Digital Divide in the Digital Age

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Digital Divide in Developing Countries
Digital Divide and CSR
Prominent areas of the digital divide debate need to be reconsidered:

- What is meant by ‘access’?
- What is the relationship between ‘access to ICT’ and ‘use of ICT’?
- How can we best consider the consequences of engagement with ICT?
How is ICT relevant for a third world woman living in rural India or Sub-Saharan Africa?
Bridging the Digital Divide

Is ICT for ‘ALL’ an Illusionary concept which is more of a political Rhetoric
Bridging the Digital Divide

What is realistically achievable for developing countries and How?
Companies & ICT Projects

- Companies undertaking ICT projects
- Effects of corporate law
- Enhancing or undermining social responsibility?
Corporation regulatory framework

- Commonwealth African Countries
- English Companies Act 1948
- Silent on directors’ legal obligations
Directors’ Duties

Company Directors’ Duties

- Corporate Entity
- Corporate Entity + Shareholders
- Corporate Entity, Shareholders, Stakeholders (employees, Creditors, consumers, Environment, community, Human rights etc)
Theories

- Contractarian Theory
- Communitarian Theory
“the law does not say that there are to be no cakes and ale, but there are to be no cakes and ale except such as are required for the benefit of the company”

- *Hutton v West Cork Rly* (1883) 23 Ch D.
- *Evans v Brunner Mond & Co* (1921) 1 Ch 359
**Contractarian Theory**

- Against practices that reduce shareholders’ profits
- Company as a nexus of contracts
- Participants able to protect themselves through contracts
Profit maximization not the only objective of a company

Need to protect participants in a company due to the inequality of bargaining power

Failure to recognise societal interests might prejudice the interests of a company
Philanthropic activities intra vires

- Reasonably incidental to the carrying on of business
- Reasonably incidental
  - Benefit to company is direct not “too speculative or too remote”
Need for Corporate Law Reform

- Extend the scope of social responsibility
- Codify the common law
  - Make the law accessible
  - Better understanding of directors’ responsibilities.
"Technological decisions should meet the needs of people, not enrich companies or enable control by governments"

Civil Society,

(an alliance representing development groups at the summit)