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By: Zaharom Nain
Mahyuddin Ahmad

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Full Name of Research Institution: *Freemedia Resources*

Address of Research Institution: *21, USJ18/3A, 47630 Subang Jaya, Selangor, Malaysia.*

Name(s) of Researcher/Members of Research Team:

Zaharom Nain, Mahyuddin Ahmad, Ou Virak, Cherian George, Francisco A. Magno, Pirongrong Ramasoota, Nguyen Huy Hoang

Contact Information of Researcher/Research Team members:

*Ou Virak
Cambodian Center for Human Rights
N°798, Street 99, Beoung Trabek,
Khan Chamkar Mon, Phnom Penh, Cambodia.*

*Cherian George
Division of Journalism and Publishing
Wee Kim Wee School of Communication & Information
Nanyang Technological University, Singapore
31 Nanyang Link, Singapore 637718*

*Francisco A. Magno
La Salle Institute of Governance,
De La Salle University
2401 Taft Avenue, 1004 Manila
Phillippines.*

*Pirongrong Ramasoota
Thai Media Policy Center, Department of Journalism,*

*Faculty of Communication Arts, Chulalongkorn University,
Phyathai, Pathumwan, Bangkok 10330.*

*Nguyen Huy Hoang
Department of Economic, Politics and International Studies
Institute of South East Asian Studies, Vietnam.
No. 1 Lieau Giai Ba Dinh,
Hanoi, Vietnam*

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Abstract:

This study is an attempt to look at the relationship between the state and civil society organisations(CSOs) as well as the role of ICTs in enhancing democratic space in Southeast Asian countries. The general purpose of this study is to identify the roles played by CSOs in advocating issues of human rights. The research also tries to identify how ICTs are used by these CSOs in their advocacy work. This is also an attempt to look at the impact of wider socio political factors, such as constraints on information, state control and interference, and cultural and religious control over CSOs. The methodologies used are both qualitative and quantitative. The overall result of the study shows that ICTs are widely used among the civil society groups in this sample of Southeast Asian societies, although variations do exist in terms of what constitutes 'human rights' and the level of technology employed by civil society groups in advocating and advancing their human rights agendas. Invariably, these variations relate to the type of political system and the economic level of each society.

Keywords: *Regimes, CSOs, human rights, ICTs*

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Basic Project Information

This study is an attempt to analyze and illustrate the use of ICTs by human rights civil society organisations (CSOs) in six Southeast Asian countries, where democratic space is often limited and continuously contested. As part of the larger movement for democracy, human rights issues are quite often seen as a thorny ones that undermine the power of the state. The variety of regimes that exist in Southeast Asia, however, present a multitude of variables that need to be considered by researchers. Advanced economic status and high immersion of technology among members of society do not automatically translate into higher awareness of human rights – not least because a strong authoritarian state maybe lurking, hampering the progression of democratic practices. It is because of the possibility, hence complexity, of this variety that this project tries to provide insights into the abilities of CSOs, specifically human rights CSOs, in different authoritarian states to negotiate their existence, their activities and the expansion of both utilising ICTs.

The research focuses on three main areas that provide the overall understanding of the main issues investigated here. These areas are the history and the development of human rights vis-à-vis the development of democracy and the further expansion of authoritarian rule in Southeast Asia, the development of human rights civil society groups, and the impact of the rapid development of ICTs in this region on the dispersal and dissemination of democratic issues and the human rights agenda.

The scope of the study is however limited to regime governance, development of ICTs and activities of human rights CSOs in six Southeast Asian countries. The nature of human rights advocacy is tied to the unique social, political and cultural setting of the countries. One country's idea of human rights will most likely differ in its essence from the idea of human rights in another country. Hence, it is important to establish these differences in social systems that impinge upon the development of human rights, civil society and the usage of ICTs in human rights advocacy in these societies. We initially further divided these countries into three categories:

- i. The 'capitalist' authoritarian states of Malaysia and Singapore
- ii. The 'socialist' authoritarian states of Cambodia and Vietnam
- iii. The 'formally democratic' states of Thailand and the Philippines

After discussion and debate with other project members, we aim to refine this categorization in the final draft chapters. For operational purposes, however, we have kept this categorization for the bulk of the study.

Results have shown that most CSOs that we studied have utilized some forms of new media in their advocacy work. The rate of this usage however differs depending on the society, the level of ICT that is available and computer literacy rate among the office bearers. The appropriation of ICTs also clearly marked the various types of advocacy work. Some CSOs rely solely on the internet in their advocacy work while others also appropriated the traditional media.

There are some CSOs that utilise the combination of both traditional media and new media by producing popular culture artefacts, like films, to enhance their advocacy work. These films then are uploaded onto their website and on social media like YouTube. In general, most CSOs have dedicated websites that

function primarily as a showcase for expressing and illustrating their concerns, objectives and activities. Having a dedicated website however does not indicate a high engagement with technology. Lack of technological know-how sometimes affect the utilisation of ICT and this results in the websites being badly maintained and hardly updated.

The relationship between human rights CSOs with the respective regimes are quite often complicated. Technology may enable the CSOs to widen their reach and enhance and advance their advocacy work, but the laws of the land often do create barriers for these CSOs. In strong authoritarian states like Malaysia and Singapore the struggle for human rights is almost synonymous with the effort to enhance democracy. In carrying out this type of advocacy, CSOs have to face many challenges and restrictions set by the regime in power.

In both Malaysia and Singapore, the archaic law of enjoining CSOs to register as societies functions as a filter, with enormous power is invested in the hands of the Registrar of Societies, who can determine which and what kind of society can be registered and even deregistered. The next level of control is via draconian laws, such as the Internal Security Act, the Official Secrets Act, Emergency Ordinance and others that impinge upon CSOs and their activities. The existence of these laws indicates the presence of a strong state and the relatively weak CSOs in contexts such as Malaysia and Singapore.

This does not mean, however, that human rights CSOs in this kind of societies are not active. This is reflected in the samples we have managed to study - CSOs that are actively seeking justice, freedom, equality and a more democratic governance within society, and within the constraints imposed by the state and state actors in societies such as Malaysia and Singapore.

Other, less hegemonic, regimes in this study also illustrate that the relationship between human rights CSOs and those in power is never easy. While CSOs in Cambodia, for example, have been a prominent part of the society since the process of democratisation in the country began in the 1990s, the 'weak' regime in Cambodia is always suspicious of the CSOs and does try to impose control. In Vietnam, the term 'human rights' takes on a different, dissident-related connotation, leading to the 'strong' Vietnamese state ready to clamp down very hard on such dissidence whenever it fears its authority is being challenged.

The situation is starkly different in more democratic societies, with greater 'space', such as Thailand and, indeed, the Philippines, in our study, where the strong regimes exist alongside strong CSOs and are much more tolerable with, indeed respectful of, human rights activities. In these circumstances, we find CSOs are very active in their advocacy work and some even collaborate with the regime. This again is not an indicator that human rights and democracy are well entrenched, as the existence of other social and political forces quite often hold back the positive development of human rights and democratic struggle in these societies.

Over the two-year period of the study, the human rights situation in South East Asia in general has not seen significant positive changes. The main issues that this study attempted to unravel has remained very much the same over the period.

Clearly then, with such disparities in the power of the state/regime and CSOs in these different contexts, we have found that the nature of human rights advocacy is tied to the unique social, political and cultural setting of the countries. One country's idea of human rights does differ in its essence from human rights in another country. Hence, on the basis of our findings and discussions over the period, we believe that further analyses are required to explore, determine and further explain these differences in the numerous social systems that impinge upon the development of human rights, civil society and the usage of ICTs in furthering human rights advocacy in these societies.

The various social, political and cultural issues present in these societies play a very important role in determining the way civil society is structured and what functions it plays in these societies. These backgrounds also influence the way the people perceive their relationship with the regimes. ICTs are certainly developing at a rate that makes such regimes worry about their capability to mobilise the masses. Hence, the regulation and control of ICTs for purposes of “controlling” human rights advocacy is increasingly visible in many of the countries studied.

The Research Problem

The democratic space that is occupied by CSOs in society in many ways is essential in generating, to borrow Robert David Putnam's concept, ‘social capital’, i.e. trust, reciprocity, and networks. ICTs, such as the Internet and the mobile phone, offer a range of possibilities that could help enhance communication and understanding among CSOs, consequently enabling them to forge alliances within and beyond national boundaries, thus having the potential to help strengthen democracy in society. They also enable the production – often by CSOs – of ‘counter’ narratives as opposed to the ‘official’ narratives of the regimes and have also been central in providing support to many segments of society.

Hence, on the one hand, we have authoritarian regimes in the region often at loggerheads with local and regional CSOs whom they see as potentially threatening their hegemony. These regimes also find ICTs as being problematic to control. There have been ongoing attempts to regulate cyberspace and the technology, as has been the case in Malaysia and also Singapore, and threats to punish those who utilize cyberspace and new technology, like socio-political bloggers, to provide alternative, often oppositional, discourses. More democratic regimes, on the other hand, such as those in power in the Philippines and Thailand, have provided greater space for the development of CSO activities.

It is this uneasy relationship between the state, CSOs and ICTs that this project is concerned with. It is concerned with the groups trying to negotiate – and possibly negate – authoritarian environments, and the possible benefits they may derive from ICTs in their attempts to help establish and enhance democratic governance. In general, this study is an attempt to analyze and illustrate the use of ICTs by human rights CSOs in Southeast Asian countries, where democratic space is often considered limited and continuously contested.

Specifically, the research attempts to answer the following questions:

1. What are the roles of ICTs in advancing issues of human rights in the selected countries?
2. How do these practices of using ICTs help the CSOs to develop democratic governance and enhance human rights in their respective communities?

3. In what ways do these ICTs drive the whole notion of democracy further in these, arguably authoritarian, countries?
4. How do these ICTs and the practices of these CSOs help enhance freedom of speech and rights to information in society?

Objectives

In general this study represents an attempt to increase our understanding of the use of ICTs by human rights CSOs in facilitating and strengthening the growth of democratic governance in selected six Southeast Asian states.

In this regard, the specific objectives of this study are:

- to unpack some of the roles played by the CSOs that address the issues of human rights in selected Southeast Asian states;
- to identify the ICT strategies employed by these CSOs in their efforts to enhance democracy, and in galvanizing citizens to act in the different areas of decision making;
- to evaluate the extent ICTs have helped – and are continuing to help – the roles played by these CSOs. That is, the extent CSOs have successfully utilized ICTs to help fight their causes individually and collectively (in terms of networking);
- to map out the current and future needs of these CSOs as regards ICTs, and how these needs may be best fulfilled to enable the CSOs to contribute more substantially to democratic governance in their separate localities or communities.

Methodology

This project relies on both **quantitative** and **qualitative** methodologies. We are aware of the unavailability of master lists of all CSOs in a number of the countries we wish to study. At best, following from the early study done by Soriano (2007) we started by sifting out the relevant CSOs from databases, where available. In Malaysia for example, the initial aim was to obtain assistance from state agencies such as the Registrar of Societies and the Registrar of Companies to build this list of CSOs.

In the end, however, due to very real constraints and real threats posed to some of us in approaching the authorities, we basically adopted a ‘snowballing’ strategy, gathering increasing CSO contacts in the different countries through initial contacts with more active and prominent CSOs. Despite the purported inelegance of such a strategy, we believe that, done rigorously enough, such a qualitative strategy will, in the end, yield worthwhile results.

This study focused on two main methods; questionnaires and ethnographic interviews and these methodologies were applied in all participating countries.

1. Questionnaires

A simple quantitative survey was conducted, and by using a set of questionnaires the roles played by the CSOs in addressing issues of human rights and the use of ICT was unpacked. Although one of the criterion of choosing the CSOs is the involvement in human rights issues in their respective societies, the questionnaires helped to identify and specifically determined the level of involvement of these CSOs in the issue. It managed to unravel some aspects of ICT usage

by these CSOs in their day to day operation. For example some might use or rely more on ICTs, especially internet technology, in addressing human rights issues and some might use other forms of media in communicating their views and interests.

2. In-depth ethnographic individual interviews

After having gotten some background information from the questionnaires, in-depth individual interviews were conducted. The purpose of this exercise was, first and foremost, to ascertain and further identify the strategies used by these CSOs as regards ICTs in communicating their effort to enhance democracy in their respective societies. For the Malaysian samples, the CSOs were divided into two groups: a group with high usage of ICT and a group with low ICT usage. This enabled us to make a comparative analysis why there are different levels of ICT usage among the CSOs and the different ICT strategies used by these CSOs. These interviews are also useful in identifying the current trend of ICT usage among the CSOs. Based on this information, the research team, to some extent, was able to identify the current problems faced by these CSOs as regards their ICT usage. The next stage (see Recommendations) would probably be to map out, through further discussions with these CSOs, future needs and strategies.

3. Sampling

We are very much aware that human rights is a term that is fraught with problems of definition. Indeed, under the Universal Declaration of Human Rights, there are thirty articles that cover various issues of human rights. Thus human rights can range from the right to freedom of expression to the right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. (Universal Declaration of Human Rights 1948)

It is not surprising then that human rights advocacy covers a variety of issues that come under the umbrella of what is defined as human rights. For example, in Malaysia there are only two organisations that deal specifically with cases concerning human rights. Having said that, this does not mean that there are no other CSOs working within the boundaries of human rights. These range from civil and political rights, media freedom, migrant workers and gender rights.

Working from this perspective of human rights, we decided to set a certain criteria in choosing our samples. For the purpose of this research we used the purposive sampling method. The criteria set for choosing the samples are:

- i. The selected NGOs must be at the forefront of human rights advocacy in the particular country,
- ii. The selected NGOs must be independent of the government,
- iii. The selected NGOs must be free from any influence from any political party,
- iv. The selected NGOs must be involved in any one of these areas of human rights;
 - Civil and political rights
 - Rights to freedom of expression and to information
 - Gender rights
 - Workers rights
 - Rights to education

Project Activities

1. Formation of Research Team

The execution of the research project started with the formation of the research team. This proved quite problematic as a few individuals contacted and identified earlier decided to pull out from the project due to other commitments. Nonetheless the Malaysian part of the research began to take shape with background and literature search being conducted and documented. The research team as reported here was formally formed late in 2009. The setting up of this research team has enabled progressive minded researchers from the region to come together and work together. This also allowed promising young scholars to participate as research assistants, aiding researchers in conducting their field work. We believe this process has helped nurture these young minds. As academia is also part of civil society, this project also opened up possibilities of future collaboration between academics and activists.

The formation of the research team began with country coordinators agreeing to the terms stipulated in the letter of agreement and later signing the agreement. At the same time all, country coordinators also appointed research officers to help them in conducting the field work. There were some management issues regarding the disbursement of funds and appointment of researchers. This problem was resolved when the MGC with principal Researchers was amended and resulted in the budget for the first year being amended to increase the allocation for each country coordinator other than Malaysia, whose coordinators asked for its allocation to be reduced and redistributed to associates.

2. Literature review, sampling and questionnaire design

The research progressed with all associates conducting background studies comprising the history of the regimes and the development of human rights vis-à-vis the development of democratic society. Literature review specifically on issues of a) the history of human rights in Southeast Asia, b) the political systems in Southeast Asia, c) the development of media ICT and d) the civil society in Southeast Asia in the region was done during this period despite of the initial hiccups in the management of the project.

While exploring the historical background, researchers also began to explore the more practical aspects of the research, fine tuning the method of investigation which had been outlined at the earlier stage. Some questions in the interview questionnaires were rewritten and others were re-emphasised according to the locality and practice of particular societies. The overall emphasis of the questionnaires however remained, essentially asking the political and economic questions in ascertaining the development of human rights and democracy and the system that governs ICTs and their development in each country.

CSOs chosen as samples were indentified. This was achieved through purposive sampling based on a set of criteria determined after we identified the areas of human rights deemed crucial to the development of democracy in the region. These human rights issues might be slightly different from one country to another. What we developed here is a definition that is general enough to cover various issues concerning human rights in all six participating countries.

On the basis of our understanding of the issues, we drew up with questionnaires for both the survey and in-depth interviews and started to conduct our field work. The survey and the interviews in all six countries were completed by December 2010.

3. Data analyses, Workshop and Publication

The first part of the research, the background study of issues such as human rights, democracy and the regime was completed by the end of year one and researchers were done with their field work by the end of 2010. Following this, the raw data from the questionnaires on the usage of ICTs, the type of advocacy work, the relationship with the regime were analysed. The interviews were also transcribed and a pattern of ICT utilisation vis-à-vis the development of human rights and democracy began to emerge.

Before this, a mid-term review workshop was held at Cebu Island and it was attended by researchers from other sub-projects. Representative of IDRC were also present and important comments regarding issues of sampling were made by Pan-eGov project leaders and from IDRC's representatives.

The background study, which includes the history of human rights, political system, ICT development and civil society in participating countries, was completed by the end of 2010 and reports were submitted to us by the various research teams in participating countries. Field work which started in late April 2010 was also mostly completed in December of the same year.

A project workshop was held over two days in Kuala Lumpur in February 2011 to discuss findings and outline the next steps. All country researchers were present and delivered their findings at the workshop, which was also attended by Dr E. Lallana and two of his associates from IdeaCorp.

Feedback and comments were given to the research team especially on theoretical issues and also regarding the usage of the term NGO. In the discussion, the abuse of the term by regimes in power was brought up, where it was argued that these so-called NGOs are fast becoming the spokespersons of the regimes and representing their interests. In order to avoid this confusion and misuse of the term, we decided to use a more defined term of 'civil society organisation' or CSO in order to reflect the true nature of the CSOs chosen as samples that are independent of the state and political parties and further differentiate them from state-sanctioned NGOs.

Project Outputs

1. Paper presentations

The project leader presented a paper at an international conference organised by the **International Association for Media and Communication Research (IAMCR)**, a professional organisation in the field of communication and media research. The conference was held in Istanbul, Turkey from 13 to 17 July 2011 and Zaharom, the project leader, also chaired the session which came under the International Communication Section of the IAMCR. Zaharom also did another presentation – on a panel convened by PanEGov – at the 3rd International Conference on eParticipation at the Delft Technical University, The Netherlands in August 2011.

2. Publications

All project leaders under the Pan-eGov umbrella met in Bangkok in October 2011. At this meeting, publications from the project were again discussed and explored. It was concluded that each sub-project would contribute a chapter to be included in a project volume. The chapter is to be ready for publication by March 2012. Apart from this volume, and at the time of the writing of this final report, all country coordinators are now polishing the final drafts of the project with an eye towards the publication of a manuscript to be edited by the project leaders. The deadline of this edited volume is June-July 2012.

Project Outcomes

1. Dissemination of project outputs

A workshop/seminar is being planned, with the venue being in Malaysia. We hope to have this event around the period of May – July 2012 as a collaboration between this project and the other PanEGov project that focuses on youth and ICT. The target participants are youth groups, CSOs, local and state government officials, and the focus will be on enhancing democratic participation via the use of ICT and new media technology. This seminar will function primarily as a space for discussing the way forward and trying to build best practices in utilising ICT in human rights activities.

Lobbying is also being mooted to run concurrently with this seminar/workshop. The utilisation of the outcome of another sub-project which focuses on developing a system of e-participation in enhancing democracy is seen as having potential to be implemented and used by some state and local governments and also by CSOs in Malaysia and other countries represented in this project.

2. Capacity Building

In Malaysia, two state governments headed by the *Pakatan Rakyat* (the leading federal opposition coalition) recently tabled Freedom of Information legislation in their respective state assemblies. Ng Eng Kiat, our former research officer, is actively involved in the FOI campaign and spoke at a community consultation session in one state constituency, Bukit Tengah, in the state of Penang, on the proposed Penang FOI bill.

A new organisation called Good Governance and Gender Equality Society Penang (3Gs) was also set up in early 2010 to further advocate the mainstreaming of gender issues in policy making, governance, and opinion making in the state of Penang, Malaysia. We are working closely with them on new media issues.

Our project workshop in Kuala Lumpur in February 2011 was also attended by young research assistants who are also human rights activists in their home countries. Ms. Nantaporn Techaprasertsakul (Thailand) and Ms. Chak Sopheap (Cambodia) contributed by sharing their various experiences in the human rights movement. Through this project, opportunities have also been provided for young activists to participate in research that is related to their work in human rights advocacy. By building these linkages between academic research and civil society movements, this project has served in some small way as a means to empower young activists in the various causes they participate in.

Overall Risk and Recommendations

1. Risk

Human rights issues are seen as taboo in some societies under this study. In Malaysia for example the increasingly autocratic regime and the boldness of its satellite ‘non-governmental organisations’ in addressing issues related to regime maintenance are seen as the main stumbling blocks in furthering the boundaries of human rights and democratic practices. The threat is real with the regimes not hesitating to punish dissenting voices. The tightening of the leash on the new media, the increasing assault by the regime controlled mainstream media on dissent are potential threats that can culminate in the arrest and detention without trial under a variety of draconian laws such as the Internal Security Act (ISA), 1984. While it is true that the ISA is in the process of being repealed, nonetheless two new laws – equally if not more repressive – are being designed to bring the situation back to square one.

Two incidences in Malaysia – one in May 2011 and the other as recent as mid-November 2011 – indicate the reality of these risks/threats. In May 2011, there was crackdown on human rights and pro-reform democratic movements. Six members of the legitimate, registered Socialist Party of Malaysia and their leaders were detained under the Emergency Ordinance. In November, more than ten individuals were arrested and detained under the ISA on the pretext that they were plotting to assassinate a Malaysian politician. These follow a massive crackdown, in 1987, when Mahathir was the premiere, on human rights organisations and political opposition members. In the operation, 108 persons (consisting of opposition party leaders, academics, and social activists) were arrested and detained without trial for periods ranging from a couple of weeks to two years. The situation in Singapore is not much different from Malaysia. Having shared the same colonial masters, some of the traits inherited from the colonial period are still being practiced including maintaining draconian laws such as the ISA. As with the Malaysian government, the Singapore government has broad discretionary powers to limit citizen rights and to handicap the political opposition. The media are also tightly controlled by the government, and political dissidents have been jailed or sued in mega defamation lawsuits.

In Vietnam, the risk of being arrested and detained is very real for those who ‘foolish’ enough to cross the line that separates the struggle for human rights and the regime’s emphasis on ‘national security’. Based on feedback received from our counterpart in Vietnam, human rights is not a widely discussed issue as it is still deemed ‘sensitive’. Those who pursue such issues risk suffering serious consequences, particularly incarceration. Most of the Vietnamese CSOs studied, however, do address issues of human rights within more acceptable - official-sanctioned - terms such as ‘development’. Because of the underground nature of most of these CSOs, we had to be satisfied with our Vietnamese counterpart’s choice that consisted of state-sanctioned organisations. The report from Vietnam thus must be seen as an anomaly.

2. Recommendations

1. Follow-up studies to ascertain the ongoing state of play, given developments in ICTs and changes in political environments. The apparent changes taking place in Myanmar, for example, is an interesting illustration. Such follow-up studies would, in turn provide not only time comparisons, but also help detect subtle nuances in regime-CSO-ICT relationships and also allow us to look more deeply into the question of sustainability. That is, sustainability in terms ICT employment for advocacy, networking, etc. in the medium and long-term. Indeed, as the Singapore study found, even in a resource rich context, the cost of the technology – and the ongoing use of the technology – can be prohibitive after the initial take-up.
2. Funds notwithstanding, further comparative studies, with a wider sample from different regions, would be extremely useful for developing different strategies for advancing democratic participation in different political-economic contexts, possibly utilising ICTs in the most cost-effective and accessible ways.
3. As far as this study is concerned, and this was discussed at some length at the Bangkok wrap-up meeting, like the other PanEGov projects, we believe that an edited volume should be prepared, published and widely disseminated to illustrate the problems faced by CSOs utilising ICTs and the possible ways of overcoming them.