer new markets at minimum cost and to gain power to do as they please with the 'new gold' that is our personal data.

If they, backed by sympathetic governments like the UK, succeed in agreeing trade agreements with e-commerce chapters that reflect the corporate agenda, the repercussions could extend far beyond the internet itself. We could find ourselves sleepwalking towards a world in which a handful of tech companies exercise monopoly control over whole swathes of the world economy, further exacerbating inequality between the global north and the global south. We could find ourselves in a world in which Amazon, Google and Microsoft know more about us than our own families and have unbridled power to use this knowledge to further increase their profit margins.

## The corporate enclosure of our souls?

Even without the help of trade deals, the tech industry already has Orwellian levels of knowledge about our lives. We share our deepest secrets with Google's search bar, and when we post on Facebook and Twitter, or even just 'like' someone else's post, we are handing over information about

who we are. These companies have become experts at monetising this knowledge to sell targeted advertisements tailored to our interests, prejudices, hopes and fears. This is what is meant when people talk about data as the new oil. The more tech companies know about us, and the bigger their reach, the more money they can make from advertising.

The amount of information that can be deduced by our online activities is scary. One study by academics from Cambridge and Stanford showed that just 10 likes is enough for a computer programme to know more about your personality than your work colleagues.<sup>4</sup> Once you give 70 likes, a programme can know you better than your friends or flatmates, while 150 likes it can know you better than your parents. At 300 likes, a programme can know you as well as your partner.

This sort of information is being used both by companies to target products and by political groups. For example, in the last US presidential election, pro-Trump groups were able to target people who had shown interest in American cars because these were correlated with people who would be amenable to Trump's message.<sup>5</sup> Facebook has acknowledged that Russian forces used the platforms to support Trump's campaign.<sup>6</sup> And adverts were also targeted at likely-Clinton supporting demographics such as African-Americans and liberal women to discourage them from voting.<sup>7</sup> Increasingly this model of working is becoming dominant to the extent that it is impossible to avoid even for campaigning groups. This technology is even used by Global Justice Now to identify potential supporters on Facebook.

Our very souls are being commodified by corporations who are buying and selling the keys to our desires and fears. The e-commerce agenda is just the latest way in which these companies are trying to ensure that they have even greater freedom and reach across the world. This why we not only need to stop the corporate e-commerce agenda for advancing any further, but campaign for a different kind of internet - one that is closer to its original roots as an international space for free human collaboration and communication unmediated by corporate monopoly power.



Photo: Steve Jurvetson / CC BY 2.0 (cropped)

*Amazon CEO Jeff Bezos is now the richest person in the world*

## What Amazon wants delivered: the corporate wishlist revealed

The tech lobby is amongst the most powerful in the world. Google and Microsoft are the second and third biggest individual corporate spenders respectively on lobbying the EU.<sup>8</sup> Google is the highest individual corporate spender on lobbying the US government.<sup>9</sup> This hasn't always been the case. Back in 2003 (when it was already the world's dominant search engine) Google spent just \$80,000 on lobbying in the USA.<sup>10</sup> By comparison, Alphabet Inc (Google's parent company) spent over \$18 million in 2017.<sup>11</sup>

The reason for this meteoric rise in lobbying spending is because the future of the digital economy (and by extension an increasing chunk of the whole economy) is being decided now. An agreement at the WTO, or in other trade agreements, could hand these companies enormous opportunities to conquer new markets and further establish themselves as global monopolies with close knowledge of the lives of billions of people. The key elements of the corporate agenda include the following:

## Watering down or undermining privacy regulation.

In May 2018, the EU's General Data Protection Regulation (GDPR) comes into force. It has been subject to what has been called "one of the biggest lobby wars of all time".<sup>12</sup>

The GDPR has been widely hailed as a world leading piece of privacy legislation. It forces companies to gain genuine consent to use your personal information (legalese is not acceptable) and introduces penalties on companies that do not follow the rules (which can be up to 4% of

global turnover). It also introduces concepts like the 'right to be forgotten' and the right to access information held by a company on you.

The scope is also defined broadly, so that any company that holds information on an EU resident (even if the company is based elsewhere) has to comply. This means that effectively these rules will become the new global standard on data protection, as it is difficult to differentiate EU residents from other people online. It is, unlike most trade agreements, likely to cause a race to the top.

## The battle over e-commerce in international trade

Discussions about e-commerce at the WTO have been going on for many years. It was first raised seriously in 1998, when it was decided to set up a work programme on e-commerce to explore the issue through the prism of other issues already under discussion (e.g. under trade in services). But it has never been a topic discussed in its own right as a subject of negotiation at WTO summits. In the run up to the 2017 WTO ministerial in Argentina, a coalition of (mostly) rich countries pushed for the Doha Round (ostensibly focused on the needs to developing countries) to be replaced with a "new issues" agenda that includes negotiations on global e-commerce trade rules.

Had this push been successful, it would have been a disaster for the countries of the global south. The new issues would have allowed the rich countries to push aside the Doha Round, which has been stalled for years as a result of a refusal of countries from the global south and emerging economies to acquiesce to demands on vital issues like safeguarding countries rights to stockpile staple foods for food security purposes. The Doha Development

Round, while flawed, is at least constrained by its theoretical focus on fairer rules for the global south. The fear among campaigners and some southern governments is that 'moving on' from the Doha Round to new issues like e-commerce that are more focused on the interests of the tech industry (disproportionately concentrated in the global north) will further load the dice at the WTO in favour of the richer countries.

These same countries have also been pushing the e-commerce agenda through other negotiations, such as those over the Trade in Services Agreement (TISA) and the Trans Pacific Partnership (TPP). The e-commerce chapter in TPP has been seen as the template for future global rules and very much reflects the tech industry agenda. Both TISA and TPP have suffered setbacks, talks on the former being stalled, and the latter impeded by the withdrawal of the USA (though the remaining countries are still looking to adopt it). So far, only a few agreements already in force include major e-commerce clauses, such as the Japan-Mongolia FTA.

There is also a substantial e-commerce chapter in the EU-Japan deal under negotiation. E-commerce provisions in CETA (the EU-Canada trade deal) and the EU-Mercosur (South American trade bloc) are very limited and are less dangerous.

Luckily the corporate lobbyists largely failed and GDPR will be binding in May 2018. But corporate interests are still fighting the related E-Privacy regulation that would limit corporate snooping and tracking online.<sup>13</sup>

Future trade agreements with e-commerce chapters could make further regulatory progress more difficult and could even undermine the GDPR and other existing regulation. For example, it is more difficult to enforce regulations on companies if they are allowed to operate without any physical presence in the geographical area of your jurisdiction.

## **No local presence requirements.**

The tech industry is lobbying for a world in which they can sell their products across the world without the need to have any 'boots on the ground' in any of these countries. This is a model that effectively turns e-commerce into an extractive industry. While traditional industries have been rightly criticised for providing little other than jobs to local people while extracting profits out of the global south, the tech industry's approach has potential to be even worse for these countries in that there won't even be many jobs created.

It also helps get these companies out of any inconvenient local regulations or disputes as it is very difficult for a consumer in Botswana to get recourse from a company based in the USA with no local presence in the country.

## **No technology transfer.**

Having gone from nowhere to become some of the highest valued companies in the world in two decades, tech firms are looking to new markets in the global south for growth. But they want market access with no strings attached. E-commerce chapters in trade agreements (like that in TransPacific Partnership - TPP) preclude countries from imposing conditions on foreign firms in exchange for market access.

Technology transfer in other industries has been vital in allowing countries in the global south to develop their own domestic competitors to the

global multinationals. For example, China's stance on enforcing technology transfer requirements on foreign investors has led the US to open a formal investigation and seek cooperation from other countries to undermine it.<sup>14</sup>

## **No forced disclosure of source codes.**

In the new internet economy, the source code of software (i.e. the 'under the bonnet' programming language script that makes it work) is fundamentally important. Trade deals with e-commerce chapters like TPP ban governments from requiring companies to disclose source codes. This means that companies can have programmes that contain serious vulnerabilities and code that could even endanger lives. For example, a flaw in the source code in medical equipment could have fatal consequences for patients.

And source code secrecy is a major boost to the power of corporations. If companies can keep their source code (however flawed) a secret, it makes it harder for non-profit, more socially responsible open source alternatives to flourish. And it helps companies set up monopolies on after-sales service.

For example, car manufacturers who keep the source code for their internal computer systems secret force owners to ask the manufacturer for repairs and not an independent business. When you see that these trade deals will involve countries in the global south, there is a risk that banning source code disclosure could make people in poor countries dependent on paying multinationals monopolistic rents to maintain everything from hospital equipment to their cars.<sup>15</sup>

The growth of the digital economy and the advent of the Internet of Things will mean that source code will increasingly be a more important part of final products. There may be a time when source codes are more valuable than the physical products they are attached to. If countries are banned from even seeing, never mind regulating, source codes, we could be on the highway to turning whole swathes of the economy into a corporate Wild West.

## Eliminating data localisation requirements.

Many countries currently implement data localisation requirements on personal data. This means that your personal information such as your credit card details, IP address, physical address and name are stored in the same jurisdiction as you.

In a country with data localisation requirements, a company can't move your data onto servers in the USA, where protections are generally weaker than in the EU.

Getting rid of restrictions on where companies can take our data can help tech multinationals gain even freer access to the 'oil' of our personal data and makes it easier for them to package, resell and analyse it to create algorithms that become ever more efficient at predicting what we can be persuaded to buy (or vote for).

Banning data localisation could also help state surveillance institutions spy on us, most notably the US National Security Agency (NSA) as much of the personal data collected by US multinationals like Google and Amazon is likely to be moved to the USA.

Centralised data can also be at higher risk of hacking as it is essentially putting all the 'eggs' of our personal information into one basket that, if compromised, can lead to major implications. This has already happened numerous times to companies that were assumed to be 'safe'. Most famously Yahoo was hacked in 2013 and all 3 billion accounts were compromised as a result.<sup>16</sup> Tax and financial regulatory enforcement is also harder without data localisation.

And concentrating the whole world's data storage and online infrastructure in the global north (and specifically in the USA and a few tax havens) means that countries in the global south will have no way to ensure they get the economic benefits of that data and infrastructure. It will be like locating all the world's factories in the USA – it gives that country disproportionate power and financial benefits from the new digital industrial revolution.

## Why data is money

One of the greatest deceptions of the modern online world is that the key services we use in our daily lives – search, social media, email – are 'free'. We don't pay money to use Google or post things to Facebook or Twitter. But we do pay. We pay with our data – information like our preferences, our locations and our age.

The profits of many of the big tech firms derive from aggregating and selling this data to advertisers with an agenda. We may not think our data is very valuable but from the perspective of a company seeking to sell goods, it looks very different. In the past, companies had to rely on 'analogue' methods of deducing what kind of messages to push. In the past, companies were dependent on methods like focus groups to gauge reactions to find a one-size-fits-most approach that would generate the most sales. Online marketing means that companies can push subtly different messages to a variety of target audiences. But they can only do that if they get the information about these audiences – information that is only held disproportionately by a handful of global companies. The monopoly over this information is what allows Google, Facebook Twitter to generate huge revenues, despite not charging for their services.



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## Making the moratorium on customs duties on electronic transmissions permanent.

Since 1998, the WTO moratorium on tariffs on electronic transmissions has been extended for two years every time there's a summit. In practice, this means that countries cannot charge import or export taxes on products that are purely electronic – like ebooks or apps. Developed countries, and the tech industry, want to make this permanent. While this would just entrench the status quo, getting rid of all future flexibility on this issue could disproportionately hurt developing countries who are net importers of e-commerce products. Countries like the USA (where the digital economy makes up 33% of GDP),<sup>17</sup> which is the home of most of the world's tech multinationals, will benefit disproportionately from this.

As more and more of the “ordinary” economy becomes part of the digital economy, there is a risk that we will end up with e-commerce clauses being used as an excuse for blanket liberalisation. If this goes on, the fledgling tech sector in developing countries will find it much more difficult to compete with the global giants. Contrary to the neoliberal narrative, most of the economic success stories of economic development in the 20th century (most notably South Korea and China) did not involve blanket liberalisation but a complex

combination of protectionism and liberal free trade based on the needs of the economy. To tie the hands of developing countries in e-commerce could further exacerbate inequality between the global north and global south.

## Market access to the global south.

A small number of large e-commerce multinationals are increasingly dominating in rich countries. Amazon controls almost 44 per cent of the e-commerce sales in the USA (and 53% of e-commerce growth)<sup>18</sup> while Uber controls 74% of the ride sharing market.<sup>19</sup> In the UK, 37 per cent of online consumer spending is through Amazon.<sup>20</sup> Alibaba is reaching a similar level of dominance in China.

Now these ‘core’ markets have been conquered, many e-commerce multinationals are looking to the global south to fuel further growth. Even without e-commerce trade rules, this is already happening. Amazon and Uber are expanding in India. These companies are on the road to becoming truly global monopolies and oligopolies in their respective markets.

But many e-commerce firms do not make money by selling goods in the traditional sense. They own the online marketplace where others sell goods



Photo: Tonia Régio/Agência Brasil/CCBY3.0

July 2015: Taxi drivers in Rio de Janeiro protest the influx of rideshare companies pushing them out of the market.



and services and extract money from the people actually doing the trading. Uber is the classic example of this “platform” model of business. Even Amazon, which sells physical goods, makes more profit on an item sold by others through its “marketplace” where it takes commission from smaller businesses than it does on an item it sells itself.<sup>21</sup>

This is classic ‘toll-booth capitalism’ and is a form of extractive economics when you look at it from the perspective of north-south economic justice. Impoverished taxi drivers in India, Uganda and Ghana are paying large percentages of their income to Uber. In India this can be up to 30% of their income.<sup>22</sup> Small-scale ecotourism outfits in Nepal are handing over huge parts of their income to AirBnB. The “platform” model of e-commerce could be a new and ever-increasing way of transferring wealth from the poor to the rich, undermining unions and labour rights via casualisation along the way. Trade deals with e-commerce clauses could entrench this further.

## Liam Fox's vision – give all our data to the corporations

The e-commerce agenda may seem stalled in the WTO, but there is one country that is emerging as a new champion of the tech industry demands. Under current trade secretary, Liam Fox, the UK government has put e-commerce in the centre of its trading agenda.

In his speech at the 2017 WTO Ministerial in Argentina, Fox listed adopting the e-commerce rules as one of his three major priorities.<sup>23</sup> Liam Fox has also said that being free of “the data localisation restrictions that are currently placed on us by the EU’s negotiating position” is one of the “increased trading freedoms” the UK will have post-Brexit in negotiating deals with countries like Canada.<sup>24</sup>

In a white paper on the UK’s trade agenda, the government said that it will “seek ambitious digital trade packages, including provisions supporting cross-border data flows, underpinned

by appropriate domestic data protection frameworks”.<sup>25</sup>

This is ominous. Effectively, the government is not only pushing for corporations to be able to move our data at will across the world, but is also happy for data protection to be guaranteed merely by “appropriate” domestic regulation in the country its being sent to. If this government decided that the relatively threadbare data protection standards that exist in, for example, the USA are “appropriate”, what to our personal data could be at the mercy of the likes of Amazon, Google and Facebook.

This means we can expect the full e-commerce agenda to be reflected in any new trade deals between the UK and other countries signed after Brexit - whether they are entirely new or replacing and updating the existing trade deals that the UK is currently part of as an EU member. Without more democratic control of trade policy, parliament and the public will not have any chance to have a say on this.

Going down the path of granting multinationals more power over our data could also make the UK into a data pariah. As the UK leaves the EU, it could also decide to diverge from the EU’s privacy regulations. This could mean limits on data movement between the EU and the UK.<sup>26</sup>



Photo: Chris McAndrew / CC BY 3.0 (cropped)

**UK trade secretary Liam Fox is in strong support of the e-commerce agenda**



*Uber drivers in London protest exploitation and poor treatment.*

## Which internet do we want?

There is a battle going on for the future of the internet – and by extension the vast majority of the future global economy. The vision being proffered by the multinational tech corporations appears superficially appealing. They promise an Internet of Things that will make our lives easier, pre-empting our every desire and making life more convenient. In exchange for giving them our valuable personal information and monopoly power over the key online utilities like social media, they promise us ‘free’ services that help us connect with our friends and family.

But the truth is that we can get most of the benefits without handing over so much power to, effectively, a set of monopolies.

There is an alternative vision for the internet, one that is far closer to the original idea of the internet as a commons – a place where humans come together to freely exchange knowledge, ideas

and resources outside of both state and corporate control. This internet is still very much alive and is represented perhaps best by websites like Wikipedia, the online encyclopaedia, effectively a non-profit commons maintained by volunteers and without advertising. It is also the spirit behind the open source movement that produced things like the Linux operating system – a version of which anyone with an Android phone uses every day.

As time goes on and more and more trade and commerce is in virtual or electronic products and services, this battle will become more than just a battle over the internet, it will become a battle over the future of the global economic order itself.

Exciting ideas like ‘postcapitalism’ (in essence the idea that as automation and digitisation progress, there will be less scarcity which will make more things effectively free) are only possible if we can fight tools like excessive intellectual property rules that artificially allow corporations to profit from things that are naturally free or cost very little at scale.

## How do we fight back?

The battle over e-commerce clauses in trade agreements is just one front in a wider battle over the future of the global economy. We must:

### **Fight trade deals with pro-corporate e-commerce clauses.**

Firstly the agenda needs to be stopped at the WTO. But the risk posed by other plurilateral deals like TISA and TPP perhaps even greater. From the UK perspective, there is a risk that bilateral deals with countries like the USA and Japan (who share a pro-corporate stance on e-commerce) could deal a fatal blow to efforts to rein in corporate control of the online world.

### **Push for greater national and global regulation of the tech industry.**

We need more regulations like the EU's GDPR rules. And we need to ensure these firms are subject to stronger tax and competition rules. The most important short-term battle at the EU level is over the e-Privacy regulation currently being considered. Brexit means the UK will have almost no leverage over this but there needs to be a push to ensure that post-Brexit UK is fully aligned to EU standards and is not allowed to use other trade deals to undermine the rules from the outside.

### **Support alternatives to e-capitalism.**

There is no intrinsic reason why the main internet services have to be run by for-profit corporations. The open source movement is full of great examples of what can be done by volunteers (with no advert revenue). Open source is all about taking power from the corporations and making the internet into a place for human collaboration and progress. Supporting these alternatives, not just as individuals, but as societies through regulation, will go a long way to helping ensure that the online economy of the future is more democratic than the offline economy of the past.

## Break up the online monopolists of the 21st century

We have got used to the fact that the basic services of the internet are run for-profit by a small group of Silicon Valley monopolists. If you're doing an online search, Google controls almost two thirds of that market.<sup>27</sup> Facebook's CEO Mark Zuckerberg openly talks of Facebook as a "utility" in the way electricity, gas and water are utilities in the offline world.<sup>28</sup> This may seem strange. But it rings increasingly true as the internet and social media graduate to being necessities for many people whose jobs and livelihoods depend on access.

People try to argue that online monopolies aren't true monopolies because the "competition is just a click away". And there are exceptions where this has happened historically (e.g. MySpace was dethroned by Facebook as the main social media platform).<sup>29</sup> But ultimately, this argument is flawed. If you don't like Facebook, you can't just decide to open a Bebo account instead, because Facebook is where all your friends are!

This is why there is a strong case to argue that these monopolies of the 21st century should be treated like their 20th century US counterparts in oil, steel and fur. They need to be broken up, or the tables need to be evened out by regulation to ensure democratic alternatives can compete.

***"There is an alternative vision for the internet, one that is far closer to the original idea of the internet as a commons – a place where humans come together to freely exchange knowledge, ideas and resources outside of both state and corporate control."***

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