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Article abstract

Our age of the Information Society (IS), as represented by Information and Communications Technologies (ICTs), offers immense opportunities for sustainable economic development and the reduction of poverty. It does so by increasing access to market information and reducing transaction costs for poor farmers and traders; by increasing efficiency, competitiveness and market access of developing country firms; and by enhancing the ability of developing countries to participate in the global economy, thereby exploiting the comparative advantage in factor costs, in particular skilled labour. Yet, these goals are unattainable in the present state of digital divide, since access to ICTs is determined not only by infrastructure but also by people's ability to afford and use them. Furthermore, the digital divide perpetuates underdevelopment, which is Africa's current condition. Bridging that gap requires creating a knowledge society and forging new partnerships for development among members of the international community.

THE INFORMATION SOCIETY, POVERTY AND DEVELOPMENT: AN AFRICAN PERSPECTIVE

By Nsongurua J. Udombana[*]

Our age of the Information Society (IS), as represented by Information and Communications Technologies (ICTs), offers immense opportunities for sustainable economic development and the reduction of poverty. It does so by increasing access to market information and reducing transaction costs for poor farmers and traders; by increasing efficiency, competitiveness and market access of developing country firms; and by enhancing the ability of developing countries to participate in the global economy, thereby exploiting the comparative advantage in factor costs, in particular skilled labour. Yet, these goals are unattainable in the present state of digital divide, since access to ICTs is determined not only by infrastructure but also by people's ability to afford and use them. Furthermore, the digital divide perpetuates underdevelopment, which is Africa's current condition. Bridging that gap requires creating a knowledge society and forging new partnerships for development among members of the international community.

La Société d'information (SI), telle que représentée par les technologies de l'information et de communication (TIC), offre des opportunités immenses pour le développement économique et la réduction de la pauvreté. Cela en augmentant l'accès à l'information du marché et en réduisant les coûts de transaction des fermiers et des commerçants; en augmentant l'efficacité, la compétitivité et l'accès au marché des entreprises provenant des pays en développement; et en facilitant la participation des pays en développement à l'économie mondiale pour ainsi exploiter davantage les facteurs de coûts comparatifs, particulièrement en matière de main-d'œuvre qualifiée. Toutefois, ces objectifs ne sont pas possibles dans l'état actuel de fracture numérique, car l'accès aux TIC est déterminé non seulement par l'infrastructure, mais aussi par la possibilité des personnes à pouvoir les financer et les utiliser. En plus, la fracture numérique empire la situation de sous-développement caractérisant l'Afrique. L'élimination de cette condition requiert la création d'une société du savoir et de nouveaux partenariats, visant le développement, entre les membres de la communauté internationale.

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> If the globe is considered as a holistic entity, Africa is an open wound on the body of the planet […]. Yet, the world community carries on decade after decade, wilfully ignoring the injury. It is essential to find ways for people everywhere to live decent lives where their human rights are respected.[1]

I. Introduction: Globalization And ICTs

Globalization has been described as "a buzzword to encapsulate some of our amazement and apprehension," meaning "all things to all people."[2] Though it is not a new phenomenon, in historical terms, globalization is used in its modern connotation to represent shrinking space, shrinking time, and disappearing borders; it links people's lives more deeply, more intensely, and more immediately than before. Or (which is the same thing in other words), globalization is a concept that introduces new markets, new tools, new actors and new rules.[3] New markets comprise foreign exchange and capital markets that are linked globally, with dealings occurring at a distance in real time. New tools embrace the convergence of computers, telecommunications and traditional media, in other words, Information and Communication Technologies (ICTs). New actors involve the World Trade Organization (WTO), with authority over national governments, multinational corporations, and more economic power than many States, the global network of non-governmental organizations (NGOs), and other groups transcending national boundaries. And new rules include multilateral agreements on trade, services and intellectual property, backed by strong enforcement mechanisms that are more binding for national governments, thus, reducing the scope for national policy.[4]

The effect of globalization has been a subject of intense debate, because it has both enriched and endangered people's lives. Together with continuing rapid technological advances, globalization offers unprecedented opportunities for social and economic development.[5] ICTs, in particular, make possible the integration of national systems of production and finance, which is reflected in an exponential growth in the scale of cross-border flows of goods, services and capital.[6] They help to redefine society and to make the intrinsic value of the social contract more demanding on both the leaders and those who are led. This paper examines the relationship

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1 Deborah Hurley, "Pole Star: Human Rights in the Information Society" *Rights & Democracy* (September 2003), online: Rights and Democracy <http://www.ichrdd.ca/english/commdoc/publications/globalization/wsis/PoleStar-Eng.html> [Hurley].

2 Andrew Clapham, "Globalisation and the Rule of Law" (1999) 61 Int'l Comm. Jur. Rev. 17.

3 See United Nations Development Programme, *Human Development Report 1999*, 1st ed. (Oxford: Oxford University Press, 1999) at 29.

4 See *ibid.* See also Nsongurua J. Udombana, "How Should We Then Live? Globalization and the New Partnership for Africa's Development" (2002) 20:2 B.U. Int'l L.J. 293 at 297-302.

5 See *e.g. Globalization and its impact on the full enjoyment of all human rights: Preliminary report of the Secretary-General*, UN GAOR, 55th Sess., UN Doc. A/55/342 (2000) at para. 4 [Report of Sec-Gen. on Globalization].

6 *Cf. ibid.* at para 9.

between the Information Society (IS), development, and poverty and argues that, though the benefits of ICTs are immense, wider access to new technologies, especially the Internet, by nations and peoples is crucial to overcoming the digital divide — that is, the unequal access to ICTs by the various communities—and achieving the goals elaborated in the *2000 Millennium Development Goals* (MDGs).[7] The MDGs represent the standard for identifying and measuring global development objectives in the period up to 2015. They call for international cooperation to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empowerment of women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria and other diseases, ensure environmental sustainability, and develop global partnerships for development for the attainment of a more peaceful, just and prosperous world. The MDGs acknowledge that ICTs are important tools for achieving these overall goals.

This paper maintains that access to ICTs is determined not only by the infrastructure in place but also by people's ability to afford and use ICTs, which, in turn, is predicated on the creation of a knowledge society. This requires forging global partnerships geared towards development among members of the international community. A strategy that combines domestic action in a sound, national, macro-economic framework with international cooperation to boost and sustain trade and access to ICTs could yield substantial dividends in the form of poverty reduction in developing countries. The paper is driven by the fundamental philosophy that everyone is entitled to a social and international order in which their human rights and dignity can be fully realized, as enjoined in the *Universal Declaration of Human Rights*.[8] Such an international and social order must promote the inherent dignity of the human person, respect the rights of peoples to self-determination, seek social progress through participatory development, and promote equality and non-discrimination in a peaceful, interdependent and accountable world.[9] In order to avoid overgeneralizations it will use Africa as a template for analysis, though most of the principles discussed herein apply, *mutatis mutandis*, to most developing countries.

II. Theoretical Underpinnings: ICTs, Development And Poverty

What is the relationship between ICTs, development and poverty? This begs the question: what is development? Development has different dimensions, but it is basically a process of expanding freedoms that people enjoy, including the freedom from hunger and ignorance. Expanding such freedoms is both the primary end

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7 See *United Nations Millennium Declaration*, GA Res. 52/2, UN GAOR, 55th Sess., UN Doc. A/RES/55/2 (2000).

8 See *Universal Declaration of Human Rights*, GA Res. 217(III), UN GAOR, 3d Sess., Supp. No. 13, UN Doc. A/810 (1948) 71, art. 28 [UDHR].

9 See *Ibid.* arts 1, 2, 28. *Declaration on the Right to Development*, GA Res. 41/128, UN GAOR, 41st Sess., Supp. No. 53, UN Doc. A/41/128 (1986) 186, art. 1 [DRD]; and generally *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 U.N.T.S. 3, art. 6.

(constitutive role) and principal means (instrumental role) of development.[10] Thus, Denis Goulet defines development to connote, "simultaneously the vision of a better life, a life materially richer, institutionally more modern and technologically more efficient and an array of means to achieve that vision."[11] The *U.N. Declaration on the Right to Development* (DRD) adopted in 1986 describes it as

> a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.[12]

Like development, ICTs are not ends in themselves; rather, they constitute one of the means for achieving development.[13] How can the IS or ICTs help in achieving the MDGs? In other words, how can ICTs advance development and eliminate poverty, particularly, in developing countries? First, by increasing access to market information and reducing transaction costs for poor farmers and traders. Second, by increasing the efficiency, competitiveness and market access of developing country firms. Third, through the enhanced ability of developing countries to participate in the global economy, thereby exploiting the comparative advantage in factor costs, in particular skilled labour.[14] By advancing development, ICTs enhance economic and social well-being, whereas underdevelopment produces poverty, which further exacerbates the digital divide.[15] According to the *Declaration of Principles*, formulated at the end of the World Summit on Information Society (WSIS), ICTs:

> [H]ave an immense impact on virtually all aspects of our lives. The rapid progress of these technologies opens completely new opportunities to attain higher levels of development. The capacity of these technologies to reduce many traditional obstacles, especially those of time and distance, for the first time in history makes it possible to use the potential of these technologies for the benefit of millions of people in all corners of the world.[16]

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10 See generally Amartya Sen, *Development as Freedom* (New York: Anchor Books, 1999).

11 See Denis Goulet, "Development: Creator and Destroyer of Values" in Kathleen E. Mahoney & Paul Mahoney, eds., *Human Rights in the Twenty-First Century: A Global Challenge* (Dordrecht: Martinus Nijhoff, 1993) 689 at 689–90. For an exploratory study on development as human rights, see Nsongurua J. Udombana, "The Third World and the Right to Development: Agenda for the Next Millennium" (2000) 22:3 Hum. Rts. Q. 753 (where the author examines theoretical issues on the right to development and advocates a strong sub-structural approach to tackling the challenges of development).

12 DRD, *supra* note 9, Preamble.

13 UN, World Summit on the Information Society, 1st phase, 12 December 2003, *Declaration of Principles*, WSIS-03/GENEVA/DOC/4 [WSIS Dec. of Principles].

14 See International Telecommunication Union, *World Telecommunication Development Report 2003*, 7th ed. (Geneva: International Telecommunication Union, 2003) at 81 [World IT Report].

15 See WSIS Dec. of Principles, *supra* note 13 at para. 10.

16 *Ibid.* at para. 8.

The extent to which ICTs have helped to directly reduce major development concerns reflected in the MDGs, such as poverty, hunger or sickness is not clear,[17] however ICTs certainly are important and growing parts of many economies. They saved the Japanese economy from recession in 2001, as that sector's share of the GDP rose from 8.6 in 1995 to 12.6 in 2001.[18] The sector also employs 3.8 million, or 7.1 percent, of the Japanese labour force and is now the country's third largest employer.[19] ICTs also represent incredible tools for people living in extreme poverty by providing them with previously inaccessible information and the opportunity to interact with others, though an overwhelming load of information could lead to *infostress*. The Internet has made business undertakings much easier, faster and cheaper. Pierre Omidyar started e-Bay in 1995, from a PC in his bedroom, as a trading platform for collectibles. Today, it is one of the world's fastest growing businesses. With locally based sites in 28 countries, e-Bay's net profit for 2003 was US$442 million.[20] A recent study shows that 430,000 Americans now make a full-time living or earn a substantial secondary income from trading on e-Bay.[21]

For developing African countries, the benefits of ICTs are immense. The *New Partnership for Africa's Development (NEPAD)*[22]—the Strategic Policy Framework and socio-economic development program of the African Union (AU)—rightly argues that intensive use of ICTs can bring unprecedented comparative advantages to the continent.[23] Besides serving as an impetus to the democratisation process and good governance, ICTs could facilitate the integration of the continent into the IS, using Africa's cultural diversity as leverage. They could serve as tools for a wide range of applications, such as remote sensing and environmental, agricultural and infrastructural planning. The existing complementarities could be better utilised to provide training that would allow for the production of a critical mass of ICTs professionals. In the research sector, ICTs could aid in establishing African programmes as well as technological exchanges to meet the continent's specific needs, such as the fight against illiteracy. They could be used to identify and exploit opportunities for trade, investment and finance in Africa as well as establishing regional distance learning and health education programmes to improve the health and education sectors. In conflict management and control of pandemic diseases, ICTs could help towards the organisation of an efficient early warning mechanism, by providing the tools for constant monitoring of tension spots.[24] These are all issues of development.

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17 See World IT Report, *supra* note 14 at 78 (noting: "One reason for the lack of evidence is that MDG monitoring only started recently").

18 See *Ibid.* at 79.

19 *Ibid*.

20 See "A Perfect Market: A Survey of E-Commerce" *The Economist* (May 13 2004) at 9, online: Economist.com <http://www.economist.com/surveys/displayStory.cfm?Story_id=2646107>.

21 See *Ibid.* at 14.

22 See *The New Partnership for Africa's Development*, OAU AHGOR, 37th Summit, OAU Doc. AHG/NEPAD (XXXVII) (2001), online: Institute for Security Studies <http://www.iss.co.za/AF/RegOrg/unity_to_union/ pdfs/oau/keydocs/NEPAD.pdf> [NEPAD].

23 See *Ibid.* at para. 108.

24 See *Ibid.*

Though the potential of ICTs for development is immense, their flip side includes deepening social and digital exclusion, leading to poverty and insecurity -- realities for most developing countries. Though the explosion in the free flow of information and ideas has brought knowledge and its myriad applications to millions of people, creating new choices and opportunities in some of the most vital realms of human endeavour, many of the world's people, in particular Africa's, remain untouched by this revolution. There is, for example, very little e-commerce in Africa, which is indicative of the low penetration of ICTs. This digital divide is exacerbating the already wide gaps between rich and poor, within and among countries.[25] The 2000 Report of the Secretary-General on Globalization noted:

> While many people are benefiting from new opportunities for travel and from new communications technology, new levels of wealth through increased trade, investment and capital flows, others are being left behind, in poverty, effectively marginalized from the hopes that globalization holds out.[26]

Two years before the WSIS, the 2001 NEPAD had bemoaned the fact that:

> [G]reater integration has also led to the further marginalisation of those countries that are unable to compete effectively. In the absence of fair and just global rules, globalisation has increased the ability of the strong to advance their interests to the detriment of the weak, especially in the areas of trade, finance and technology. It has limited the space for developing countries to control their own development, as the system has no provision for compensating the weak. The conditions of those marginalised in this process have worsened in real terms. A fissure between inclusion and exclusion has emerged within and among nations.[27]

For most developing countries the 1980s was a "lost decade" for development, and the 1990s a "decade of despair." The majority of the economies that fared poorly during this period were in sub-Saharan Africa. A few years before the end of the last millennium, African States, meeting under the umbrella of the then Organization of African Unity (OAU), took stock of their economic situations and declared: "We have noted, at the close of the 20th century, that of all the regions of the world, Africa is indeed the most backward in terms of development from whatever angle it is viewed and the most vulnerable as far as peace, security and

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25 See Kofi Annan, "Secretary-General, Marking World Telecommunication Day, Says Affordable Technologies Can Be Effective Engines of Social, Material Change", UN DOC. SG/SM/9294 (5 May 2003), online: United Nations <http://www.un.org/News/Press/docs/2004/sgsm9294.doc.htm>. WSIS Dec. of Principles, *supra* note 13 at para. 10 (noting that "[…] the benefits of information technology revolution are today unevenly distributed between the developed and developing countries and within societies").

26 Report of Sec-Gen. on Globalization, *supra* note 5 at para. 6.

27 NEPAD, *supra* note 22 at para. 33. See generally Paul Collier, "The Marginalization of Africa" (1995) 134 International Labour Review 541.

stability are concerned [...].”[28] Africa’s history is, largely, that of a spiral into poverty, despair, and economic decline:

> [t]he continent seems to be in a free fall, debt ridden, shattered economies, and a demoralised population and crumbling state institutions, under the heavy-handed clutch of a corrupt elite. It has slipped so far behind other developing regions in terms of development indicators that the gap sometimes seems to defy rational explanation.[29]

The entire African economy, bemoans the OAU:

> [I]s declining and increasingly losing its place in the global economy. Cooperation and regional economic integration are marking time, while official development assistance is decreasing and the external debt burden is becoming heavier. Also, capital flight is coupled with real brain-drain which, each year, strips Africa of tens of thousands of its sons and daughters, professors, scientists and other highly qualified human resources, which escape to the North as the continent progressively loses its cultural identity in the face of dominant foreign cultures.[30]

Of the 49 countries currently classified as Least Developed Countries (LDCs), by the U.N. Conference on Trade and Development (UNCTAD), 34 are from Africa.[31] All LDCs share the basic characteristic that they are ill equipped to develop their domestic economies and ensure an adequate standard of living for their populations, as the majority of their people live below subsistence level, and their economies are acutely vulnerable to external shocks or natural disasters.

Only about 20 percent of Africa’s population (particularly in Sub-Saharan Africa) have access to ICTs; and though Africa accounts for 13 percent of the world’s population, it has only 1 percent of total global telephone lines, 1 percent of Internet users and 1.2 percent of total world Internet sites. It accounts for almost zero percent of the world production of ICTs.[32] The U.S. alone has about 183,520,600 main telephone lines, while Africa has only 20,043,100 lines.[33] A 2000 U.S. Internet Council (USIC) Report estimated that there were 136.68 million people with Internet access in Canada and the U.S., with the latter having a total global share of almost 36

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28 See *Yaounde Declaration (Africa: Preparing for the 21st Century)*, AHG/Decl. 3 (XXXII), OAU AHGOR, 32nd Summit, OAU Doc. AHG/XXXII/Dec.3 (1996) at para. 2, online: African Union <http://www.africa-union.org/Offical_documents/Heads of State Summits/hog/6HoGAssembly 1996.pdf> [Yaounde Dec.].

29 See Nsongurua J. Udombana, “The Unfinished Business: Conflicts, the African Union and the New Partnership for Africa’s Development” (2003) 35:1 Geo. Wash. Int’l L. Rev. 55 at 64.

30 Yaounde Dec., *supra* note 28 at para. 6.

31 See United Nations Conference on Trade and Development, *Statistical Profiles of LDC’s (2001)*, UNCTAD, 2000, UN Doc. UNCTAD/LDC/Misc.72.

32 See Y. Z. Ya’u, “Confronting the Digital Divide: An Interrogation of the African Initiatives at Bridging the Gap” *TWN Africa* (April 26 2002), online: Twnafrica.org <http://www.twnafrica.org/ news_detail.asp?twnID=216> [Ya’u].

33 See International Telecommunication Union, *Statistics*, online: International Telecommunication Union <http://www.itu.int/ITU-D/ict/statistics/>.

percent. The numbers have certainly increased since then. Meanwhile, only 2.7 million people were online in Africa for the corresponding period,[34] which is hardly a testament to a globalized world in which the social good is expected to be equitably divided.

Africa is further isolated from the cyberspace revolution in terms of connectivity even within Africa, as calls are still routed through third and fourth parties in Europe and America. There is also the high cost of services (a function of the limited network size), the fact that basic equipment is costly, and the lack of local manufacturing capacity.[35] Poor countries and peoples presently cannot take full advantage of the ICTs revolution because they can hardly afford the high cost of ICTs, including Internet connections. The connection cost in Africa averages 20 percent of the GDP per capita, compared with the world average of 9 percent, and 1 percent for high-income countries. The digital divide is compounded by the critical shortage of ICTs manpower in Africa and a weak private sector that lacks the resources to impact lives in the area of ICTs. Moreover, African countries have not been able to take the initiative to produce basic inputs required for accelerated economic development. Thus, poor ICTs infrastructures, combined with weak policy and regulatory frameworks and limited human resources, have resulted in inadequate access to affordable telephones, broadcasting, computers and the Internet in Africa. Consequently, the continent has not been able to capitalize on ICTs as a tool in enhancing livelihoods and creating new business opportunities. Cross-border linkages within the continent and with global markets have been constrained. Though many countries have started ICTs policy reform on the continent, service penetration, quality and tariffs have yet to improve.[36]

Africa's crisis of poverty is inextricably linked to its crisis of development. The proportion of the population living on less than US$1 a day in the LDCs in Africa, according to the UNCTAD, has increased continuously since 1965-1969, rising from an average of 55.8 percent in those years to 64.9 percent in 1995-1999.[37] NEPAD, similarly, estimates that 340 million Africans, or half the population, live on less than US$1 per day,[38] though the "dollar-a-day threshold" for measuring poverty has been described as "a crowded part of the global income distribution," and "the truth is likely to be better than the official figures say."[39] The mortality rate of

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34 See United States Internet Council, *State of the Internet Report 2000*, online: United States Internet Council <http://www.usinternetcouncil.org/>.

35 Ya'u, *supra* note 32.

36 See NEPAD, *supra* note 22 at para 109.

37 See United Nations Conference on Trade and Development, *Economic Development in Africa: From Adjustment to Poverty Reduction: What is new?*, UNCTAD, 2002, UN Doc. UNCTAD/GDS/AFRICA/2, 2, online: UNCTAD.org <http://www.unctad.org/en/docs/pogdsafricad2.en.pdf>.

38 See NEPAD, *supra* note 22 at para. 4. Comparatively, half of the world's population lives on less than US$2 per day, while a fifth lives on less than US$1 per day. See also *ibid.* para. 36.

39 "More or Less Equal?" *The Economist* (March 11 2004) 73 at 75, online: Economist.com <http://www.economist.com/displaystory.cfm?story_id=2498851> (arguing that poverty has most likely fallen faster than official World Bank figures suggest, "[…] and possibly fast enough to reduce the global headcount of those living on less than a dollar a day, even as population rises").

children under 5 years of age in Africa is 140 per 1000, and life expectancy at birth is only 54 years. Only 58 percent of the population has access to safe water, and the rate of illiteracy for people over 15 years of age is 41 percent.[40] The standard of education has gradually fallen over the years because of poor facilities and inadequate systems under which the vast majority of Africans receive their instruction;[41] yet literacy and critical thinking skills are necessary as they enable people to navigate the sea of information, absorb such information and deploy it for beneficial purposes.[42]

These pothole and gulley indexes must be borne in mind if the discourse on an equitable IS is to have meaning and relevance.

III. Towards Digital Opportunity

Achieving equitable access to ICTs requires internal exertions by developing countries, since most of the problems facing developing countries are self-inflicted, and external assistance from the international community. This section examines these challenges.

A. The Domestic Context

In relation to the IS, the *WSIS Plan of Action* maintains that "Governments have a leading role in developing and implementing comprehensive, forward looking and sustainable national e-strategies."[43] This recognizes that States have the primary responsibility for development of their economies, including working to bridge the digital divide. The U.N. Secretary-General was on point when, in one of his annual reports, he stated: "While international support remains essential, ultimately African countries themselves are best placed to overcome the pressing challenges that confront the continent [...]."[44] In the NEPAD, African States also agreed that they have a pressing duty to eradicate poverty and to place their countries, both

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40 See NEPAD, *supra* note 22 at para. 4.

41 See *ibid.* at para. 122.

42 See Hurley, *supra* note 1 at 37.

43 UN, World Summit on the Information Society, 1st phase, 12 December 2003, *Plan of Action*, WSIS-03/GENEVA/DOC/5 [WSIS Plan of Action].

44 *Report of the Secretary-General on the Work of the Organization*, UN GAOR, 56th Sess., Supp. No. 1, UN Doc. A/56/1 (2001) para 189. This notion—that primary responsibility for economic development lies with sovereign States—has been increasingly held by the U.N., the then OAU, and now by the AU. See *e.g. Declaration on Social Progress and Development*, GA Res. 2542 (XXIV), UN GAOR, 24th Sess., UN Doc. A/RES/2542 (XXIV) (1969) Agenda Item 48, (noting that "the primary responsibility for the development of the developing countries rests on those countries themselves"). *Cf. Declaration on the Economic Situation in Africa*, AHG Dec. 1 (XXI), OAU AHGOR, 21st Summit, OAU Doc. AHG/XXI/Dec.1 (1985) at para. 6 ("We re-affirm that the development of our continent is the primary responsibility of our Governments and people."); *Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World*, AHG Dec. 1 (XXVI), OAU AHGOR, 26th Summit., AHG/XXVI/Dec.1 (1990) at para. 8 ("We reaffirm that Africa's development is the responsibility of our governments and peoples."); and NEPAD, *supra* note 22 at para. 205.

individually and collectively, on a path of sustainable growth and development.[45] Although a number of instruments are geared toward addressing the digital divide, the NEPAD will be examined in some detail as it is emblematic of such past strategies.

1. BRIDGING STRATEGIES

The 1996 Conference of Ministers responsible for economic and social development and planning in Africa, held under the auspices of the Economic Commission for Africa (ECA), provides the point of departure in understanding Africa's efforts at bridging the digital divide. That meeting passed a resolution on *Building Africa's Information Highway*,[46] which committed member countries to building national information and communication networks. The meeting also established a high-level Working Group on ICTs to prepare the African Strategy for the Information Age. The resulting report —the African Information Society Initiatives (AISI)—provided the template for the National Information and Communication Infrastructure (NICI) of various countries as well as the NEPAD strategy on ICTs.[47] It is important to examine the NEPAD vision of ICTs closely, since it represents a summation of contemporary African ICTs strategy.

The NEPAD focuses on the provision of essential regional public goods (such as transport, energy, water, ICTs, disease eradication, environmental preservation, and the provision of regional research capacity), as well as the promotion of intra-African trade and investment.[48] African States have promised to give priority to infrastructure, especially ICTs and energy, human resources (including education, skills development, and reversing the brain-drain), health, agriculture, and access to the markets of developed countries for African exports.[49] For each sector, "the objective is to bridge existing gaps between Africa and the developed countries so as to improve the continent's international competitiveness and to enable her to participate in the globalization process."[50]

With respect to ICTs, African States have agreed to invest in their development, acknowledging that they are crucial for the emergence of a knowledge-based economy, expedite the goals of achieving a Common Market, foster intra-regional trade, and accelerate Africa's integration into the global economy.[51] In absolute terms, African States have agreed to double teledensity to 2 lines per 100 people by 2005—a few months from now (!)—with an adequate level of access for households. They have also agreed to lower the cost and improve reliability of

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45 See NEPAD, *ibid.* at para. 1.

46 See United Nations Economic Commission for Africa, *Building Africa's Information Highway*, UN ECAOR, 31st Sess., UN Doc. E/ECA/PSPI.9/4 (1996), online: United Nations Economic Commission for Africa (UNECA) <http://www.uneca.org/eca_resources/Publications/DSID/old/planning%20conf/eca_pln6.htm>.

47 Ya'u, *supra* note 32.

48 See NEPAD, *supra* note 22 at para. 95.

49 *Ibid.*at para. 97.

50 *Ibid.* at para. 98.

51 See *ibid.* at para. 107.

service, achieve e-readiness for all countries in Africa, develop and produce a pool of ICTs-proficient youth and students from which Africa can draw trainee engineers, programmers and software developers, and to develop local content software, based especially on Africa's cultural legacy.[52]

To realize these goals, NEPAD has mapped out action plans, including working with regional agencies, such as the African Telecommunications Union (ATU) and Africa Connection, to design model policies and legislation for telecommunications reforms and protocols and templates for e-readiness assessments, working with regional agencies to build regulatory capacity, and establishing a network of training and research institutions to build high-level manpower. Others plans involve promoting and accelerating existing projects to connect schools and youth centres, and working with development finance institutions in Africa, multilateral initiatives (G-8 DotForce, UN Task Force) and bilateral donors to establish financial mechanisms to mitigate and reduce sector risks.[53]

In principle, the NEPAD is a holistic strategic framework -- understandably, because ICTs access cannot be dissociated from poverty and human development. Thus, African States have promised to provide focused leadership by prioritizing poverty reduction in all the programs and priorities of the NEPAD as well as in national macroeconomic and sectoral policies. They have also promised to give special attention to the reduction of poverty among women, ensure empowerment of the poor in poverty reduction strategies, and support existing poverty reduction initiatives at the multilateral level, such as the Comprehensive Development Framework of the World Bank and the Poverty Reduction Strategy approach linked to the Highly Indebted Poor Countries (HIPC) debt relief initiative.[54]

More significantly, African States have promised to work for improvements in curriculum development, quality improvements and access to ICTs, to expand access to secondary education and improve its relevance to Africa's development, and to promote networks of specialised research and higher education institutions.[55] To achieve these goals, States undertake to review their levels of expenditure on education, lead the process of developing norms and standards for government expenditure in this area, and set up two task forces -- one to accelerate the introduction of ICTs in primary schools, the other to review and put forward proposals for the research capacity needed in each region of the continent.[56]

2. MOVING NORMS INTO REALITY

Since the NEPAD was elaborated only three years ago, it may be premature to make any critical assessment of its performance, beyond hoping that African leaders will demonstrate the needed political will to implement its goals. Before the

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52 *Ibid.* at para. 110.
53 *Ibid.* at para. 111.
54 *Ibid.* at para. 118.
55 *Ibid.* at para. 120.
56 *Ibid.* at para. 121.

NEPAD, however, many African countries had developed telecommunications policies, with ongoing sector reforms in the form of privatization, liberalization of key market segments and consequent competition. Independent regulatory bodies have also sprung up to referee the marketplace. These policy reforms have been driven primarily by international donor agencies, such as the IMF and the World Bank - institutions that have directed the development path of virtually all African countries since independence, or, at least, the 1980s. Their rationale is to privatize centres around the need to ensure efficient operations of public telecommunications companies through private management, as opposed to state control. Privatization also facilitates the injection of foreign capital for the financing of infrastructure development which, ultimately, results in improved service delivery and increased use of ICTs in the country concerned.

There is, however, a flip side to privatization, since it is not a magic wand that solves every problem. There are, for example, concerns relating to job losses and affordability of, and unequal access to, services that can follow relinquishment of government control and management of the telecommunications sector. Foreign Direct Investment (FDI) in the ICTs sector is a function of sound economic policies resting on foundations of peace, security, democracy, good governance, good infrastructure, and political and social stability. African States may pat themselves on the back for "the implementation of infrastructure high priority projects in energy, transport, water and sanitation, and information and communication technology;"[57] but evidence attests that FDI in Africa continues to be hampered by weak governance as well as meagre infrastructures and institutions.[58] In order to attract scarce FDI, a would-be host country must be able to provide the requisite inputs for modern production systems. Efficiency-seeking FDI will tend to be located in destinations able to supply a skilled and disciplined workforce and good technical and physical infrastructure.

African leaders must also go beyond rhetoric and tackle the problem of corruption and mismanagement of resources on the continent. That corruption discourages foreign investment and squanders millions of dollars in foreign aid needs no stressing. The *AU Convention on Preventing and Combating Corruption*, adopted in July 2003,[59] should, when it enters into force, assist in confronting Africa's corruption pandemic. The *Convention* seeks to promote and strengthen the development of mechanisms for the prevention, detection, punishment and eradication of corruption and related offences in the public and private sectors in Africa.[60] African governments, however, constitute the greatest challenge to the

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57 *Declaration on the Implementation of the New Partnership for Africa's Development (NEPAD)*, Ass. Dec. 8 (II), AU AOR, 2d Sess., AU Doc. Assembly/AU/II/Dec.8 (2003) Preamble.

58 See United Nations Economic Commission for Africa, *Economic Report on Africa 2003* (Addis Abada: Economic Commission for Africa, 2003) at 1-2, online: UNECA <http://www.uneca.org/era2003/> [ECA Report On Africa 2003].

59 See *African Union Convention on Preventing and Combating Corruption*, 11 July 2003, [not yet published in a treaty series] online: African Union <http://www.africaunion.org/Official_documents/Treaties_%20Conventions_%20Protocols/Convention%20on%20Combating%20Corruption.pdf >.

60 See *Ibid.* at art. 2(1). For commentary, see Nsongurua J. Udombana, "Fighting Corruption Seriously? Africa's Anti-corruption Convention" (2003) 7(2) S.J.I.C.L. 1.

achievement of the goals of the convention, as political corruption is the main disease on the continent. Such corruption is usually perpetrated by top government functionaries, and corruption at the top translates into hardship at the bottom. African States should, meanwhile, periodically evaluate relevant legal instruments and administrative measures on corruption, in order to

> cover the full ramifications of the crime, plug loopholes, create stringent penalties, provide for speedy, effective and more appropriate procedures, provide for specialised institutional frameworks for dealing with the crimes and, more importantly, to manifest governments' determination and preparedness to do battle with the criminals.[61]

Only recently, Rwanda's first post-genocide President, Bizumungu, was convicted and sentenced to 15 years imprisonment for, *inter alia,* embezzlement.[62] Such examples will certainly send signals to the international community that Africa is changing for good.

The *WSIS Declaration of Principles* acknowledges that science has a central role in the development of the IS, since many of the building blocks of the IS are the result of scientific and technical advances.[63] Regrettably, African States have not done much in concrete terms to advance science and technology. The lack of sound national policies in this regard has driven indigenous technocrats, who could have helped in kick-starting the much needed technological revolution in the continent, to migrate to the West in a brain drain that has become Africa's second wave of slave trade. Mindless conflicts in various parts of Africa, additionally, have gobbled up much needed resources for scientific and technological research, which explains why military and security spending takes a larger chunk of national budgets -- to the detriment of investments in health, education, and science and technology. Indeed, many African governments have spent billions of dollars to carry out mutually destructive wars in Angola, Liberia, Sierra Leone, Ethiopia, Eritrea, DR Congo, Sudan, Somalia, Burundi, and Cote d'Ivoire.

Unequal access to ICTs as between urban and rural peoples is real. The limited ICTs that are available in Africa are concentrated mostly in the urban centers, though the rural population constitutes the majority in the continent. In Nigeria, for example, the rural population constitutes about 65 percent of the country's population, yet more than 90 percent of the ICTs are located within a few towns[64] - though the GSM revolution of the last two years is making some marginal inroads into rural communities. In Liberia, about 88 percent of the country's telephone lines are in the capital of Freetown; the figure is about 91 percent in Bangui, capital of

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61 C. O. Okonkwo, "Legal and Institutional Mechanisms against Corruption in Nigeria" (Paper presented to the National Conference on the Problems of Corruption in Nigeria (Nigerian Institute of Advanced Legal Studies), 2001) at 342.

62 See Rory Carrol, "Rwanda Jails Former Unity President" *The Guardian Unlimited* (June 8 2004), online: Guardian Unlimited <http://www.guardian.co.uk/international/story/0,,1233547,00.html>.

63 See WSIS Dec. of Principles, *supra* note 13 at para. 7.

64 See Ya'u, *supra* note 32.

Central African Republic.[65] African States must ensure that, in implementing the NEPAD ICTs strategies, the current digital divide between rural and urban populations is bridged. One way of achieving this is to set up rural development funds to create incentives for the private sector to participate in rural sector services delivery. Realising that the private sector is an engine of economic growth, the *WSIS Plan of Action* calls for the involvement of the private sector in concrete projects at the local, regional and national level.[66] One practical way of achieving this is for governments to encourage the private sector to invest in low cost devices/terminals for the rural population through existing telecommunication platforms. If properly motivated, for example, with tax incentives, the private sector could actually produce such devices that would be suitable to developing (African) countries' needs. This is an area where local entrepreneurs could be particularly encouraged. Often, African States focus energies on foreign investors, thereby neglecting local investors, which probably explains why the transfer of technology remains a mirage on the continent. Governments should also support banks in order to extend long-term loans to such entrepreneurs at very reasonable interest rates. There is no short-cut to development.

Developing African States must lead by example and must, in particular, respect, promote and protect the right to freedom of expression and information, as guaranteed in major international and regional human rights instruments.[67] This right is an essential foundation of the IS,[68] and the *African Charter*, in particular, does not permit its derogation, "no matter what the subject of the information or opinions and no matter the political situation of a country."[69] This inflexibility is based on the notion that the right to information and the right to expression are "vital to an individual's personal development and political consciousness, and participation in the conduct of public affairs in his country."[70] Regrettably, many African States honour the right to freedom of expression and information more in the breach. The Gambia, which has served as the Headquarters for the African Human Rights Commission since 1987, has been clamping down on the freedom of expression, including arbitrary arrest and detention, and expulsion or threats of violence against journalists and other media practitioners.[71] In Zimbabwe, President Robert Mugabe led his Parliament to pass a new information bill that will fine or imprison any journalist found "spreading rumours, falsehoods, or causing alarm and despondency

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65 See *ibid.* See also Annie Chéneau-Loquay, "Africa in Global Communication Networks: From Networks to Concrete Uses" (2000) 16:4 Info. Dev. 219, online: Information Development <http://idv.sagepub.com/cgi/reprint/16/4/219>.

66 See WSIS Plan of Action, *supra* note 43 at para. 8(c).

67 See *e.g.* UDHR, *supra* note 8 at art. 19; *International Covenant on Civil and Political Rights*, 23 March 1976, 99 U.N.T.S. 171, art. 19; and the *African Charter on Human and Peoples' Rights*, 21 October 1986, 21 I.L.M. 59 (1982), art. 9.

68 See WSIS Dec. of Principles, *supra* note 13 at para. 4.

69 *Constitutional Rights Project v. Nigeria*, (1999-2000), Afr. Ann. Act. Rep. (Comm. Nos. 140/94, 141/94, 145/95), Annex V, at para. 38.

70 *Ibid.* at para. 36.

71 See Amnesty International, News Release, AI-index: AFR 27/005/2002, "Gambia: Growing Clampdown on Freedom of Expression" (7 August 2002), online: Amnesty International <http://web.amnesty.org/ai.nsf/Index/ AFR270052002?OpenDocument&of=REGIONS\AFRICA>.

under the guise of authentic reports."[72] Yet, as the African Commission rightly noted, the essence of defamation law is that if an opinion violates established laws, the affected individual or government has the right to seek redress in a court of law rather than resort to self-help.[73] Upholding human rights and adherence to the rule of law are essential conditions for successful development.[74]

African States must also liberalize the information and broadcasting industry and encourage a diverse, independent private broadcasting sector. Experience in Africa has shown that most government-owned media are mouthpieces of the governments in power, rather than services in the collective interest of the citizenry. They report only what governments want the citizens to hear, not what the citizens actually want to hear. Yet, as the African Commission rightly declared: "A State monopoly over broadcasting is not compatible with the right to freedom of expression."[75] It is not compatible with democratization either. It is, therefore, necessary that, "State and government controlled broadcasters should be transformed into public service broadcasters, accountable to the public through the legislature rather than the government."[76] The broadcast regulatory system should particularly encourage private and community broadcasting. Licensing processes should also be fair and transparent and should seek to promote diversity in broadcasting.[77]

Finally, African States must recognize that public bodies hold information not for themselves but as custodians of the public good and that everyone has a right to access this information, subject only to clearly defined rules established by law.[78] Consequently, everyone has the right to access information held by public bodies and even the right to access information held by private bodies, necessary for the exercise or protection of any right.[79] Freedom of expression also imposes an obligation on relevant authorities to take positive measures to promote diversity. A diffusion of information is essential for the education, research, health, social well-being and cultural diversity of the respective states, through the increased use of new ICTs.[80]

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72 See Nicholas Watt, "Mugabe to expel foreign reporters" *The Guardian Unlimited* (December 1 2001), online: Guardian Unlimited <http://www.guardian.co.uk/international/story/0610006,00.html> (explaining that reporters will be charged for spreading information that discredits people based on factors such as sex, race, age, language, religion, profession, or political beliefs).

73 See *John D. Ouko v. Kenya*, (2000-2001), Afr. Ann. Act. Rep. (Comm. No. 232/99), Annex V, para. 2.

74 USAID, News Release, "Millennium Challenge Account Update Fact Sheet" (3 June 2002), online: USAID <http://www.usaid.gov/press/releases/2002/fs_mca.html> [USAID, MCA Update] cited in Stephen Marks, "The Human Right to Development: Between Rhetoric and Reality" (2004) 17 Harv. Hum. Rts. J. 137 at 157.

75 African Commission on Human & Peoples' Rights, *Declaration of Principles on Freedom of Expression in Africa*, 32nd Sess., (2002) Principle V, online Article 19: Global Campaign for Free Expression <http://www.article19.org/ docimages/1600.pdf>.

76 *Ibid.* at Principle VI.

77 *Ibid.* at Principle V(2).

78 *Ibid.* at Principle IV(1).

79 *Ibid.* at Principle IV(2).

80 See Third UNESCO Congress on Ethical, Legal and Societal Challenges of Cyberspace, *Conclusions of the Africa Regional INFOethics Workshop*, (Addis Ababa, Ethiopia September 13-14, 2000), online: UNESCO <http://webworld.unesco.org/infoethics2000/documents/rec_ethiopia.rtf>.

B. The International Context

While it is true that developing countries cannot abdicate their primary responsibilities for the elaboration and implementation of e-strategies aimed at development, it is equally true that "[i]nternational and regional institutions, including international financial institutions, have a key role in integrating the use of ICTs in the development process and making available necessary resources for building the Information Society and for the evaluation of the progress made."[81] This echoes the sentiments expressed in the DRD in 1986, to the effect that "effective international cooperation is essential in providing [developing] countries with appropriate means and facilities to foster their comprehensive development."[82] The debate as to whether or not provisions of international instruments calling for "international assistance and cooperation" might ground a legal obligation on the part of wealthier countries to provide financial and other types of assistance to poorer countries is unsettled but it creates a moral obligation, at least, requiring industrialized and rich countries to strengthen development complementarities in developing countries. In particular, it requires the existence of an effective partnership with Africa and other developing countries in the preparation and execution of development policies, strategies and programs.

This paper shares UNESCO's sentiments that the IS will be equitable only

> if all people, including disadvantaged and marginalized groups […] as well as women and youth benefit equally from ICTs for networking strengthening, information sharing, creating knowledge resources and developing skills necessary for life/work in the new digital environment.[83]

Digital solidarity is, thus, a *sine qua non* of digital opportunities, aimed at economic development and the eradication of poverty. Members of the international community must use their strength to fulfil developing countries' ends, mindful of their promise in the *WSIS Plan of Action* to pay special attention to these countries' needs.[84] International co-operation must be sensitive to the changing realities of developing countries and the promises of new technologies.

The WSIS represents an example of such concrete international cooperation. That the international community was able to agree on a declaration of principles, even if sweeping and commonplace, is a good starting point, representing the international community's resolve to build a canopy of justice in the world of ICTs. Likewise for the *WSIS Plan of Action*, which outlines policies for the global coordination of ICTs, and proposes actions to bridge the digital divide -- all aimed at achieving the MDGs and, in particular, building an inclusive IS.[85] The *WSIS*

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81 WSIS Plan of Action, *supra* note 43 at para. 3(d).

82 DRD, *supra* note 9 at art. 4(2).

83 World Summit on the Information Society, *UNESCO's Proposal for the Declaration of Principles and the Draft Plan of Action of the World Summit on the Information Society*, WSIS/PC-2/CONTR/20-E (2002), online: International Telecommunication Union <http://www.itu.int/dms_pub/itu-s/md/03/wsispc2/c/S03-WSISPC2-C-0020!!MSW-E.doc>.

84 WSIS Plan of Action, *supra* note 43 at para. 7.

85 *Ibid.* at para. 4.

Declaration of Principles, together with the *WSIS Plan of Action*, is a partial crystallization of previous strategies for "bridging the digital divide and ensuring harmonious, fair and equitable development for all."[86] The problem, however, is that, often, principles expressed in declarations are not always carried through to the proposals in the action plans. For example, the *WSIS Declaration of Principles* affirms

> our common desire and commitment to build a people-centred, inclusive and development-oriented Information Society, where everyone can create, access, utilize and share information and knowledge, enabling individuals, communities and people to achieve their full potential in promoting their sustainable development and improving their quality of life […]

However, the *WSIS Plan of Action* limits this vision to "promoting the use of ICT-based products, networks, services and applications" to achieve development goals.[87]

To start, capacity-building in the area of ICTs is vital to the sustainable economic development of developing countries. Help could also come through the establishment of a Digital Solidarity Fund, as a practical measure to redress the digital imbalance. The developed countries and their international financial institutions must subsidize the cost of acquiring new ICTs. Without financing of development in Africa, it will be impossible for the continent to make advances in its efforts to acquire new technologies and other relevant infrastructures that are central to poverty alleviation. The NEPAD minces no words when it declares:

If Africa had the same basic infrastructure as developed countries, it would be in a more favourable position to focus on production and improving productivity for international competition. The structural gap in infrastructure constitutes a very serious handicap to economic growth and poverty reduction. Improved infrastructure, including the cost and reliability of services, would benefit both Africa and the international community, which would be able to obtain African goods and services more cheaply.[88]

A lack of an adequate ICTs infrastructure has been identified as one of the major problems inhibiting Africa's development; indeed, it is central in achieving the goal of digital inclusion, as it enables universal, sustainable, ubiquitous and affordable access to ICTs.[89] Consequently, private foreign investors have a role to play in complementing the two major funding methods in Africa, namely credit and aid. As the *WSIS Plan of Action* rightly noted, "The commitment of the private sector is

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[86] WSIS Dec. of Principles, *supra* note 13 at para. 17. Earlier efforts included the devotion, by the UN Commission on Science and Technology for Development (UNCSTD), of the years 1995-1997 to the study of the linkages between ICTs and development, realizing the importance of ICTs in economic development. Since then, there has been not only a consensus on the need to bridge the digital divide but also strategies for meeting those needs. *See* Ya'u, *supra* note 32.

[87] WSIS Plan of Action, *supra* note 43 at para. 1. See also Sally Burch "Other News – Roberto Savio" *IPS* (22 December 2003) (noting the absence of harmony between the Declaration and the Plan of Action).

[88] NEPAD, *supra* note 22 at para. 101.

[89] See WSIS Plan of Action, *supra* note 43 at para. 9.

important in developing and diffusing […] ICTs, for infrastructure, content and applications. The private sector is not only a market player but also plays a role in a wider sustainable development context."[90]

It is true that more open markets, sustainable budget policies, and strong support for individual entrepreneurship unleash the enterprise and creativity required for lasting growth and prosperity.[91] However, mass poverty in most developing countries cannot be removed by global integration and trade expansion alone. Perhaps the West should lead by example and remove every rich-country barrier to trade. It should be a cause for serious concern that, since the early 1990s when most of the world's poorest countries formally opened their markets to international trade, average incomes in these countries were, and are, only slightly higher in this new millennium than they were in 1990, while "the overall incidence of extreme poverty did not fall during the 1990s."[92] One way of confronting poverty in developing countries is through debt relief, since the debt burden has become the greatest obstacle to development and the strengthening of human rights. Africa's external debt stock, for example, has risen astronomically, leading to net capital outflows in most African States. Data shows that "roughly 80 cents on every dollar that flowed into Africa from foreign loans flowed back out as capital flight in the same year."[93]

Since the 1999 G8 Summit in Cologne, at which the Jubilee 2000 Campaign won a commitment from rich nations to cancel US$100 billion of debt for 42 of the world's poorest nations, only 8 African countries have reached their completion points under the enhanced HIPCs initiative.[94] Meanwhile, the economic conditions of these countries have considerably worsened and the few countries that received debt relief from the HIPC initiative have backtracked into further unsustainable debt. There is, thus, the question of debt sustainability. Without downplaying the need for good governance and economic management on the part of African States, it is possible to ask question whether these debtor States are legally bound to repay debts extended by Western creditors to regimes, like that of Mobutu Sese Seko, when the creditors were aware of the odious character of these regimes. Whatever the merit or demerit of such and related questions, the fact remains that debt relief, by way of debt cancellation, is a moral imperative if Africa and other developing countries are to log on to the IS and deploy it for development. This is not a tall demand. Historically, Western creditors have taken losses by writing off unpayable debt at a deep discount. For example, the U.S. forgave US$7 billion in military debts owed to it by Egypt after the 1991 Gulf War,[95] a generosity that it has extended to Iraq and Afghanistan.

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90 *Ibid.* at para. 3(b).

91 See USAID, MCA Update, *supra* note 74.

92 "Nothing to sell" *The Economist* (May 27 2004) 73 at 74, online: Economist.com <http://www.economist.com/finance/displayStory.cfm?story_id=2712926>.

93 ECA Report on Africa 2003, *supra* note 58 at 2.

94 See Committee of Experts of the Conference of African Ministers of Finance, Planning and Economic Development, *Solving Africa's External Debt Problem to Finance Development: A Progress Report*, UNECA, 23d Mtg., UN Doc. E/ECA/CM.37/8 (2004) para. 2, online: UNECA <http://www.uneca.org/cfm/2004/solving_africa.htm>.

95 Africa Policy Information Centre, *How and Why Africa's Debt*, African Topics 4 at 5 (August – September 1999).

Achieving the MDGs would require a substantial increase in financing of development assistance to developing countries, including debt relief, and properly structured debt relief initiatives could bring tremendous benefits to countries gripped by poverty but committed to economic reforms.

In his March 22, 2002 speech to the U.N. Conference on Financing for Development, President George W. Bush said: "Developed nations have a duty not only to share our wealth, but also to encourage sources that produce wealth: economic freedom, political liberty, the rule of law and human rights."[96] Regrettably, such rhetoric does not usually correspond to concrete action. For example, though US$50 billion will be needed to reach the MDGs, the US has increased its contribution to the Overseas Development Account (ODA) only by US$5 billion over a three year period, through its new Millennium Challenge Account (MCA),[97] and Africa will be receiving less than US$1 billion in 2004 as development assistance under the MCA. This represents a drop in the continent's ocean of financial needs for roads, power, clean water, sanitation, health, education, fertilizers, ICTs and other specific investments required to unlock the continent's economic growth and lift the majority of its population of 700 million out of poverty. Meanwhile, the Bush administration will be spending US$20 billion in Iraq and US$2.3 billion in Afghanistan in post-war reconstruction.[98] America's logic seems to be that military security provides for freedom, which explains why its security outlays in Africa have shot up by US$100 million in the new East Africa Counterterrorism Initiative, dwarfing economic development assistance.[99] The truth, as Jeffrey Sachs observed, is that "direct military efforts will not achieve long-term security when Africa's underlying crisis of hunger, disease, poverty and bulging youth populations remain unaddressed."[100] Only freedom from wants can guarantee peace and security.

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Globalization may be the buzzword or catchphrase of our times; but it has demonstrated the importance of international cooperation and regulation as a way of dealing with many of the issues afflicting humanity today. Such cooperation in tackling problems of widespread concern is proof that things common to all persons are more important than things peculiar to any one person or, *a fortiori*, any country. Building an inclusive IS requires new forms of solidarity, partnerships and

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96 President George W. Bush, Remarks at the International Conference on Financing for Development, (22 March 2002), online: United Nations <http://www.un.org/ffd/statements/usaE.htm>.

97 The purpose of the MCA is to provide funds to developing countries that are strongly committed to three goals: Good governance, health and education, and sound economic policies that foster enterprise and entrepreneurship. See USAID, MCA Update, *supra* note 74.

98 See Jeffrey Sachs, "Doing the sums on Africa" *The Economist* (May 20 2004) 21, online: Millennium Project <http://www.unmillenniumproject.org/documents/JDSEconomistMay202004.pdf>.

99 See *ibid.* (noting also that America has committed 2,000 troops in the Combined Joint Task Force Horn of Africa, based in Djibouti, in addition to security and intelligence training in the Sahel).

100 *Ibid*.

cooperation among governments and other stakeholders. The WSIS has created new opportunities for solidarity across ideological, sectarian and geographical divides. To ignore the potential gains of this Summit is like noticing the beauty of the rain but failing to see that it has enriched the soil. Nevertheless, building "a people-centred, inclusive and development-oriented Information Society" and, in particular, working "to ensure that more than half the world's inhabitants have access to ICTs within their reach"[101] will remain major challenges for the international community for some time to come. But the challenge is worth pursuing, because a growing number of people will remain marginalized from the global economy if the benefits of social and economic development, including equitable access to ICTs, are not extended to all countries and regions. Such marginalization and social exclusion constitute serious threats to global stability.

This generation must develop the kind of vision that it wants to pass on to the next generation. To be sustainable, such a vision must be holistic and include a world where ICTs are accessible to all nations and peoples, since this is a foundational paradigm of both human development and security. The vision must also be people-centered. It must promote, respect, protect and affirm the rights of each person and all peoples. More importantly, the vision must uphold principles of human dignity, equality and equity at the global level, since dignity is the common denominator of humanity. Unless the international community works to advance such ends, all its summits, seminars, and conferences and the resultant declarations, communiqués, and action plans are simply a waste of time.

[101] WSIS Plan of Action, *supra* note 43 at para. 6(j).