

INTERNATIONAL TELECOM UNION

Study Guide for Zurich Model United Nations

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SUBMISSION DEADLINE

Delegates are requested to submit a position paper
A guide on how to write a position paper is available on

<http://zumun.ch/preparation/>

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Saturday 29th of April 2017

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itu@zumun.ch

YOUR CHAIRS

Frimpong Ebenezer Kwabena

Dear Delegates,

I'm Frimpong Ebenezer Kwabena, a postgraduate student at the University of Kwa Zulu Natal School of Pharmacy, South Africa. Currently, I'm the PRO for United Nations Association of South Africa-UKZN branch.

I've been a part of the Model UN conferences for about 6 years now and I love every aspect of it. I served as the Committee Chair of WHO during the prestigious Cambridge University International Model UN Conference (CUIMUN 2011).

I eat, drink and sleep football. I am a true Cule' (Barcelona the only soccer university on the planet) fan!!! I formed the Network of FIFA Volunteers Against Racism (NOFIVAR) to assist FIFA's effort to combat racism in Association Football. Volunteering is part of my life. I served as an official volunteer during the IAS World AIDS Conference in Durban, South Africa in 2016 as well as during EURO 2012 and FIFA Confederations cup 2013 held in Ukraine and Brazil respectively. To me a UN-less world is like an El Classico without a referee. ITU committee shall have the most memorable MUN ever that is a promise. Hope to see you all in May 2017 with loads of passion and diplomacy skills. Good luck in preparing! Siyabonga! Medaase! Danke! Grazie! Merci! Thank you!

Yours Sincerely,

Frimpong Ebenezer Kwabena



Anna Vyrstyuk

Dear Participants,

My name is Anna Vyrstyuk, studying in Zurich, living in Italy and coming from Ukraine! I will have the pleasure to be one of your Chairs for this conference. I am currently completing my Master's Degree in Banking and Finance at the University of Zurich.

My interest in political issues and international relations traces its origin back to 2004, when I decided to participate in the Orange Revolution in Ukraine, despite being only 12 at the time. This experience taught me the real meaning of the words "freedom" and "justice". Hereinafter, my desire to work for an International Organization promoting peace, poverty reduction, and humanitarianism increased always more and more.



In fact, fascinated by the world of diplomacy, I entered the MUN world in 2012 and since then it became my passion! I became a member of USIMUN Association, the Model United Nations Association at University of Lugano. Due to my commitment and enthusiasm for participating in its activities, since 2013 I have been elected President of the Association for two mandates and now I am the Vice President of Junes, United Nations Youth Association Switzerland. I participated in many Conferences, national and international, among which I can mention NYMUN in New York, USA, and OxIMUN in Oxford, UK, in positions of Chair, Delegate, and Journalist. What makes the MUN conferences special is this mixture of mind-blowing debates and people who make them possible. But these experiences obviously aren't limited to committee work! At least as important and amazing is the free time and specially the social events that you spend with all the people you meet (and often that's where you see who your professional fellow delegates and chairs really are!).

Beyond all this, I love traveling, music and spending time with friends as well as relating to new people! I'll leave it at that because soon we will have the possibility to meet in person and to get to know each other! I'm really looking forward to May and can't wait to see you all!

Best wishes and regards,

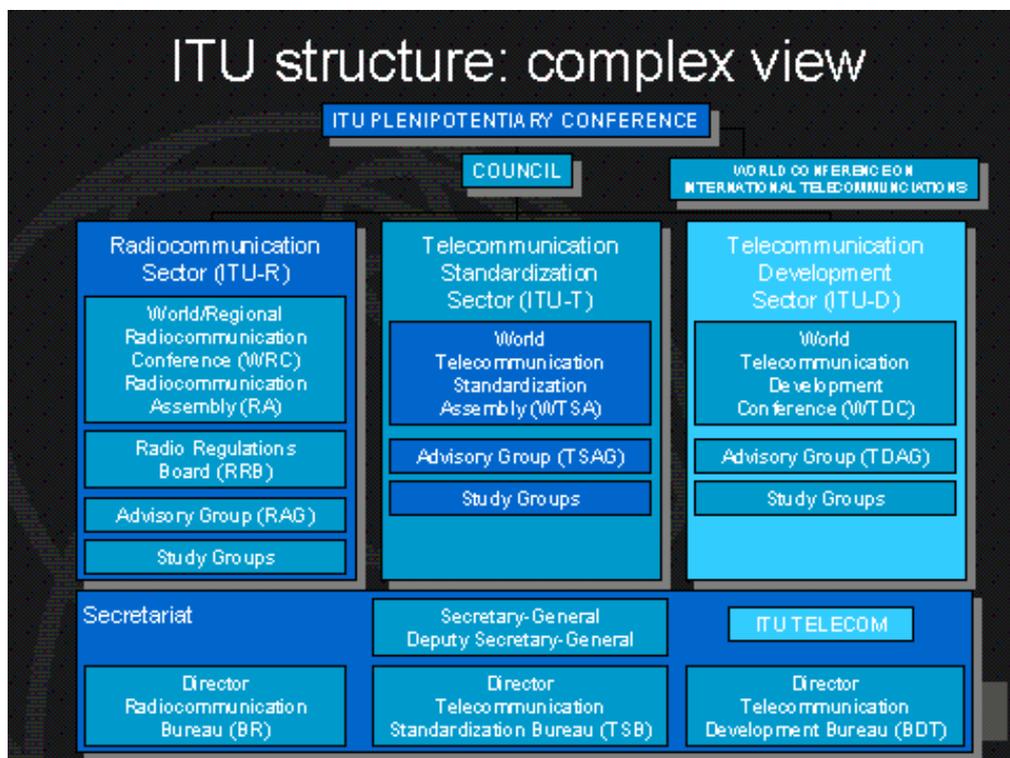
Anna Vyrstyuk

INTRODUCTION TO ITU

International Telecommunication Union (ITU) was formed in 1865 in Paris, France. Previously it was referred to as International Telegraph Union. A conference held in 1932 in the Spanish capital of Madrid led to a change of its former name to the current one (since 1 January 1934). Basically, ITU is an intergovernmental organization that helps various governments and industries to coordinate the operations of global telecommunication networks and services. It is a UN specialized agency since 1947. It consists of 190 member states (Government) and 650 sector members (private sector) and 130 associates. It is based in Geneva, Switzerland.

ITU's core objectives include:

1. ICT standardization
2. Promotion of universal telecom access
3. Collaboration in telecom development assistance
4. Provision of information on global telecom trends and developments
5. Promotion and development of IT infrastructure and services in developing countries



ITU member states are organized into six regional groups:

1. Asia-Pacific Tele community (APT).
2. Arab Spectrum Management Group (ASMG).
3. African Telecommunications Union (ATU).
4. European Conference of Postal and Telecommunications Administrators (CEPT).
5. Inter-American Telecommunication Commission (CITEL).
6. Regional Commonwealth in the Field of Communications (RCC-representing former Soviet Republics).

Governance in ITU is delivered by the plenipotentiary which meets every four years to amend the ITU Constitution and Convention. This UN specialized agency is financed by its member states. They contribute up to 80% of its annual funding. In addition, ITU generates 19% of its total funding as cost recovery, mainly from activities such as sales of ITU publications, satellite network filing fees and registration of Universal International Free Phone Numbers (UIFPN). The agency is able to raise funds from partner organizations that provide voluntary contributions to support IT infrastructure in developing countries.

ITU is **committed to connecting all the world's people** – wherever they live and whatever their means.

“Through our work, we protect and support everyone's fundamental right to communicate.”

Bibliography

- <http://www.nationsencyclopedia.com/United-Nations-Related-Agencies/The-International-Telecommunication-Union-ITU-STRUCTURE.html>
- <http://www.itu.int/en/ITU-D/Regional-Presence/Africa/Pages/RegionalOffice.aspx>
- http://www.itu.int/en/ITU-D/Statistics/Documents/events/wtis2016/WTIS16_draft_agenda_web.pdf
- https://www.apc.org/en/system/files/GISW2007_EN.pdf

TOPIC A: LEGAL AND POLITICAL CHALLENGES OF CONSUMER PROTECTION IN DIGITAL COMMERCE

Digital Commerce

Information and communication technologies (ICTs) are shaping the process of globalization. The expansion of digital technologies has dramatically changed the way in which electronic communication services are delivered to and accessed by consumers. By the end of the twentieth century, people observed the rapid development of a digital economy, which upset normal commercial transactions. A new phenomenon, called digital commerce, changed the way people think and do business.

“Digital commerce”, often more broadly referred to as “e-commerce”, is the buying and selling of goods and services using Internet, mobile networks and commerce infrastructure. The main purpose is hence to use electronic systems to engage in commercial activities, but the definition includes also the marketing activities that support these online transactions, including processes and technologies to execute the offering of development content, analytics, promotion, and customer experience at all stages of the buying process.¹

There are different e-commerce market categories, such as:

- Business-to-consumer (B2C): involved with individual consumers in a retail or service setting.
- Business-to-business (B2B): provide goods or services to other businesses.
- Consumer-to-consumer (C2C): facilitate transactions between individual consumers.
- Also relevant are government-to-business (G2B) and government-to-consumer /citizen (G2C).²

One of the main factors underlying e-commerce growth is the ever-increasing number of individuals connected to the Web. As shown in **Figure 1**, the increase in Internet usage has been particularly strong in the developed world, and lower in developing countries, confirming the digital divide issue.

¹ <http://www.gartner.com/it-glossary/digital-commerce/>;

² <https://www.itu.int/ITU-T/special-projects/ip-policy/final/Attach04.doc>;

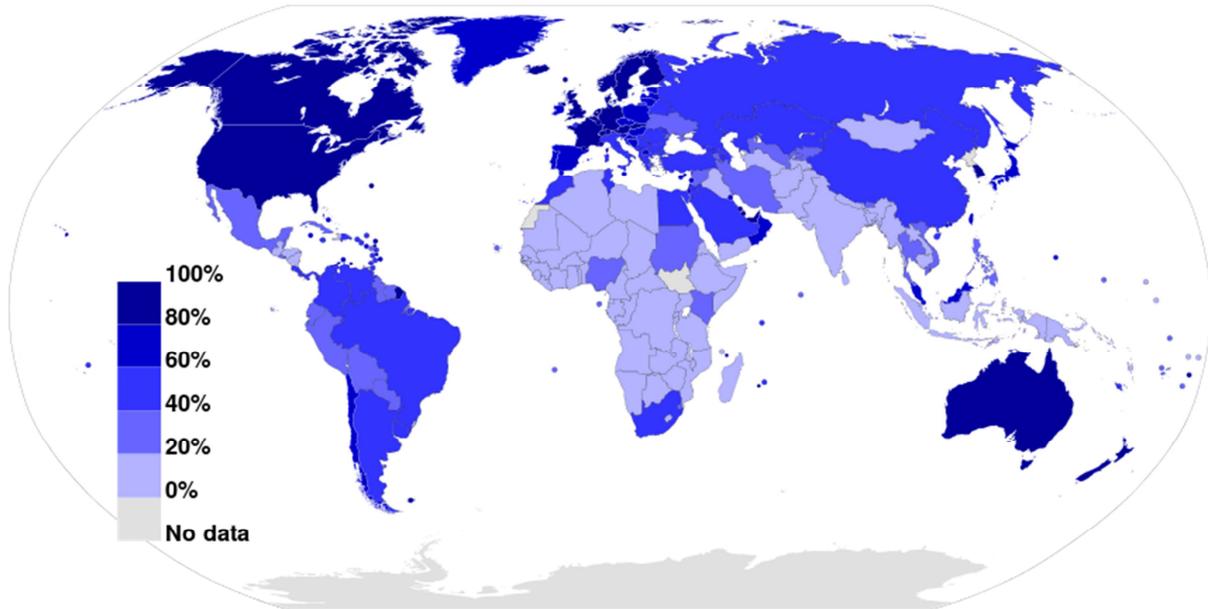


Figure 1. Internet users in 2012 as a percentage of a country's population. (Source: ITU).

Legal and political challenges

The development of digital commerce has brought undeniable benefits, but some legal and political challenges related to the policy formulation arose. These challenges regarded in particular the following issues:

- The application to electronic communications of statutory provisions which mandate paper or paper-based concepts such as original, writing and signature;
- Electronic formation of contracts;
- Privacy;
- Authenticity and integrity of electronic communications;
- Taxation (particularly in cross-border transactions);
- Management and retention of records;
- Protection of the consumer;
- Legal implications of e-commerce.³

E-commerce is being discussed in various fora such as the OECD, APEC and WTO, WIPO, ITU, UNCTAD, World Bank and UNCITRAL. National governments also seem willing to explore its implications. The ITU, in particular, is currently busy with the development of practical handbooks for telecommunications policy makers and regulators covering issues related to e-commerce in conjunction with the World Bank. The ITU is also seeking to raise

³ https://www.itu.int/en/ITU-D/Projects/ITU-EC-ACP/HIPCAR/Documents/FINAL%20DOCUMENTS/ENGLISH%20DOCS/e-transactions_mpg.pdf;

awareness of the role of telecommunications reform in the development of e-commerce with special emphasis on developing countries in terms of infrastructural development, market liberalization and the proliferation of electronic services.⁴

Consumer Protection

To provide a certain and stable environment for conducting business, consumer protection becomes critical. The reason is that while the new environment provides new opportunities for business, it also brings new types of threats in the form of electronic fraud, cybercrime and new forms of cyber terrorism. The main areas that are origin of concern are represented by: privacy, fair trade, copyright protection, access by law enforcement agencies to information, increasing cross border business in consumer trade, computer crime, hacking and other aspects of the current legal framework designed to protect the rights of individuals. Because of the ease of operating across borders in the electronic environment, many of these issues have an international dimension that shall be subject to negotiation of agreements, and potentially, to treaties in international fora.⁵

Consumer protection policy is indispensable in building consumer confidence and establishing a balanced relationship between businesses and consumer in transactions. The first step to activate consumers shall be to provide a complete, trustable structure for transacting procedures. As the OECD recommended in 1998, "*the same level of protection provided by the laws and practices that apply to other forms of commerce should be afforded to consumers participating in commercial activities through the use of global networks.*" By way of information transfer, the Internet has advanced consumer protection in modern business. However, complete consumer protection shall need measures from structural and substantial side as well. Acknowledging the relevance of consumer protection in electronic commerce, various countries and international organizations, while making wide use of the Internet, have established projects to deal with consumer protection.⁶

Consumer protection involves government regulation of transactions between consumers and businesses. It protects the interests of consumers by imposing minimum obligations on businesses and providing redress in situations where consumers suffer harm. Consumer law covers a range of topics, including product liability, unfair business practices, fraud and misrepresentation.

Unlike the offline environment, where consumers enter a store, inspect potential purchases and can judge for themselves the trustworthiness of a seller, the online world does not provide the same opportunity to use a "buyer's instinct." Rather, many consumers are forced to

⁴ http://www.gov.za/sites/www.gov.za/files/electronic_commerce_1.pdf;

⁵ Idem.

⁶ http://www.iajet.org/iajet_files/vol.2/no.2/Consumer%20Protection%20in%20Electronic%20Contracts_doc.pdf;

proceed on faith, knowing precious little about the seller to whom they are entrusting their credit card data.⁷

As called for in the 1998 OECD Ministerial Conference on The Borderless World: *“Realizing the Potential of Global Electronic Commerce, the 1999 Recommendation set forth the core characteristics of consumer protection for electronic commerce: fair and transparent business and advertising practices, information about businesses, goods and services, transactions, as well as adequate dispute resolution and redress mechanisms, payment protection, privacy, and education.”*

The OECD Consumer Protection Guidelines comprise seven categories of general principles, i.e.:

1. Transparent and effective protection – Consumers who participate in electronic commerce should be afforded transparent and effective consumer protection that is not less than the level of protection afforded in other forms of commerce.
2. Fair Business, Advertising and Marketing Practices – Businesses engaged in electronic commerce should pay due regard to the interests of consumers and act in accordance with fair business, advertising and marketing practices.
3. Confirmation Process – To avoid ambiguity concerning the consumer's intent to make a purchase, the consumer should be able, before concluding the purchase, to identify precisely the goods or services he or she wishes to purchase; identify and correct any errors or modify the order; express an informed and deliberate consent to the purchase; and retain a complete and accurate record of the transaction.
4. Payment – Consumers should be provided with easy-to-use, secure payment mechanisms and information on the level of security such mechanisms afford.
5. Dispute Resolution – Consumers should be provided meaningful access to fair and timely alternative dispute resolution and redress without undue cost or burden.
6. Privacy – Business-to-consumer electronic commerce should be conducted in accordance with the recognized privacy principles set out in the OECD Guidelines Governing the Protection of Privacy and Trans border Flow of Personal Data (1980) and taking into account the OECD Ministerial Declaration on the Protection of Privacy on Global Networks (1998), to provide appropriate and effective protection for consumers.
7. Education and Awareness – Governments, business and consumer representatives should work together to educate consumers about electronic commerce, to foster informed decision-making by consumers participating in electronic commerce and to

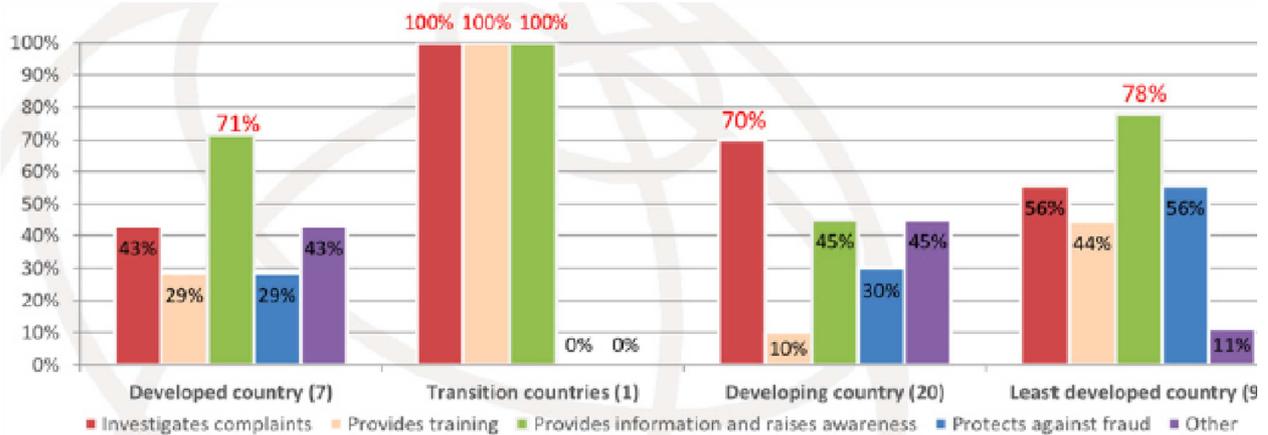
⁷ <https://www.itu.int/ITU-T/special-projects/ip-policy/final/Attach04.doc>;

increase business and consumer awareness of the consumer protection framework that applies to their online activities.⁸

The diffusion of e-commerce led to the higher complexity of the online environment and consequently increased related risks for consumers. For example, consumers' understanding of their rights and obligations was often challenged when they make purchases through non-traditional payment mechanisms, such as mobile phone bills or pre-paid cards, or when they acquire digital content products, such as apps or e-books.

Key new developments in e-commerce addressed, as OECD outlines:

- Non-monetary transactions
- Digital content products
- Active consumers
- Mobile devices
- Privacy and security risks
- Payment protection
- Product safety



One of the key challenges that regulators still need to face is to establish a culture of security that promotes trust in ICT applications, one in which is the effective enforcement of privacy and consumer protection. Given that converged services are global, the need to strengthen cross border cooperation is even greater.

Matter of fact is that the expansion of digital commerce brought the need to regulate it. It is also true that the technology gap between developing and developed countries led to the different levels of regulation activities, which we can observe in **Figure 2** (see above).

⁸ <https://www.itu.int/ITU-T/special-projects/ip-policy/final/Attach04.doc>;

Points a resolution should address

- a new legal framework that includes those transactions that are concluded electronically;
- a number of consumer challenges related to information disclosure, misleading or unfair commercial practices, confirmation and payment, fraud and identity theft, and dispute resolution and redress
- the need to equip consumer protection enforcement authorities with the ability to effectively protect consumers in e-commerce and to exchange information and cooperate in cross-border matters
- the increasing privacy and security risks faced by consumers in e-commerce
- the appropriate allocation of responsibility for the protection of consumers among relevant e-commerce actors
- the impact of taxation of digital content on consumers;
- the lack of transparency.

Conclusion

We are still in the early stages in meeting the challenges to traditional territorially based political and legal systems posed by inherently borderless communications and internet technologies.

E-commerce is transforming the global marketplace and its impact is being felt across the full range of business and government. E-commerce requires an open, predictable and transparent trading environment, which operates across territorial borders and jurisdictions. To foster such an environment and to realize its full economic potential international cooperation is needed, which will be instrumental in developing the enabling conditions for its growth.

Countries have to work together to remove barriers or impediments to the free flow of electronic products and services across jurisdictions and by resolving problems that may arise due to its borderless character. Government is shown to be the appropriate vehicle to ensure that this is possible.

The ITU has an important role to play in making way for e-commerce. In standards that will truly make the cyber infrastructure globally and transparently accessible to providers, trading institutions, networks, technologies and customers. In bringing new markets, particularly from the developing nations to the global electronic marketplace.

Suggested readings and Bibliography

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- http://www.uncitral.org/pdf/english/texts/electcom/08-55698_Ebook.pdf;
- <http://unctad.org/en/PublicationsLibrary/webditcclp2016d1.pdf>;

TOPIC B: “CONNECT THE WORLD”- CLOSING THE TECHNOLOGY GAP TO HELP ERADICATE POVERTY

Digital divide

The digital divide is the gap between those who own computers and have access to the internet and those who do not. The digital divide denotes the technological inequality and disparity between industrialized and developing nations regarding internet usage (Technology and development 2005). Prior to the year 2000, statistics showed that there were approximately 242 million internet users in this world, of which only two million (2%) lived in low income countries. While internet usage for e-commerce has become standard business practice, only 224 encrypted secure services out of a total 110,498 are in low income countries. In 2001, 169 million Americans were online (60% of the USA population) representing 29% of the total internet population worldwide, Europe had 172 million internet users online, South East and East Asia had 182 million, South America had 29 million, Oceania had 11 million and Africa 10 million (Chen and Wellman, 2004). Things have changed a lot since the early 2000s.

Figure 3 below shows world’s internet users in the various continents as of July 2016.

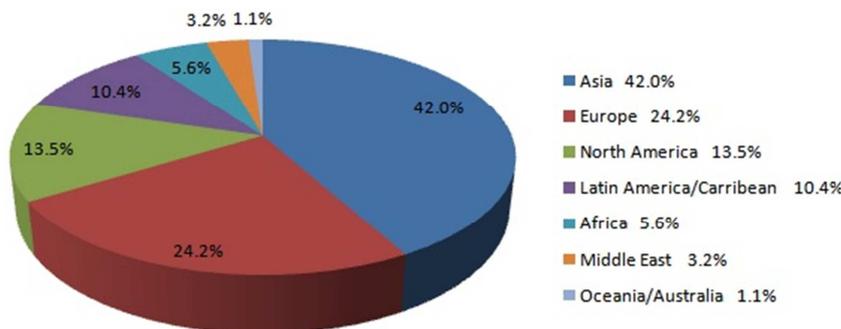


Figure 3. World internet users in 2016

Digital Opportunity Index

The Digital Opportunity Index (DOI) is an e-index that is used to measure the information society agreed upon as developed by the Korea Agency for Digital Opportunity and Promotion (KADO) and the United Nations Conference on Trade and Development (UNCTAD). The DOI was endorsed at the Tunis Agenda for the Information Society in 2005. It serves as a tool used by governments, operators and research agencies to grade the digital divide, and to establish ICT performance within and across countries. It also measures countries’ ICT capabilities in infrastructure, devices, access path and devices, affordability and coverage. The DOI is accessed using three components namely: opportunity, infrastructure and utilization. In a perfect world, digital opportunity would mean:

1. Every home equipped with ICT devices
2. Everyone having a mobile ICT device
3. Everyone using broadband

Over a period of three years (2004-2006), 181 countries were analyzed using the DOI, with a clear distinction being evident between developed and developing countries as shown in **Figure 2** and **Figure 3** (see below). The index ranges between 1 and 0, where 1 would be complete digital opportunity and zero, none.

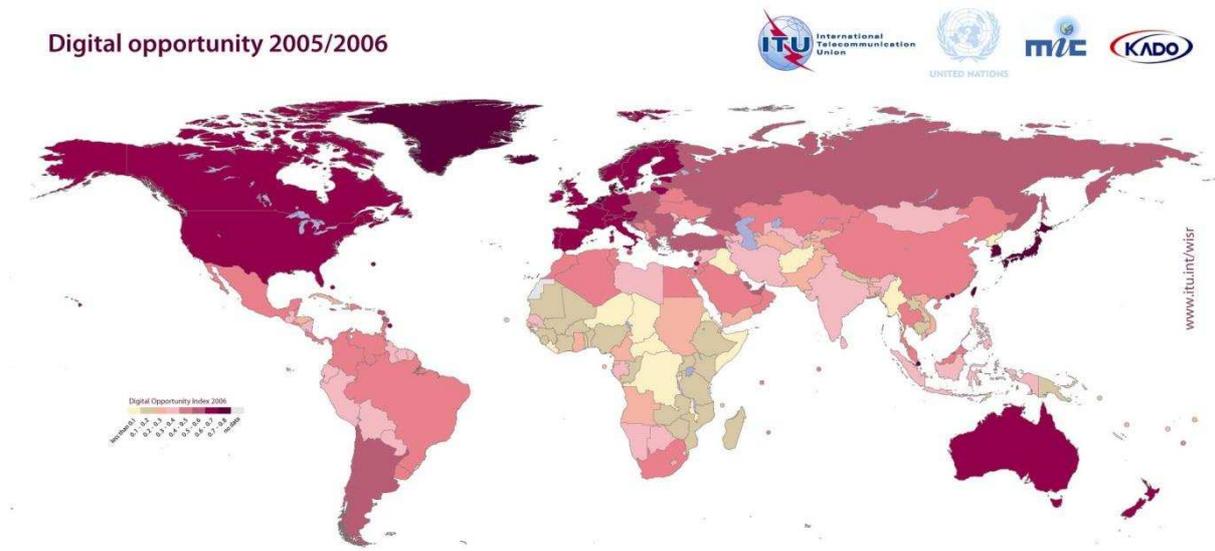


Figure 4. Digital Opportunity Index (DOI) assessment in various countries.



Figure 5. Top 25 economies according to DOI 2007 report.

Digital divide myth or reality?

There is disagreement regarding the extent to which the digital divide is a reality. In fact, there is an assumption that the majority of people who have computer skills and access to the internet live in developed countries or well-resourced environment. People who disagree

that the digital divide exists cite examples of cheaper computers in most developing countries, as well as internet cafes in public places, and in some places, compulsory computer literacy classes as reasons for it not being a reality. Lacolare (2007) argues that digital divide is not a problem itself, but a sign of deeper, more important gaps in income, development and literacy. A number of authors agree that having access to ICTs and using them actively has been linked to a range of demographic and socio-economic characteristics, including income, education, race, gender, and geographic location (urban-rural), age, skills, awareness, politics, culture and psychological attitudes (Guilen & Suarez (2005); Karen, Tolbert & Gilbert (2006); Wilson, Wallin & Reiser (2003)). Hilbert (2010) reported that multiple regression analysis across a number of countries revealed that income levels and educational accomplishment were the most powerful explanatory variables for ICT access and use.

Arguments for the reality of digital divide	Arguments against the reality of digital divide
Only the rich can afford to access latest technology	Computer are cheaper to purchase in developing countries
The poor finds it difficult to access the latest technology	Access to internet is everywhere in schools and public cyber cafes
Poor countries do not offer internet services for children in school	Access to IT cost unnecessary unless basic needs such as health and quality education are met
Digital divide contributes to the economic divide around the world	Computers are getting easier to use and require less skills to operate

Table 1. Arguments For and Against digital divide debate.

Digital divide between nations

Highly industrialized countries have much greater ICT capacity than less developed nations, although the gap between them is narrowing. The UK, Korea and Japan are at the same level of internet connectivity as the US. While Japan is leading in terms of mobile internet, Korea and Japan are world leaders in broadband connections and mobile internet respectively. The World Economic Forum (WEF) report on digital divide ranked nations based on their ability to use ICT to improve economic competitiveness, with 142 countries being included. Sweden, Singapore, Finland, Denmark, Switzerland, Netherlands, Norway, United States, Canada and Britain were highest, while developing countries in sub-Saharan Africa, as well as Nepal, Syria, East Timor and Haiti occupied the last positions. According to Banat Bilbao-Osorio, Associate Director of the World Economic Forum’s Centre for Global Competitiveness and Performance and co-author of the report, “despite all the efforts that we have seen in the past, the digital divide still exists between developing countries and developed countries.” In developing countries, the low levels of computer literacy are very low,

which means that many people would not be able to use a computer. This is compounded for communities who have no access to electricity and technical support.

Figure 4 and **Figure 5** below clearly explains the digital divide between developing and developed nations.

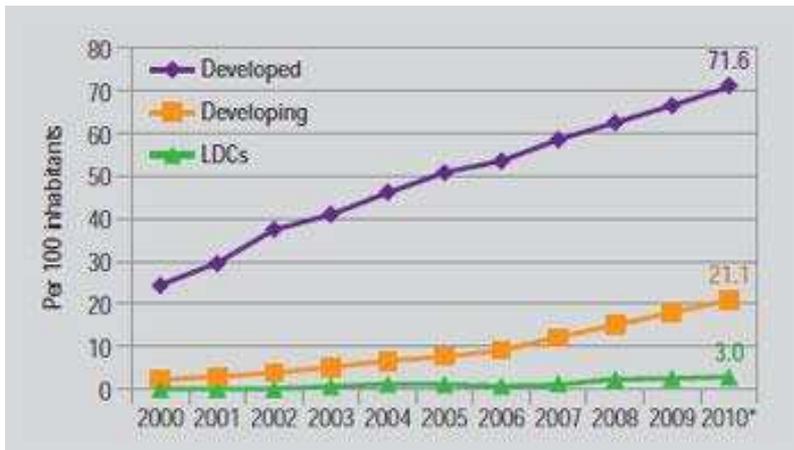


Figure 6. Internet users per 100 inhabitants, 2000-2010.

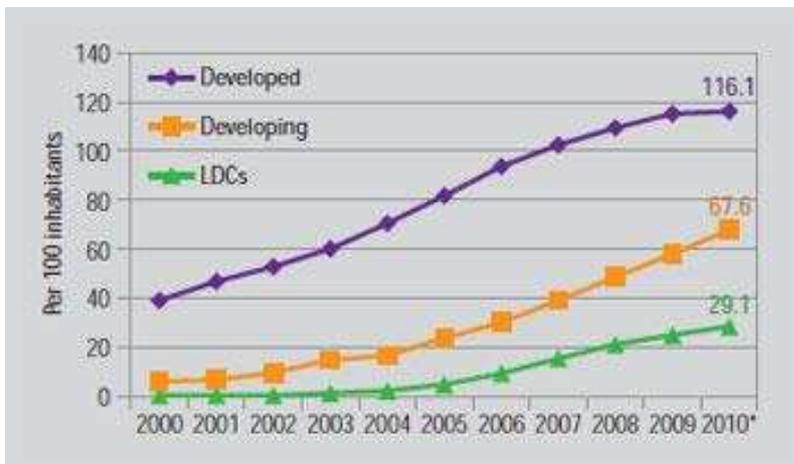


Figure 7. Mobile cellular subscriptions per 100 inhabitants, 2000-2015.

Technology gap and poverty alleviation

The digital divide contributes to global inequalities, as so many components of personal and professional lives are influenced by digital technology, from accessing accredited journal articles on a range of subjects, to shopping and managing finances. Dosi et al (1990) identified technology gap as a contributory factor that controls competitive advantage in the determination of world market schemes.

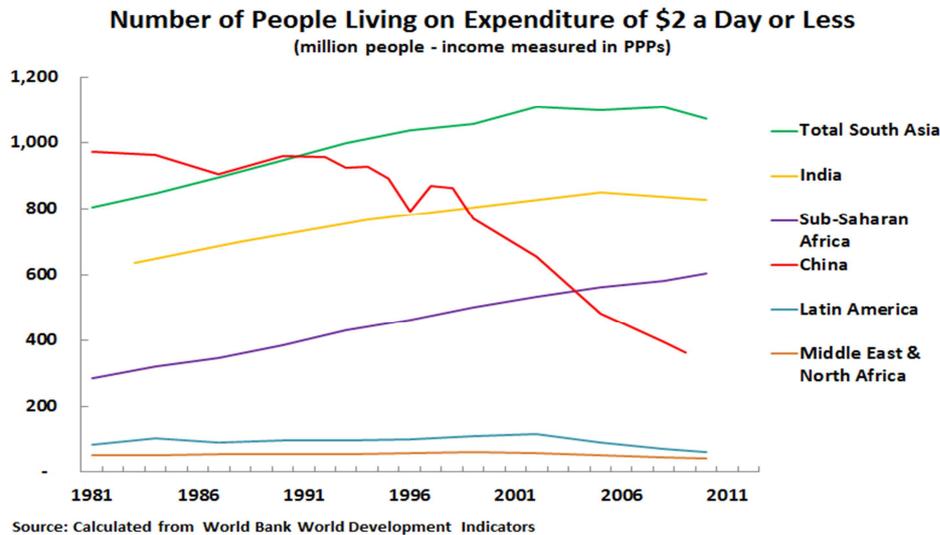


Figure 8. Income levels of million people measured in PPPs.

Heeks (1999) reported a direct link between poverty reduction and the adoption of new technology. For example, a 2005 (United Nations Human Development Report (UNHDR) revealed that Niger, with the third lowest internet access rate in Africa, is the least developing country in the world (UNHDR, P229), with 61.4% of its population living on less than one US dollar a day. Altig and Rupert (1999) noted how an increase in internet usage by a country's population assisted in increasing its productivity. Organisation for Economic Co-operation and Development (OECD) countries have been able to reduce poverty due to their adopting the latest technology to benefit their citizens. Over the past forty years, East Asian countries have embraced technology faster than their peers in Africa and Latin America, which has contributed to the better socio-economic status of their citizens.

Current state of digital divide between developed and developing nations: International communications technology development index 2015 global report.

In response to a request from ITU member states in 2008, a composite ICT development index (IDI) was developed to measure, monitor and compare ICT developments over time, specifically:

- within countries and explore their experiences,
- in developed and developing countries,
- the digital divide between countries,
- its developmental potential and the extent to which countries make provision for it to enhance growth and development.

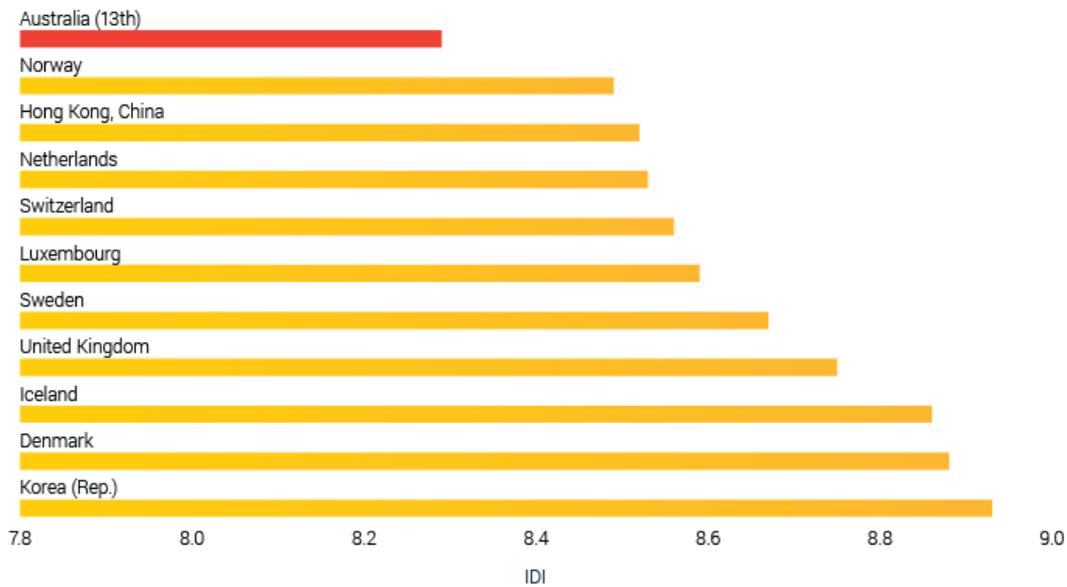


Figure 9. 2015 top 10 ICT Development Index Countries.

It is significant to point out that the highest IDI ranked countries in both 2010 and 2015 have the biggest economies in the world. See **Figure 8** below.

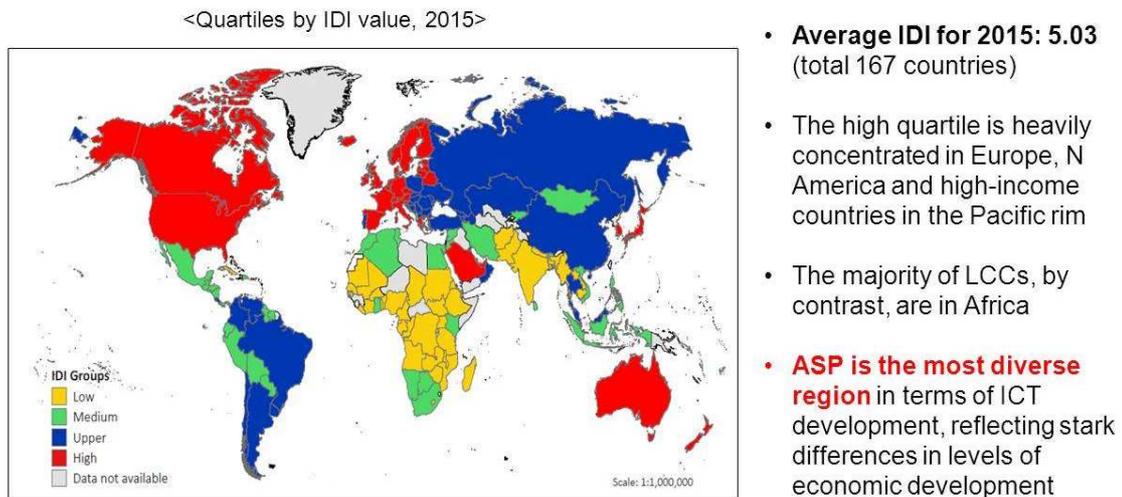


Figure 10. Average IDI for 167 countries in 2015.

How can developing nations overcome the digital divide?

A number of factors need to be addressed to overcome the digital divide and give people access to ICT:

1. Expand the digital infrastructure
2. Provide digital literacy programs
3. Encourage multilingualism
4. Promote competition among ISPs

5. Provide Tax free incentives for ICT firms
6. Commit to make ICT accessible to the entire populace

Socio-economic opportunities that ICTs can provide to developing nations

According to Fong (2009), developing countries can improve their IDI by addressing five key points:

1. Social equality
2. Social mobility
3. Economic equality
4. E-democracy
5. Economic growth and innovation

Points a Resolution Should Cover

1. How can developing nations use ICT to combat poverty?
2. How can developing nations close the digital divide?
3. How can developed nations help developing nations to overcome this challenge without compromising their security or incurring considerable costs?
4. How can ITU lead the initiative to help bridge the ICT gap between nations?
5. How do ICTs adjust societies and make novel models of social cohesion?
6. What is the effect of ICTs on employment and labor markets, and what must businesses, governments, and people adjust?

Conclusion

In 2001, the UNDP Human Development Report cited evidence of a correlation between the technological gap and income divides across the world. As market forces drive the development of new technology, including ICT, those with access are likely to benefit more than those without, reinforcing the social and economic disparities between rich and poor. The ICT divide is real and cannot be overlooked. In 2001, Meng and Li reported that extensive ICT development around the world would offer developing countries the opportunity to reduce the economic gap between them and developed nations. Even though there has been an improvement regarding ICT infrastructure in developing countries based on ITU report in 2015, a lot still needs to be done to bridge the digital divide. Both developing and developed nations have a role to play to ensure that the ITU Agenda 2020 (Universal access to ICT) becomes a reality.

Suggested readings and Bibliography

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