WOMEN ENTREPRENEURS AND INFORMATION COMMUNICATION TECHNOLOGY ('ICT'): AN ANALYSIS OF THE EFFICACY OF THE USE OF MODERN TECHNOLOGY IN CONDUCTING BUSINESS TRANSACTIONS IN ZIMBABWE

Abstract

This dissertation focuses on the benefits and challenges of women entrepreneurs in Zimbabwe seeking to take advantage of ICT in their businesses. Adopting several gender-sensitive methodologies, but in particular, the Grounded, Women's Law and Human Rights Approaches, the writer gathers, analyses and presents her research (based on a documentary and verbal evidence) through the eyes or 'lived realities' of a sample of such women. Guided throughout by the Women's Law Approach, which focuses on women in the context of law and society, she identifies the gap between what is *promised* these women in terms of various international/regional/local policies and human rights instruments and the reality of the *actual* ICT services that the State and co-operating stakeholders make accessible to them. Finally, she makes several recommendations in line with Zimbabwe's intentions to improve its HR obligations within the ICT context and this includes the passing into law of a draft ICT Bill which should create a comprehensive gendersensitive legislative ICT framework.

BY

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DEDICATION

This dissertation is dedicated to my son Bongani who grudgingly accepted that there were times mama could not play with him no matter how much l wanted to, During the writing of this piece of work l lost count of the number of times you threatened l was no longer your friend now that this work is complete hope to be the friend you always wanted.

Love you and God bless

Mom.

Glossary of Abbreviations

ICT	Information Communication Technology
IT	Information Technology
POTRAZ	Postal and Telecommunication Regulatory Authority of Zimbabwe
SADC	Southern Africa Development Community
SMEs	Small and Medium Enterprises
SMS	Short Message Services
WSIS	World Summit on Information Society

LIST OF STATUTES

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CHAPTER 1: INTRODUCTION

1.1 Background to the Study

The period 2007 saw a marked increase in women cross boarder traders because most of the people in formal employment had lost their jobs. Due to the prevailing economic situation and the need to provide for one's family most of the women including professionals joined the cross border trade. I became involved in cross border trading in 2006. My son had started reacting to lactogen a locally manufactured milk formula for babies. As I had studied in South Africa I knew of S26 a milk formula which although a bit pricey most babies seemed to enjoy it. My trips to South Africa started of as monthly trips to buy milk formula and baby feeding products. On one of these journeys the person l was sitting next to Mrs. Moyoweshumba encouraged me to buy a few items for resale so that I would recover my transport costs. That is how I become involved in cross border trading and the countries that 1 went to were South Africa and Botswana. Since Zimbabwe went through a period of political turmoil and economic meltdown business almost ground to a halt. To date business seems to be continuing as usual. Since the 1990's Information and Communication Technologies (ICT) like the internet have changed the face of the business world. Examples of ICTs used in business transactions are internet, email, computers, cell phones, faxes and the traditional landlines, radio and television. The role of the new ICTs in driving the global economy is widely recognized. The internet reaches a wide geographical coverage (Hatkin N and Taggart N 2001). ICTs facilitate access to information new processing technologies and knowledge (Heek R and Duncombe R 2001). It should be acknowledged from the outset that little research has been done in the area of ICT and women entrepreneurs in Zimbabwe. Most of the research literature that abounds is on Small and Medium Enterprises (SMES) growth and development, African women and ICTs with the focus being mostly on mobile phones and the extent to which women use the internet, not specifically in relation to business transactions.

Having opted for the optional course on women commerce and law in Africa, and also having done a section on ICT, coupled with research that has been conducted, there is no doubt growing concern that although more than eighteen years since the 1990's have elapsed, women have limited access to ICTs due to lack of knowledge, marginalization, limited education and lack of resources among other discriminatory factors. This has also affected women entrepreneurs most of whom have weak skills levels, lack awareness of the uses of ICT and do not have the time to spend on ICTs (Duncombe 2006). There can be no doubt that ICTs assist women entrepreneurs to improve their business performances. The Minister of Information Communication Technology Nelson Chamisa in the Standard Newspaper of October 18-24 2009 was quoted as saying, "We want to make ICT available to all and sundry. ICT is the last bridge between the poor and the rich."

It remains to be seen if ICTs will be made available to all under the present Government of National Unity. The reason being that in my view there seems to be a lot of politicking going on. One minute the powers that be in the Global Agreement seem to be agreeing and moving on in the interests of the general population and the next its back to disagreements. There is no doubt that women entrepreneurs still have a long way to go to realize the full potential of making use of ICTs in business transactions. One wonders if Mr Chamisa (above) was referring to the millennium development goals as it is one of its goals and aim to make ICTs available to all.

1:2 Why the Topic?

The current research commenced with an identification of an area of interest to me, a methodological approach which the course conveners have to be commended for. This approach to research encourages one to identify an area of interest which captures ones' immediate interest or long term interest. This makes research interesting as opposed to the imposed or commissioned topics. Imposed topics do not arouse any interest and make research boring. In my undergraduate studies at the institution that I was for those of us using English language as a medium of communication the supervisors where chosen for

us which meant having to research on a topic the supervisor taught. In my case 1 was asked to do a topic on Gender discrimination in the workplace a constitutional analysis: A comparison of America, Canada and the United Kingdom.

I have been a cross boarder for almost three years. When I enrolled for the optional course women, commerce and law in Africa the subject on ICTs opened my mind. I began to think how I could further explore the use of ICTs in business, investigate the extent to which women entrepreneurs were making use of ICTs and find out from the women the challenges that they encounter. I wanted to find out if the government is providing the environment which is conducive to women entrepreneurs. So when the opportunity for research arose, I decided to focus on the topic in the hope that I would be able to interrogate the business laws, use of ICTs and how they impact on women entrepreneurs. The intention was to be able to come up with recommendations that will enable women entrepreneurs to unleash their potential in business through making use of ICTs with the law protecting them.

1:3 Objectives of the Research

Before embarking one any research there is need to have objectives to be attained by doing the research. The objectives therefore become the guide upon which the research is premised on. The objectives of this study were as follows:

- To analyze the relevance of ICT for women in a modern world in relation to contractual obligations.
- To establish and assess if there are any laws which impact on ICT use by entrepreneurs.
- To establish and assess the level of awareness among women of the potential use of ICT in business transactions.
- To establish and assess the challenges women entrepreneurs face in using ICT in business transactions.

- To find out if contracts that are entered into by women entrepreneurs using ICT are easy to enforce and if not to find out what the hurdles are and how women have been able to overcome those hurdles.
- To establish the efficacy of the modern technology among women entrepreneurs.

1:4 Assumptions

From the objectives the following assumptions informed the research:

- ICT is relevant for women entrepreneurs in a modern world to enter into contracts.
- There are laws that impact on the use of ICT by entrepreneurs.
- Generally women are aware of the potentional use of ICT in business transactions.
- Women entrepreneurs face challenges in making use of ICTs in business transactions.
- Generally contracts that women entrepreneurs enter into using ICT are easy to enforce without any hurdles.

1:5 Research Questions

From the above assumptions the following research questions were formulated.

- Is ICT relevant for women entrepreneurs to enter into contracts?
- Are they laws that impact on ICT use by entrepreneurs?
- Are women aware of the potential use of ICT in business transactions?
- Do women entrepreneurs face challenges in making use of ICTs in business transactions?
- Are the contracts that women entrepreneurs enter into using ICT easy to enforce?

1:6 Scope of the Study

The study was based in Harare because as the capital city, there is a cross section of people from all walks of life engaged in various forms of business activities. In Harare there are three types of entrepreneurs, that is, the small entrepreneurs whose business is to just make money sufficient to feed the family and send the children to school. This group does not usually have any surplus .The second class is the medium entrepreneurs unlike the first group these ones are able to save a bit and be able to buy inputs or even assets. The last group is the large scale entrepreneurs who are able to employ other people. From these groups 1 sampled my respondents and was able to get a variety of views from people with different social status and business backgrounds. Summarily 1 managed to get individual respondents from the suburbs of Borrowdale, Avondale, Westgate and the city centre. The study was for me located in a web of challenges, needs and benefits of ICT that affect women in their business dealings.

1:7 Conclusion

This introductory chapter has given a background to the study, outlined the research objectives as a well as the assumptions and research questions which informed the study. Chapter two, which follows, reviews what the body of literature says about ICTs and also also gives the definitions of what constitutes ICTs. Attempts will be made to locate and review literature that originates from developing countries that have ICT laws in place and a comparison will be made with Zimbabwe's National laws and policies. The next chapter covers the literature review which reviews the literature on ICTs in Zimbabwe and that which was written in other countries both in first and third world developing countries. The literature review is followed by chapter three which contains the research methodologies and research methods. This chapter gives an overview of the research methodologies and research methods that were applied in the field. Chapter three is then followed by chapter four which contains the research findings and discussions of what was happening in the field. Chapter five contains an analysis of the findings from a

human rights and feminist perspective. The last chapter is the conclusion and recommendations chapter containing some recommendations on the way forward.

CHAPTER 2: LITERATURE REVIEW

2:1 Introduction

The purpose of this chapter is to review what the body of information communication systems literature says about ICTs. Wherever possible attempts are made to show what researchers in developing countries say about the advantage of using ICT in business transactions. The down side of using ICT will also be discussed. The literature review will start by exploring the definition of ICT. The chapter will also discuss the ICT policies and laws that are in place as well as make a comparison with other jurisdictions.

2:2 Defining ICT

The term IT and ICT tend to be used interchangeably. For the avoidance of doubt IT is an abbreviation for information technologies. IT as defined by the Information Technology Association of America (ITAA) is 'the study, design, development, implementation, support or management of computer-based information systems, particularly software applications and computer hardware'. ICT on the other hand recognizes the multiple technologies involved. Duncombe and Heeks (2001) define ICT as the 'electronic means of capturing, processing, storing, and disseminating information.' Authors like Conrad C and Poole MS (2002) use the term ICT to refer to computerized systems and to advanced telecommunication systems. Computerized systems refer to those used to: manage data bases, contain budgets, order inventory information or provide communication through email and conferencing. Advanced tele communications systems include 'voice mail, fax technology, tele conferencing and wireless communication e.g. cellular phones'. According to Robert Ndolvu (2009) ICT is an umbrella term that includes all information technologies for the manipulation and communication information. The user friendly definition of ICT on webopedia is that it is an umbrella term that includes any communication device or application,

encompassing, radio, television, cellular phones, computer and network hardware and software, satellite systems and so on, as well as the various services and applications associated with them such as video conferencing and distance learning¹.

The world has become one 'global village' and nations are open to trade with one another. Businesses nowadays do not only have to compete locally and nationally but competition has grown to include regional and even international players and markets. Recent developments in the telecommunications sector and those in ICTs have made this possible. What this means is that women entrepreneurs need to compete more effectively to increase their profits, capture new markets and enhance their business competivenes. It also means that they have to learn and embrace the use of ICTs in their business. Those entrepreneurs with that know-how and can access ICTs no doubt have a competitive edge in that they enjoy access to more business opportunities as well as better access to markets. This explains why, in this field, men seem to have an advantage over their female counterparts. For example one of the male entrepreneurs I interviewed seemed to have lots of business contacts and orders to satisfy. His explanation for this brisk business was that he advertises on the internet and that he also placed some of the adverts on his blog. This therefore leads to the discussion about the benefits of using ICTs in business. The downside will also be looked at. Using ICTs in business for example has been found to have the following benefits.

Lower costs of communication. ICTs like e-mail are replacing the costs of telephone and mail. Costs of paper are dramatically reduced as business relies more on ICTs.

Reduced time in marketing goods and services. Small businesses can market themselves by creating websites or web portals which showcase their goods and services. This enables them to advertise in more markets at less cost. In the study most of the women surveyed said that the lower costs they experienced were in terms of saving money on the

¹ For more definitions visit the following links:www.maximise-ict.co.uk/ICT-cz.htm en.wikibooks.org/wiki/ICT-in.../Definition-of-Terms and searchico-midmarket.techtarget.com/s Definition/o,sid 183-gc1928405,oo html

old postage stamps and the fact that it is much cheaper to use the internet. Sending SMS was also found to be cheaper way of communicating than the old way of writing letters. Some of the service providers like Econet even have recharge cards for texting messages only. It costs one American dollar to send fifteen messages.

Lower costs of searching for information. ICTs like the internet and mobile cell phone networks can provide business with information about obtaining inputs, knowing and reaching customers, getting and mobilizing finance and understanding the commercial environment. In the past people had to rely on social networks to get information as well as visiting the company concerned to ask about what they have.

Lower transport and distribution costs. ICTs like the internet allow for business to advertise goods and services on the internet without the need to transport to a central place.² When a comparison is made with those who use the internet there is a marked difference as they have no need to transport their goods.

Increased opportunities for business alliances and networking. Communication via ICTs is faster and cheaper allowing for business to network and therefore exchange information and form trading groups. (International Trade Centre 2000)

It has also been argued that using email in business can cut down on the amount of meetings, improve the exchange of critical knowledge, eliminate red tape and streamline communications. (Deakins and Freel: 2006). It has also been argued that businesses that use ICTs gain a competitive advantage over those that do not use ICTs as benefits arise in the following areas, such as, cost reductions benefits and market benefits as the entrepreneur is able to market the business to more people in a short space of time and other competitive benefits. In my findings it turned out that this would depend on the type of business one is involved in. Those that advocate for the use of ICT in business say cost reduction benefits are evidenced through reduced travel costs by use of telephones,

 $^{^{2}}$ In one of my previous research in the commerce class I found that the small entrepreneurs in Domboshava had the problem of transporting their goods to the market place.

emails and other ICTs which replace actual physical journeys. Reduced costs of materials as the entrepreneur receives more information on alternate suppliers and the charges they quote. (Sutherland: 2006). One of the greatest advantages of using ICT is that there is increased efficiency and continuous trading particularly when operating through various time zones.

It is important to note that there are also disadvantages to using ICT in business and they include the fact that investments in ICTs are expensive and need continuous maintenance and update costs. This is something which the majority of women entrepreneurs would find frustrating as most would not have the necessary knowledge. The staff members need training in effectively using ICT, especially design and update of the website for those who have them. This however maybe a source of anguish if the skills are not sufficiently developed in house (Sutherland: 2006).Transacting online means that the entrepreneurs face increased competition as they open themselves to greater analysis by their competitors who may take advantage of their perceived weaknesses. What this means is that those who conduct their business on line have to work harder to sustain customer loyalty as customers can easily compare prices of on line businesses. Deakins (ibid) also argues that there is need for increased security features to protect the business from viruses and online thefts and disruptions caused by hackers.

It is important that access to ICTs is made available to all and that they are utilized in all aspects of daily living as envisioned in the United Nations Millennium Development Goal 8 that states the need to "ensure that the benefits of new technologies especially ICTs are available to all." Access to technology translates into access to information. Information in today's world is not an academic issue, but is primarily linked to basic life issues and survival (Dey 2006). There is no doubt that we find ourselves in an age where basic computer literacy is practically mandatory when working in a global environment. According to Kalakota and Whinston (2005), the global economy is moving towards being an information economy and an information economy is dependent on knowledge and information which is increasingly becoming science–based and applied to production.(The Forum undated). To participate in the global economy, therefore

information is mandatory and needs to be up to date and easily accessible. In Zimbabwe this does not seem to be the case. A visit to the Ministry of ICT website or the Zimbabwe government on line will reveal that some of the websites were last updated in 2008. The current developments pertaining to the proposed ICT laws are not even posted on the website. For any individual to be able to make use of ICTs there are laws and policies that have to be in place.

The current status of ICT in Zimbabwe has been influenced by various policies and laws that have been enacted in the past. The more relevant ones will be briefly mentioned below.

Science and Technology Policy 2002

The Science and Technology Policy (S&T) for Zimbabwe was adopted in 2002. The policy seeks to promote national scientific and technological self-reliance and provides a comprehensive framework for the country to develop and harness Science and Technology for development. The overall objective of the S&T Policy is to promote national scientific and technological self-reliance by ensuring:

- Rapid and sustainable industrialization through Research and Development (R&D) which focuses on import substitution;
- Adequate food production and shelter that utilizes appropriate and affordable technologies;
- A good health delivery system that uses R&D to explore both modern and traditional medicines;
- Environmentally sound development programs;
- Provision of sufficient energy resources using Science and Technology to exploit renewable and non-renewable sources of energy;
- Sustained employment creation.

In practice the situation on the ground is that there is limited participation in science and technology because as Professor Judi Wakhungu put it: "It is still seen as a high church

and exclusive province of the elite." In his report on Practical Action 2008, a report which covered many African countries, he said, about Zimbabwe, that the country had made a good start. Due to the political conflicts, however, not much has been done in terms of involving the public in the drafting of bio-safety mechanisms. He also concluded that the issue of biotechnology had not been taken into account. In a nutshell this means that women's involvement is limited.

The overall functions of the Department of Science and Technology Development are to:

- Coordinate the formulation of science and technology development policies;
- Coordinate science and technology issues across all sectors;
- Assist in the establishment and rationalization of centres of innovation and production of S&T in line with the Research Act;
- Assist in building capacity for the local production of specified import substitution goods;
- Promote public awareness of science and technology;
- Promote Scientific and ICT literacy to enhance Zimbabwe's competitiveness in the global economy;
- Create databases on R&D done in Zimbabwe and for enhancing linkages and collaboration with regional and international counterparts;
- Develop a regulatory framework for science and technology.

Industrialization Policy 2004

The Industrialization Policy of 2004 recognizes and advocates for the development and use of ICTs in the manufacturing sector in general and to underpin the national export strategy, in particular. ICTs are identified as indispensable in effectively marketing industrial products both on the domestic and export markets.

Pre-	1980-1989		1990-2000		2000-2008	
independence Policies	Strong, State	Strong,	State	IMF/World Bank	Weakened	
	led:	led:		led:	State,	
	• Import substitution industry;	Infant industry protection;			attempting to regain control	
	muusuy,	Tight as	ntrolo	liberalization;	Iliahly on an	
	Protection;	Tight co through		• Financial deregulation;	Highly open but mixed economy;	
	White enclave.	Foreign		• Export	• Ac	
		exchange allocation;		retention schemes; • Cost	<i>hoc</i> state intervention;	
			•	recovery.	•	
		Growth	with	-	Tight foreigr	
		equity.		WTO Agreements • Free market ideology;	exchange control regulations	
				•	(initially);	
				Liberalization of	•	
				almost everything (goods and services).	Price controls;	
					Import liberalizatior • EPAs	
State of the	Stuona/wihuant	Steamat		Gradual	(initialed).	
Economy	Strong/vibrant	Strong/	vidraiit	disintegration / de- industrialisation/de- agriculturalisation	Collapsing	

Zimbabwe's Industrialization Policy Framework, 1980 to 2008

Source: http://www.seatini.org/Articles/zimbabwe.html

The above table shows the stages that Zimbabwe went through in the past years. Currently more still needs to be done if the country is to become a vibrant economy. The government adopted the "Look East" Policy as a way of trying to keep the country afloat. The policy was aimed at harnessing foreign currency which was much needed in the resuscitation of the industry of the country. Polices like the Short Term Economic Recovery Programme (STERP) are some of the measures that were put in place by government in order to try and resuscitate the country' economy and industry.

ICT Policy Framework 2005

The purpose of the National ICTs Policy Framework is to provide strategic direction and guidance for sustainable national development through the development and applications of ICTs in Zimbabwe. Some of its objectives are to:

- Embark on extensive educational and training programmes to provide adequate supply of ICTs personnel and knowledge workers in all sectors.
- Establish structures for effective implementation of ICTs strategies.
- Encourage the development and use of and ensure equitable access to benefits offered by ICTs across gender, youths, the disabled and the elderly.

Zimbabwe has the policies in place that are critical to the advancement of ICTs. The problem that arises is the implementation part of it. For example more than five years have elapsed when some of these policies have been drafted. One of the major reasons that have been cited for lack of implementation of these policies is that the money that was in the Consolidated Revenue Fund was eroded by inflation before the policies could be implemented. One hopes that the above objectives will be fulfilled. Fulfilment of these objectives in my view might increase the number of people who will make use of ICTs. Besides the policies that have been mentioned above there are other working documents that are crucial to the development of ICTs in Zimbabwe. The following are some of the relevant ones.

The Nziramasanga Education Commission Report (1999)

This report of 1999 recommended the introduction and mainstreaming of computer based learning in schools, colleges, universities and other institutions of higher learning. This also constitutes a key element of the national ICTs policy. In my view if the main thrust of this policy is followed and implemented it would result in more women leaving these institutions having acquired the necessary knowledge. Should they decide to be entrepreneurs this would result in more women accessing and using ICTs in business.

World Summit on Information Society (WSIS) Declaration of Principles and Plan of Action (2003)

This Declaration was agreed to in Geneva in 2003 by Heads of State and Government and this strongly recommends the adoption and utilization of ICTs to meet the agreed development goals. This declaration recognizes that education and knowledge are critical. Information and communication is the core of human progress. The Governments were therefore invited among other things to create policy environments that facilitate the development and utilization of ICTs.

Zimbabwe Millennium Development Goals (MDGS) 2005

Zimbabwe to a large extent is said to have achieved significant progress in implementing the Millennium Development Goals adopted by Heads of state and Government at the fifty-fifth session of the United Nations General Assembly in September 2000. The President of this country in 2005 launched the Report on Millennium Development Goals (MDGs) and this report recognizes the role of ICTs as tools that add value to the country and that ICTs are necessary as they should contribute significantly to the achievements of MDGs by 2015. Zimbabwe has certainly made some progress in relation to the other millennium development goals. Nothing has been reported on the progress in relation to use of ICT³. The data that is available certainly suggests that there is going to be a decline once we get the full results of the previous fiscal year. The reason for this is that the financial crisis has had an impact on the progress made so far. Helen E Clark⁴ stated that there is need for complementary channels to provide funding for the MDGs especially the private sector. According to her the MDGs can be achieved with the right mixture of leadership, resources and good policies. The Prime Minister, Morgan Tsvangarai, when asked to comment on the country's progress said:

"That Zimbabwe is a test case of what ought to be done. The country has shrunk by over 50% in the last ten years, in terms of the Gross Domestic Product (GDP). In view of the prevailing situation the MDGs become unrealistic to achieve in the next five years. In the next five years we would not have come out of the trough."⁵The challenge in the ICT sector is that of having no regulatory framework and the necessary resources to fund the sector."

Currently in this country there are a number of Acts of Parliament that govern the ICT sector. The confusion that emanates from these various pieces of legislation is that they fall under different ministries yet they apply to the same sector. Although these Acts are in place they deal more with the service providers than they do with individuals in business. The ICT Bill has been subject to a lot of political interference. The Bill seems to have died a natural death as it appeared that it was not likely to be debated in Parliament any time soon. This had been confirmed by the Law Development Commission. The Chairperson who is responsible for determining which bills are to be tabled in parliament has indicated that the ICT Bill was not scheduled to be tabled in parliament in 2010. The initial draft which had been prepared by the Attorney- Generals Office drafting section had been rejected and had been withdrawn. There is therefore a gap in the current laws as business transactions which are conducted on line have to be decided on the existing laws. With cyber space crimes on the increase world wide there is a need to have ICT laws in place. The following are some of the laws that are currently in place.

³ <u>http://mdgs.un.org/unsd/mdg/search.aspx?q=ict%20</u> progress Zimbabwe

⁴ Administrator United Nations Development Programme (UNDP) New York

Access to Information and Protection of Privacy Act, Chapter 10:27

The Act provides for protection of private, public or institutional information. It provides members of the public with a right of access to records and information held by public bodies. It makes public bodies accountable by giving the public a right to request correction of misrepresented personal information. The Act also prevents the unauthorized collection, use or disclosure of personal information by public bodies, protects personal privacy and provides for the regulation of the mass media among others.

Broadcasting Services Act, Chapter 12:06

This Act falls under the jurisdiction of the Ministry of Media, Information and Publicity. The Act covers broadcasting and wireless communication. It also regulates the broadcasting services in this country and currently gives a monopoly to the Zimbabwe Broadcasting Holdings. This is evidenced by the fact that more than twenty years after independence this country still has one television station.

Posts and Telecommunications Act, Chapter 12:05

This is administered by the Ministry of Transport and Communications. The Act regulates cellular telecommunications, postal and telecommunication services, but does not explicitly cover some aspects of electronic communications relating to e-commerce transactions, nor does it cover voice over Internet Protocol (VoIP). In this Act some of the functions of Postal and Telecommunication Regulatory Authority of Zimbabwe (POTRAZ) are set out. Some of the interesting ones are:

⁵ www.weforum.org/pdf/AM-2010/transcripts/mil-dev-goals.pdf

- To monitor tariffs charged by cellular telecommunications
- To allocate a radio frequency spectrum in Zimbabwe
- Licensing and monitoring of all postal and telecommunication systems and services in Zimbabwe
- Representing Zimbabwe internationally.

The Interception of Communications Act, Chapter 11:20

This Act falls under the jurisdiction of the Ministry of ICT and this Act establishes a monitoring centre which may intercept communications in the course of their transmission through postal emails and other forms of transmitting communications. For example, Section three (Control of Interception) outlines that there is a need to obtain the consent of the

- person who is party to the communication
- Or the person to whom the communication was sent
- Or one has an authorized warrant

Section five outlines the persons who are authorized to apply for a warrant of interception. Interestingly it includes members of the uniformed forces and security personnel. The circumstances under which a communication may be intercepted are:

- Serious offence by organized criminal group
- An offence in terms of the Third Schedule or paragraph1,2,3,4,5,6,7or8 of the Ninth Schedule of the Criminal Procedure and Evidence Act chapter 9:07
- The gathering of information concerning an actual threat to national security or to any compelling national economic interest is necessary or
- The gathering of information concerning a potential threat to public safety or national security is necessary.

Services of Documents (Telegraph) Act, Chapter 8:13

This Act provides for the service of process (such as summons, writ and warrant) and other documents by electric telegraph. However, this Act is limited to the lower courts and does not recognize the service of process by facsimile and email.

Cyber Laws

Whilst Zimbabwe has committed itself to fulfilling the TRIPS Agreement, it still lacks initiative in the area of cyber laws as it does not have, in its legal framework, laws which deal with signatures, contracts which are entered into on the internet, a regulatory framework to cater for the convergence of the telecommunications, broadcasting and computing industries.

There is no law on ICT. The proposed draft is riddled with political interference. There is therefore no independent authority regulating ICT, currently there is the Broadcasting Services Act (BSA), Access to Information and Protection of Privacy Act (AIPPA) and the Postal and Telecommunications Act (PTC) Act. This is clearly a violation of the African Charter on Broadcasting (ACB) and the African Union (AU) Declaration on the Principles of Freedom of Expression in Africa as well as the SADC Protocol on Culture, Information and Sport Media Institute of Southern Africa. (MISA) Zimbabwe submitted that in order for there to be greater facilitation of freedom of expression in line with Article 19 of the Universal Declaration of Human Rights, Article 12 of the African Charter on Human and People's Rights and Section 20 of Zimbabwe's Constitution, the government must seek ways of liberalizing the airwaves.

This will be done in accordance with the African Charter on Broadcasting that calls for the establishment of community radio stations, public (not state) broadcasters and commercial broadcasters. In terms of Section 5 of the PTA, the Board is appointed by the President in consultation with the responsible minister. This does not bode well for the transparent and independent administration of as important a sector as telecommunication and neither is it in the interests of the promotion of freedom of expression/information.

MISA Zimbabwe recommended that the PTA be amended to allow for the appointment of a independent regulatory authority through a process that involves the approval of government nominees by Parliament and after a public hearing process where potential members of such an authority are brought before members of the public to explain their plans and vision for telecommunications and postal services in the country.

The ICT Bill aims to establish a single authority that would regulate the ICT sector. The Bill seeks to create a one stop regulatory authority on ICT and cyberspace. It will consolidate the functions of the BSA act and the postal law by creating a legal framework

Be that as it may it is important to note that the laws in Zimbabwe are gender neutral. There is therefore an urgent need to introduce gender mainstreaming in our national laws so that the women's concerns are also taken into consideration. Gender mainstreaming is only possible if the actors and structures that have a role in the drafting and implementation of laws are educated to be sensitive.

2:3 Comparison with Other Jurisdictions

Development of sophistication in information technology and expansion of the usage of information technology has given rise to the need to have legal enactments which govern the process and dissemination of information digitally. Most of these legal enactments cover different aspects relating to software, protection of computer software, access and control of digital information, privacy, security, internet usage and electronic commerce. There is no doubt that the North has been ahead of developing countries in terms of enacting legislation related to ICT use. A few examples are listed below.

The Computer Misuse Act 1990 (UK): This piece of legislation was enacted in the United Kingdom way back in 1990 when ICT in Africa was still in its infancy. The aim of the Act was to make provision for securing computer material against unauthorized access or modification.

Information Technology Act 2000 (India): This piece of legislation was enacted in India and the Act applies to the whole of India and its provisions apply to any contravention that was committed even outside the jurisdiction of India by any person irrespective of his nationality. In order to attract the provisions of this Act, such offence or contravention should involve a computer, computer system or computer network located in India. This is a classic example of how ICT laws can be used to protect other individuals. The USA has quite a number of these Acts.

Electronic Signatures in Global and National Commerce Act (USA): This Act aims to define and give certainty to electronic signatures

Uniform Electronic Transactions Act (USA): This Act ensures that the requirements for electronic signatures are the same and applied uniformly through out the USA.

Digital Signature and Electronic Authentication Law (USA): This law has the requirements of how digital and electronic signatures are regarded as genuine.

Electronic Transactions Act (Singapore): It sets out the requirements that these transactions have to conform to.

Malaysia has the following

Digital Signature Act (Malawi): Like the other countries mentioned above it sets out what constitutes a digital signature and the requirements for it to be valid.

In order for ICT laws to be more effective, most of these countries' laws generally stipulate enforcement agencies entrusted with the task of enforcing the legal provisions and requirements. In some of these developed countries, they even have information technology lawyers who handle a variety of legal matters related to ICT, for example, interpreting agreements in areas of software licensing and maintenance, on line contracts, IT consulting to name a few. Looking at the ICT laws that are in place up North, there is no doubt that Africa is lagging behind. Africa has not been sleeping and has also put some policies or laws that govern ICT.

Uganda

The status of ICT in Uganda has been influenced by various policies, statutes laws, Acts and regulations that have been enacted since 2005 (Uganda's Working Document 2005).The following are examples of policies and statutes that are relevant for ICT development in that country. The Press and Journalist Statute 1995 extended Article 29(1) (Freedom of Expression) of the Constitution to the print media. It also created the Media Council for radio and television stations, cinemas and videotape rental business, the purchase, use and sale of television sets was also subject to the licensing by council. In Zimbabwe this was already in place as it is an offence to own a television or radio without a license. Uganda like most of the African countries has a proposed National ICT policy that has a framework that aims to meet some of the challenges in the sector as well as to harness the underlying potentials and opportunities.

South Africa

South Africa is the only country on the continent that has enacted laws that relate to electronic transactions online with what is happening in the developed countries. What most of the countries have are just policy statements and some have draft bills which have not yet been signed into law. The Electronic Communications and Electronic Transactions Act of 2002 of South Africa facilities communications and electronic

transactions. This piece of law provides for legal certainty with regards to documents in an electronic format.

2:4 Conclusion

It would seem that the policies that are currently in place in Zimbabwe have more meaning for women's breakthrough into ICT if they are implemented. MISA Zimbabwe on the one hand noted, with great regret, that Zimbabwe as a country had not yet gone as far as is practically possible in ensuring that its citizens gain greater access to ICTs in order for them to gain greater access to information, freedom of expression and the sustainable development benefits that would accrue from such technology being an everyday aspect of their lives. It is incumbent upon the Government of Zimbabwe to review and reform the laws that govern telecommunications in the country, with the intention of creating a single regulatory authority for broadcasting and telecommunications. It is also incumbent upon the government to begin to meet its obligations and commitments to the WSIS in the interests of promoting access to information and modern technology. It is hoped that in the next five years there would have been great improvements in the regulatory framework and that with this framework in place the number of women making use of ICT would have increased. The next chapter outlines the research methodologies and research methods used in the study.

CHAPTER THREE: RESEARCH METHODOLOGIES AND METHODS

3:1 Introduction

'Methodology is merely an operational framework within which the facts are placed so that their meaning may be seen more clearly' (Leedy 1981:75).

Research methods are concerned with how the required information will be collected and effective planning presupposes an understanding of the research methodologies and methods as to how and when each can be effectively used. According to (Hague 2003) the framework for developing a research design is driven by objectives and information requirements of the study. In this research the literature review is very critical in identifying the gaps about the reality of how women entrepreneurs are using ICT, in business transactions and the challenges that they are facing. The only way of doing this is by doing field research. This chapter discusses the theoretical aspects of the research methodologies in brief and will outline how effective each method was. This chapter will close by giving the limitations faced during the field research process.

3:2 Research Design

The research was action–oriented in the sense that I went out there into the community looking for information on women entrepreneurs and their use of ICTs in business. The aim for me was to find out to what extent women entrepreneurs had embraced the use of ICTs. I therefore intended to find out if the challenges faced by women entrepreneurs were different from those faced by men. In one of the lessons in the commerce class⁶ which informed my decision to embark on this research. It was therefore necessary in this research to look at women of different classes and race.

⁶Research by various authors had indicated that class and race seemed to play a role in terms of one's ability to access resources. This was said to be particularly true in the developing countries.

I therefore designed my research this way.

- I needed to interview some white women entrepreneurs, so as to get their lived realities. I also wanted to be able to compare their views to those of the black women entrepreneurs. The starting point was trying to find out it they had any advantage by virtue of being white. I managed to interview three out of the five 1 had intended to interview. The other women at Speed Queen could not be interviewed due to their commitments. They kept on cancelling and would ask me to drop by on another day. After two attempts 1 then gave up and did not pursue the interview.
- I also interviewed four men for comparative purposes.
- The others were the black women entrepreneurs from different educational backgrounds and different cultures. This was designed to give the research a holistic approach in order for me to ascertain the extent of the challenges faced by women entrepreneurs from all angles. This enabled me to avoid the one size fits all approach, as I discovered that race and educational background also played a role in the use of ICTs.

3:3 Women's Law Approach

As this study was about women entrepreneurs, I embraced the Women's Law Approach. This is a woman-centered approach which takes women's actual lived experiences (i.e., their 'lived realities') as the starting point for analysis of the position of women in law and society. The current laws of ICTs and their impact on women entrepreneurs were also investigated. Generally this approach involves the investigation of women issues by collecting empirical data, understanding it and possibly suggesting interventions which are aimed at improving the situation of women in law and society. The objective of the research was to assess the relevance of ICT in business transactions as well as to assess the efficacy of ICT. The aim was to be able to make recommendations at the end of the research regarding the need to enact laws which take into account women's views. As a result my starting point was the women themselves. In this study this approach was employed to enable me to collect empirical data from the women themselves as to whether ICT was relevant in their business transactions. It also enabled me to collect data from the women pertaining to the challenges that they faced in making use of ICT in business.

I therefore interviewed women in Harare as I felt that they had a better chance of making use of ICT than their counterparts in the rural areas. Initially when I set out to conduct interviews I thought it would be easy and would not require much effort. In the field my thinking was proved wrong for it was difficult to get information as some were not sure what the information was for. Others thought I would give the information to their competitors. Some thought I would publish the information, while some were rather uncomfortable, so I had to explain to them what the purpose of the research was and how I hoped to approach the service providers with the information I would have obtained from them with the hope of improving service delivery. I also realized that the notebook approach of interviewing people was not appropriate as it made some of the respondents uncomfortable. In the end I realized that to avoid this I would first get the permission of the person I intended to interview. For those that were not at ease I resorted to taking down notes in point form and this I would expand on as soon as I got home.

3:4 Grounded Theory Approach

Using this approach enabled me to constantly engage with the data I had collected, sift and manage it, consider it and determine what to collect next (Bentzon AW 1998.18). As a theory for research, using grounded theory in conjunction with the Women's Law Approach involves the investigation of "the lived realities" of women in their day to day interaction with the law and their social life.

The investigation employs a very open approach in that an issue under investigation might lead to many other interrelated issues which need to be investigated as well. All this aimed at understanding the situation of women for better interventional measures to be crafted in order to improve their situation. As I was looking at the efficacy of using ICT in business my findings on the ground meant that I hand to also focus on the service providers who were initially not included in my area of focus. The service providers that I looked at were Econet Wireless, Telone, Aitec and Africom. There was need to interrogate what the service providers were saying in relation to enabling women to make use of ICT in business. This approach thus enabled me to hear both sides of the coin that is the women entrepreneurs as the end users of ICT and the service providers as the providers of a service. This enabled me to be able to analyze the service delivery. This, as an approach, balanced the study. As a result of using the grounded theory approach I had to change and shift my initial topic which was women entrepreneurs and their use of ICT as an advertising and marketing strategy. In the field I also found this methodology to be an overarching one as it applied to most of my assumptions.

3:5 Human Rights Approach

The advancement of women and the achievement of equality between men and women is a matter of human rights. This approach was used to see how ICT can be used to empower women and achieve equality between men and women and achieve equality between men and women in business. Armed with (1) UN resolution 56/183 of 2001 on the information society; (2) MDG 8 which states that countries should ensure that women get access to modern technologies as well as (3) Article 12 (2) (b) of the African Protocol on Women's Rights which states that State Parties shall take positive action to promote the education of women particularly in the field of science and technology, I set off to interview officials from the Ministry of Education, Ministry of Women Affairs, Ministry of Small and Medium Enterprises (SMEs) and Ministry of Information and Communication Technology (ICT). I sought out to find out from each of them what measures each particular Ministry has in place to facilitate women's education in modern technology as well as to measure to what extent each of the Ministries were complying with MDG 8 and Article 12 (2) (b) of the African Protocol on Women's Rights. Using this approach enabled me to realize that information dissemination in government is lacking as some of the officials had no idea of what MDG 8 is all about.

3:6 Gender Theoretical Approach

This approach tries to embrace the experiences of both men and women. In order to understand this I also interviewed four men. The aim was to compare in what ways women are lagging behind in terms of making use of ICT in business transactions. I must confess that using this approach was not that effective as the sample size was not the same. Using this approach enabled me to understand why women tend to venture into sectors that are traditionally considered to be feminine.

3:7 Gender and Development Approach

This approach is viewed as holistic since it interrogates the totality of social, political and economic life in order to understand how society functions. This approach views women as active and not passive agents of development. In the study it assisted me to understand why women seem to have taken longer than their male counterparts to make use of ICT in business and to see to what extent women have tried to embrace ICT in business. As an approach it was limiting as the sample size of the respondents is not reflective of the entrepreneurs in Harare. Some women also cited power relations at home which also had an impact in the business.

3:8 Research Methods

For comparative and complementary purposes, both qualitative and quantitive data collection methods were used. These methods enabled me not only to get statistical data

but also an overview of the general forms of ICT used by women entrepreneurs. In coming up with the research, I had to ask myself, what kind of information is required to answer the research questions as well as where and how I would get the information. The more knowledgeable and focused the researcher is about what is to be gained by the research, the more effective and efficient one becomes in the research (Mason et al 1990). As a result I identified the service providers that would be necessary in the study and classification was made as to the kind of information I needed from them. The key informants who are the women entrepreneurs were also identified and information was also classified according to race in order to analyze whether race played a role in accessing ICT due to financial resources. As men also play an important role as entrepreneurs they too became part of my informants and their views will enhance and balance the study. The methods employed were basically as follows.

3:8:1 Interviews

Sex	Urban Harare
Female	33
Male	4
Total	37

Table 1: Individual Interviews with Entrepreneurs

The above statistics show the number of entrepreneurs who were interviewed during the research. These were targeted in order to get the lived realities of the women pertaining to the relevance of ICT and the efficacy of modern technology in business transactions. The views of women entrepreneurs were compared to those of the men. I sought to find out from these entrepreneurs both men and women if they were aware of any ICT laws that impact on their business transactions, their expectations to address the challenges that they face in making use of ICTs and their views so that I could, perhaps, make recommendations on how to improve service delivery.

Table Two shows the name of the women entrepreneur, nature of business and the form of ICT used that is emails, websites, cell phones and landlines.

	Table 2: Forms o	of ICT used b	y Women Enti	repreneur Respondents
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Name	Business	Nature of	e-	Websites	Landlines	Cell
	name	business	mail			phones
Maria and Lillian	Just Lingerie	Exclusively sells ladies undergarments and night wear	✓		*	v
Mrs. Nyereyo	Sachara Safari Classics	Sells elegant night wear, casual and safari	~		✓	~
Kurai and Nancy	Tatenda fashions and kids wear	Upholstery, interior décor and clothing	~			V
Mabel, Nara and Vimbai	Wonder works/A strategic fashions for casual wear	Casual wear and kiddies wear	~			~
Mrs. Ushewokunze	Casual corner	Designer wear			~	√
Fungisai	Touch of class ladies boutique	Elegant wear	√		~	~
Mrs. Nyandoro	Path world taxis	transport	~		~	~
Name withheld	Safari slue	Designer labels	~			~
Mrs. Ndenda	Sandra fashions	Transport, catering and retailing	✓		✓	~
Lucy Lius	Name company not registered	Scrap making, candle making and cooking oil	•			~
Divine	Securico	Security services, canine	~	√	~	~

		dog services				
		and multi link				
Tendayi	Ardency investments	Farming, interior design,	~	✓	✓	~
		catering,				
		images, home				
		and corporate décor, veneka				
		interiors,				
		inspirational				
		expressions and				
		catering-				
		blossom manor				
Sandi	Exporting	horticulture	✓	\checkmark	~	✓
	company					
Rose Mitchell	Wild	Communication	\checkmark	\checkmark	\checkmark	\checkmark
	imaging's	firm				
Family	Executive	clothing	\checkmark		~	\checkmark
business	designer label					
Nomsa	Reigning	catering	✓		✓	✓
	restaurants					
	and hotels					
Echlass	Satisfactory	Manufacturing	\checkmark			~
	marketing	of automotive				
	and Parkview	industrial and household				
	restaurants	chemicals				
Maggie	Maggie	clothing	✓		✓	\checkmark
widggie	little shop	ciotining	-			
Clare	Health	Training in	✓		✓	 ✓
	fitness	healthcare				
	trainer					
Mrs.	Windmill	poultry	✓			✓
Nyandoro	chickens					
Tracy	Party for	Planning	✓			
	hire	parties and				
		providing				
		equipment e.g.				
4.00	Domorri	PA system	✓		✓	✓
Ann Hamilton	Borrow dale	Guest house,	v	v	v	v
King	country	garden weddings,				
ixing	manor	conference				
	manor	centre, house				
	1	keeping				

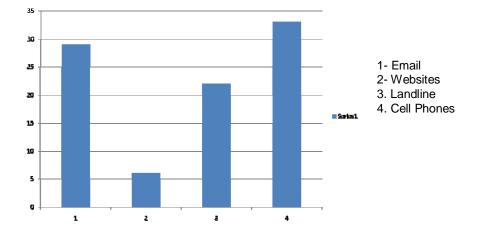
						1
		courses,				
		gardening				
		courses, interior				
		décor and				
		Hamilton king				
		shop at Sam				
		-				
Q 1'	XX 7°11	levy	 ✓ 	✓	✓	✓ √
Caroline	Will-cote	Powder coating	v	v	v	v
		of metals,				
		blinds, curtains				
		and upholstery				
Barbara	Golden	Training and	\checkmark	\checkmark	\checkmark	\checkmark
	spider web	empowering				
	-	women in ICT				
		use, exporting				
		crocheted				
		garments				
Posamary	Venture	Ŭ	./		1	
Rosemary		Offering skills	v		•	· ·
	capital and	training and				
	Courtney	capital				
	hold	hospitality				
Ruramisai	Pulwick	Farming and	\checkmark		✓	\checkmark
	enterprises	retailing				
Leah	Mitchell	Manufacturing	✓		✓	✓
	fashions	of high value				
		ladies outfits				
		and corporate				
		wear				
Theophora	Letombo	Design and	\checkmark		✓	<u> </u>
Theophora		_	·		•	•
	designs	manufacturing				
		company				
		concentrating				
		on baby wear.				
Joyce	Think	Catering	\checkmark		✓	\checkmark
	Money	business and				
		transport				
		industry				
Nashya	zuva	Designing and	✓		 ✓ 	 ✓
·	clothing	manufacturing				
	and décor	of maternity,				
	line	bridal, urban				
	me					
		street wear and				
		contemporary				
		ethnic designs,				
		corporate wear.				
Florence	None	poultry				\checkmark

Mrs. Muza	None	Cross border		\checkmark
Grace	None	Cross border		✓
Diana	Picasso's	Hair dressing		✓

The interviews that I conducted were in two formats. For those that were in a hurry I used a question guide to direct them and the questions were closed questions This was not an effective way of obtaining information as I could not seek clarifications on certain issues The closed questions also meant I could not probe further on points to which I would have wanted to seek answers. There were others in which although I used a question guide to direct them, I did not ask closed questions but rather allowed the interviewees to express their views freely and occasionally had to listen patiently as they raised other issues.

I also attempted to use the dung-beetle approach (or grounded theory approach) in terms of which, when I had finished with one of the respondents, I would ask if they knew of any other women in business that I could also interview. In some instances I discovered that the women were actually just workers as opposed to them being the owners of the business concerned. Some as a matter of keeping up appearances pretended to their friends and relatives that they were the owners of the business. This was particularly true for one of the ladies that I was later told by the person she referred me to. According to this lady she was just the second wife of the man who owned the business venture. At times it was difficult to follow up on these women due to time and resources constraints as some of them had changed their cell phone and other contact details. This shows that there is need to have a data base were the details of entrepreneurs are kept so that should they change contact detail one can always be in a position to follow them up. In fact with modern technology this should not be difficult to set up. Before this can be possible there is need for women entrepreneurs to form business groups or even join established ones like the professional women, women executives and business women association (Proweb).

The graph below shows the number of women in the research and the ICT used.



ICT Use Among Women

The graph above shows the different forms of ICTs that were used by women entrepreneurs in the study. The cell phone is the form that was used by most of the entrepreneurs. Whilst the use of cell phones is a start, women need to move away from merely using cell phones in order to conduct their business. There is need to have more women entrepreneurs making use of emails and websites.

The nature of the topic necessitated a thorough engagement with the service providers. As such 1 had to engage the following in order to triangulate the data. The service providers I managed to interview are:

- ✤ Econet
- Telone
- ✤ Aitec and

Africom I sent an email to which they responded although it did not capture some to the issues that I had raised. I had asked Africom via email if they had any programmes that are meant for women. The reason for this is that this company is regarded as a leading pioneer in terms of providing internet services in Africa for the past ten years. So to keep up with this leading role what is it that the company had put in place to accommodate

women. The response that I received did not answer the issue but instead I was given the company's profile and what the company hopes to achieve in the next five years.

The service providers also raised their concerns which they had in relation to their capacity to render services to the people. This made it necessary to also get information from the regulating authority POTRAZ.

3:8:2 Group Discussions

For triangulation of data from individual respondents it was important to have some group discussions. Further the discussion enabled me to gather a lot of information at once and also assisted me in mapping the way forward. I was able to conduct group discussions with two groups of entrepreneurs. The first group had five women and the second group had seven women.

The first was with the group that owns "Big Five" taxis. Through the discussion I was able to get the answers that I sought to get but the problem that I encountered was that at times they tended to chorus the answers, that is, saying the answers at once. As I did not want to sound rude I was thus not able to seek clarification on certain issues

The second was rather a unique group. I took advantage of the fact that they were having a business lunch. Leah the one I had an appointment with invited me to the business lunch which was at the hotel that she owns which is the Courtney Hotel. The women at the business lunch are involved in different sectors of business. At times the other would respond with answers which relate to their own business. As a result the saying "oh I had forgotten to mention this" was quite frequently used in this discussion.

3:8:3 Library and Internet Research

This method enabled me to gather comprehensive information on the laws pertaining to ICTs and policies that are in place in other jurisdictions. In fact, there is a wealth of information by different writers and researchers on the subject such that it opened up my mind to a lot of issues and enriched my understanding of ICT laws and its operation in countries like South Africa. In other words, it enabled me to draw on a wide range of theoretical perspectives and explanations of the current situation in Zimbabwe. The information gained compared with the actual data collected in the field on the lived realities of women entrepreneurs assisted in mapping the way forward in terms of legal reform. I used this method to be able to gather background information on ICTs and how women have embraced ICTs in their daily lives. This enabled me to be able to compare with other jurisdictions and this also kept the research alive and interesting as I would get other ideas after reading a few articles on the internet.

3:9 Limitations

After three weeks of having commenced the research 1 had to change the focus as the initial topic Women Entrepreneurs and their use of ICT as a marketing and advertising strategy seemed not to be leading to much. When 1 changed to the current topic this meant 1 had probably lost three solid weeks and was therefore lagging behind. The greatest limitation was the fact that the topic I had chosen coincided with the festive season during which the entrepreneurs wanted to take advantage of the brisk business. This meant I could not interview them. Soon after the festive season the majority were involved in stock taking for a period of a week to two depending on the business. This meant I could not follow up on some who had said I should return after the festive season. In the government departments, the problem was that of being referred to so many individuals only to have them refer you back to the one who had sent you to them in the first place. The reason that they would cite was that they are not the right person in terms of office policy to answer my questions. Although I had written requesting interviews, I never got any responses. The Ministries where this happened are the

Ministry of Education and the Ministry of Women Affairs and Gender. At the Ministry of SMEs⁷, the practice of not responding to letters is something which is a rampant practice in government offices. Being someone who is from there myself at times one would respond to urgent correspondence after a month of it lying idle being left to gather dust on the table. This is something I was guilty of especially during the time I dealt with extradition requests. Having undergone this programme in Masters in Women's Law I have been empowered and I have changed my earlier perceptions and attitudes.

3:10 Conclusion

This chapter has given the theoretical aspects of the research methodologies and methods used in the study. An attempt was made to show how the different methodologies were applied in the field. The limitations that were faced during the research process are also captured for the benefit of others who may wish to do a similar research. The next chapter presents the research findings and discussions.

⁷ I took advantage of an earlier visit we had made as a class in the commerce class and requested to see the persons we had seen last year.

CHAPTER 4: RESEARCH FINDINGS AND DISCUSSIONS

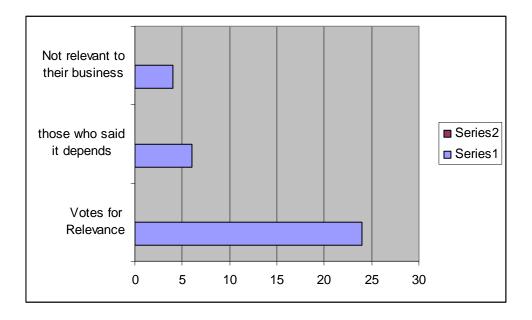
4:1 Introduction

The data collected was analyzed and the findings are presented thematically and systematically in accordance with the study's objectives, assumptions and questions. From the outset, it is important to point out that there is no ICT law in Zimbabwe. The study was premised on the fact that there was a draft ICT Bill in existence. During the research the draft Bill then ceased to be an issue. Initially a colleague of mine at the workplace had given me copy of the draft Bill. He then requested that I should bring it back as certain additions had been made and that I would get the version with the additions. So I quickly dashed to the office and was made to leave the copy having been advised to come back later to collect it .When I look back with hindsight I regret having returned the copy as that was the last I saw of the copy. I was later advised that the particular document had been recalled for political reasons and that making use of it would have cost him his job. However due to political reasons that draft Bill which had ceased to exist during the research process is now likely to be resuscitated. How far possible this will be due to the political shenanigans going on, only time will tell. This on its own reveals that there are a number of problems regarding the drafting of laws in Zimbabwe. In fact the drafting process is riddled with political interference. It is time in my view that there be a separation of powers between the Judiciary, Legislature and the Executive. South Africa and most progressive countries have adopted this approach and Zimbabwe should follow suit. For a flowing discussion of the findings, they will be presented in accordance with the study's assumptions.

4:2 Women have their say about the relevance of ICT in modern business

The first objective upon which the study was based was to analyze the relevance of the use of ICT in business transactions in relation to the contractual obligations that arise for

contracts on line. In the field it turned out that most of the women had their own understanding as to what relevance meant. Some interpreted it to mean: "Is it necessary and important in conducting my business?" This shows that for some of the women entrepreneurs, relevance is linked to the necessity in using something in their business transactions. If something is not necessary then it is not relevant. According to Black H et al (1979) something is relevant if it applies to the matter in question, affording something to the purpose. As this study was based on the views of women entrepreneurs from across sectors and different social backgrounds their views were bound to be different views.



4:3 The Relevance of ICT

Of the thirty three women interviewed, 24 thought that ICT was relevant for conducting business; 6 of them were of the view that it depends on the nature of the business and 4 were of the view that ICT was not relevant.

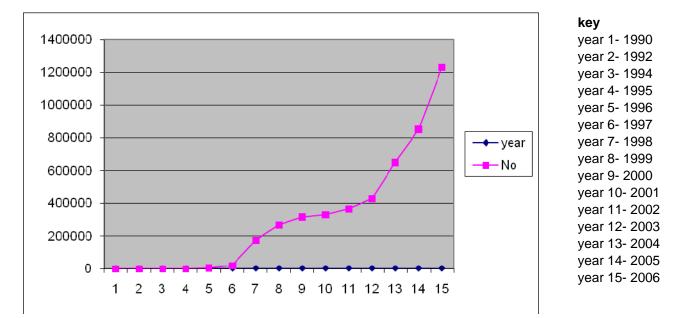
The majority thought it was necessary. Ann one of the respondents remarked:

Of course it is relevant. What would I do without ICT in this day and age? I would be lost my dear, and ICT helps me to stay in touch without what is happening around the globe.

I was then shown an old gramophone and asked if I had ever seen one in my life. I must confess it was the first time I had seen one and this made me appreciate the modern gadgets that are at our disposal.

Suffice to say that ICT is relevant in today's world; this is also being evidenced by the number of women who are embracing the use of ICTs in their daily lives. That it is not necessarily used for business is not much of an issue; at least it's a starting point. However research in other countries shows that women are increasingly finding ICT relevant for modern day business transactions. Li Guihan in her research findings in 2005 in China Tlanjin found that from October 2000 to October 2002 there were few women entrepreneurs who found ICTs relevant to their business enterprises, the reason being that the infrastructure was poor and there was no access to the internet. This perhaps explains why some of the respondents in my research indicated that ICT was not necessary. Beatrix who lives on a farm indicated that using ICT in conducting her business was not necessary primarily because most of the time there is no electricity at the farm. She therefore used her cell phone in conducting business as opposed to using email.

Had I probed those with dissenting voices further (i.e., those who said ICT is not relevant in conducting their business) I would have been able to get a clearer picture. Being a prosecutor, the fact that they indicated it was not relevant I became content and did not probe further. It should also be pointed out the study found that relevance of ICT use in business can also be categorized according to the age groups and education of the entrepreneurs.



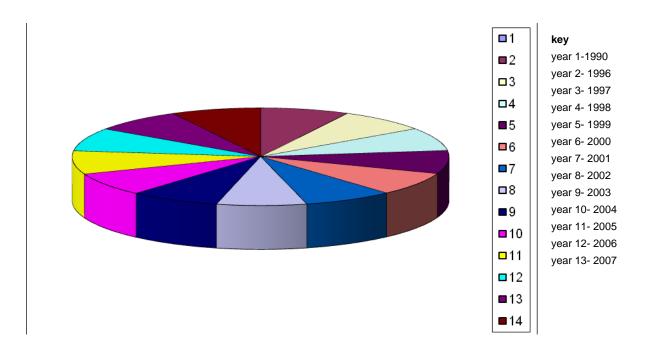
The graph shows the number of people in Zimbabwe who have been using cell phones since 1990 to 2007. The reason why there are no statistics from 2007 to date is that there have been no updates of the figures since then, the last update having been done in 2008.⁸ A visit to Econet wireless revealed that the company estimates its subscriber base to be just under three million people. There are no mechanisms in place to show which of them are women.

The next graph shows the number of people in this country as a whole who have been making use of the internet. The graph does not show which of these are women. Telone estimates that the people who use their dial up connectivity to access the internet to be close to a million people. The increase in the number of internet users shows that more people are beginning to make use of the internet in their daily lives. Women still need to embrace this form of technology. One of the reasons why women who use the internet seem to be few was actually summarized in the following quote by Alexio⁹:

You know the major weakness I have found in women is that they do not like to experiment with gadgets. They like being shown something than doing it themselves. If they can change this approach, am sure they will get far technology wise.

⁸ <u>http://mdgs.un.org/unsd/mdg/series</u> Detail.aspx?svid=605&crid=716

⁹ one of the workers at Econet Wireless 2009



4:3:1 Age range of the respondents

The majority of those entrepreneurs in the study were in the 45 plus age range. In further discussions with them on how they started their business, activities it turned out that for most of them it was in line with the formal jobs that they held at one point in their lives. Thus if someone worked in the catering industry, like a canteen, they tended to start their own business activities in the same hospitality sector. Twiss (1986) found that the age and experience of the entrepreneur was the most important factor in governing the successful adoption of ICTs in business activities. One could safely conclude that respondents in this age group are enlightened enough to understand the role and benefits of using ICTs in business activities.

The next group of the entrepreneurs was those in the range of 30 plus who could be recent graduates who decided to start their own business activities. An example of this is the joint venture between Nora and friends who run Strategic Fashions. This could also be a reflection of the shrinking job market due to the recent economic crisis in the past years. On the other hand it could be a move towards self-employment and self

actualization as Zimbabwean women move to take their place in the various sectors. This finds support and is reflected by the following speech by Doctor Olivia Muchena she is the Minister of Science and Technology:

"Our government has been and is hugely supportive of gender and women issues having signed the SADC Protocol on Gender Equality. Never before has this government rallied behind us, vigorously creating space for us to stand up and be counted among the economic giants of the country .So ladies it is no longer about us, but it is up to us."

This speech was said at the Proweb investment conference in September 2009. Proweb is a professional women, women executives and businesswomen's association.

The educational backgrounds of the entrepreneurs also tended to reflect their utilization of ICTs in their business activities. For those with degrees or diplomas making use of ICTs was not much of a problem as they had been sufficiently educated to know and understand the added benefits of making use of ICTs,

4:4 ICT Laws and their impact on Entrepreneurs

ICT and information generated by the technologies have transformed businesses and people's lives throughout the world. ICT accelerates the movement of goods, services, ideas and people which fuels the globalization process (Mohamed Salih 2009). Due to the increased use of ICTs and sophisticated information technology, there has been a rise in various sorts of crimes. In order to combat such crimes and to cater for the ever increasing developments a number of countries across the globe have reviewed and upgraded, and enacted new laws to deal with such developments. Some of the countries that have enacted laws to protect business transactions are Australia, Canada, Germany, India, United Kingdom, America to name a few. In Africa only South Africa has done so. Be that as it may, the laws that are in existence in Zimbabwe have already been alluded to in the literature review and will not be repeated.

In the field, one of the objectives was to establish and assess if there are any laws which impact on ICT use by entrepreneurs. Most respondents both men and women indicated that they were not aware of the ICT laws and as a result had no idea of how this was meant to impact on their ICT use.

This shows that people are not even aware of the laws that might impact on their use of ICTs and eventually might impact on their business whether negatively or positively. One hopes that there would be more education and awareness on the ICT process and policy so that people are aware of what it is. In Zambia in 2003, when the ICT policy was launched there were calls to make the draft available to all. The Communications and Transport Minister Bates Namuyamba said his ministry would endeavor to reach every corner of Zambia to publicize the draft policy to as many Zambians as possible so that the document is enhanced to the expectations of all Zambians in order to rightly be called a people driven document. Zimbabwe could also try as much as possible to publicize the draft policy so that many people become aware of what it is all about. In the field some of the respondents said the following about the ICT Bill.

There has been so much talk about this ICT bill yet nothing seems to be going on the little l know about this bill is the little that l have read in the newspapers.

This was said by Caroline who is a town planner by profession. This in my view shows that there is need to make the people aware of the laws that might affect their business venture, if it is to be called a people driven law. There is a need to avoid the top-down approach in our laws, whereby laws are enacted at the top of society and applied to the those at the bottom. There is need for a bottom up approach whereby the views of the people are taken into account and reflected in the final process, so that the law is rightly called a people driven one.

It is also important to note that not all women bother: about knowing what the law provides. This was expressly captured by Barbra who said

To tell you the truth us women we do not bother about these things, you only get to be interested after it involves your business. That is when you go to the lawyers either because you want to claim damages or because the buyer is refusing to pay the agreed price

As I was looking at the efficiency of using modern technology in conducting business I had to visit some of the interested players who are the service providers. It turned out that the current laws that are in place tend to focus on the service providers. The BSA on the other hand gives the ZBC monopoly and after more than twenty years there is still one national television station. This limits the ability of other players to enter the market. The problem is that the government is a major shareholder. The PTA is also one of the laws which restricts other private players. As pointed out in the MISA report there is need to harmonize the laws and regulations governing the different constituent sectors of ICT.

4:4.1 Telone, Powertel and Transmedia

These three companies enjoy unlimited monopolies based on their origins or the parenting company namely PTC, ZESA and ZBC. These three companies have a combined capacity to reach all corners of Zimbabwe by virtue of their infrastructural inheritance for both data and voice. Transmedia according to the private players monopolizes the bandwidth. It is the national broadcaster of television, radio and internet access services to Zimbabwe. The situation is further compounded by the fact that we have one satellite station. Mazowe and this satellite station is responsible for all the major communication. This in a nutshell literally means a lot of people are competing to gain access to a thin pipe. In the Zimbabwean context I am sure that for those who drive it is frustrating to try and drive a new car in a very congested road with potholes.

Most African governments really put a tight lid when it comes to regulation of the telecommunications sector. This alone is a major obstacle in making ICT available to the ordinary person. According to Ndlovu R (2009) for some strange reason most African

governments via the regulatory bodies tend to become an obstacle to innovation and development. According to his research part of the fear is unfounded in that some authorities fear that opening up the telecommunications will either threaten government owned establishments or fear of not being able to control information flow. In Zimbabwe the current debate is which of the two major political parties ZANU PF and MDC T should control the ICT Ministry. The National ICT policy framework on the one hand seeks to ensure that there is one regulating authority. The Herald of 10 March 2010 had a headline titled "Telecoms Industry Falls under Goche." In essence the article was meant to clarify that this particular ministry does not fall under the influence of Chamisa. As a follow up to this using the Presidential Powers Act the President than went on to strip some of the MDC ministers of their powers. The Financial Gazette of March 11-17 2010 carried a story "MDC-T Fumes over usurped powers." In brief the story indicated that the president had stripped the MDC ministers of their powers. The new changes saw four ministers with no Acts to administer. The two who are relevant to the ICT sector and this study being Nelson Chamisa of the Ministry of ICT and Heneri Dzinotyiwei of the Ministry of Science and Technology Development.

According to one of the workmates whose name l will not mention the draft Bill at one stage was ready and scheduled to be debated in Parliament. Due to politics the Bill was then withdrawn it being alleged to be an MDCT's crafting and was rejected. He had been part of the process to ensure that the bill was ready and it was even before the government of national unity was in place. The Bill is now said to be on course.



4:5 Potential use of ICT by women

One of the assumptions which the study sought to answer was that women entrepreneurs are aware of the potential use of ICT in business transactions.

As economically independent woman who is also a cross border trader, I regard myself as an Existentialist Feminist; this naturally colored my approach to the research. The Existentialist Feminist theory was first propounded by Simone De Beauvoir who believed that all women regardless of their level of education must work and earn an income in order to overcome their "otherness " and subordinate role that they have with men. This economic independence enables women to have more control over their own lives. I had to discover if this theory held up in the field. In order to effectively answer this assumption I bore in mind the following methodologies.

The Human rights approach: for the women entrepreneurs to be aware of the potential use of ICT in business transactions, they must have been educated about the benefits of using ICT in business.

Women's Law approach: Hearing from women themselves as to whether they were aware of the potential use of ICT in business.

4:5:1 Awareness

Although most of the women indicated that they made use of ICT in conducting business transactions, it is quite apparent that the full benefits of using ICTs are not fully appreciated by women entrepreneurs. The research revealed that there are three classes of entrepreneurs. The small entrepreneurs are not really concerned about ICTs and how they can improve their business transactions. They are more concerned about putting food on the table and do not have the time and resources to be trained in computers. The medium business entrepreneurs have knowledge of how to use ICTs although they lack knowledge on the importance of entering into contracts. The last group is better placed than the other two and does enter into contracts, the only difference is that this group due to lack of resources tends not to pursue enforcing the contracts they would have entered into.

The findings in the field revealed that the majority of the women entrepreneurs are aware of the potential use of ICT in business transactions. Comparing this with the male counterparts, the findings revealed that the men knew about the potential use of ICTs in conducting business. The men that 1 managed to interview were in the construction business, two in the farming sector and the last one although he has a fleet of buses in the transport sector, he also had a mining claim in Bindura. The men were a step further and some of them besides using websites also advertised on their blogs. The awareness of potential use of ICT can be seen by having sight of the graph that reflects the forms of ICTs used by women in this research. Seven of the women use emails in their business. These research findings are similar to those observed by Duncombe and Heeks (2008) in their study in neighboring Botswana. According to their findings, "once relationships have been established and customer loyalty won, most women in business are more likely to conduct business at a distance through cell phones and the internet..." rather than using the traditional form of writing letters or even physically going to the customer. This shows that more and more women are beginning to realize the potential of ICT in conducting business.

It is my view that there is room for organizations that support the growth and development of women in business to sensitize them and make them aware of the greater benefits that accrue by making use of ICT. Moreover, this research has shown that the respondents are aware of the benefits of using ICTs for business growth and development .Cervey and Sanders (1986) and Twiss (1986) in a survey which covered three developed nations America, Canada and Australia found that the most successful business that use ICT innovations are championed by males. This approach is one that regards women as passive agents for development. Women need to be active agents for development. Women entrepreneurs need to be economically viable and to compete in the world of business. Twiss in the same research also found that market demand can also lead to adoption of ICTs or risk going out of business. The gender theoretical approach was best suited to answer this assumption as it embraces the experiences of both men and women.

4:6 Challenges

The fourth assumption was that women entrepreneurs face challenges entering into contracts. The research findings revealed that there are quite a number of challenges that women entrepreneurs face in trying to make use of ICT in business. The major challenges will be listed and explained in detail.

4:6:1 Lack of knowledge

About a third of the respondents indicated lack of knowledge in the use computers as a challenge. One of the respondents Maggi Sithole who is in her early seventies with a Clothing Merchandise shop said for her the greatest challenge she faced was lack of knowledge on how to go about using a computer:

"By the time I retired from formal teaching, I had not bothered to learn to use computers when my children set up this shop as my 65^{th} birthday present I was very excited. Little did I know that one day I would learn to use a computer? When my last born said I should learn computers I was so scared to learn to use one in my old age. My granddaughter Molly is the one who taught me as I was too old to go to school to learn computers".

Just to illustrate this issue her sentiments were also echoed by Mrs. Ndenda

"When my daughter Tari advised me to go for computer lessons l was afraid l feared that l would fail and let my daughter down during the first weeks l would lie that l was progressing well. However l overcame my fear and learnt computers. Today l am proud to conduct my business using computers just like most people in this day and age."

This shows that knowledge is a critical component of being able to make use of ICTs. This is also confirmed by the research findings done by Bulile Mbamo-Thafa et al (2005 -2006). Although this research was on the access policy at University of Zimbabwe the results have the same effect. Most female students due to lack of knowledge would shy away from the computer labs. Only those who had prior exposure to computers were comfortable in making use of the computers labs at the University library.

From my findings in the field, it would appear that the challenges could be categorized according to the age groups. The majority who are in their late 40's and above the initial challenge was lack of knowledge and which interestingly they have overcome. Those in their late 30s to 40s their challenges stemmed from the electricity outages which are frequent.

4:6:2 Electricity

In Zimbabwe electricity is currently a huge problem for most of the population in general. All ICT gadgets use electricity to function. The current inadequate power generation and unreliable transmission and distribution capacity has a direct impact on ICT use. This was also confirmed in the study. Rosie Mitchell who runs a communications firm said:

"My business depends heavily on electricity if there is no electricity for days on end it means that I am out of business and this I find frustrating as I pay my electricity bills."

To try and overcome this she has resorted to taking some of the work home where she has a generator. It is not every entrepreneur who is capable of working from home. The erratic power supplies have greatly affected the ability of women entrepreneurs to effectively make use of ICTs in their businesses. Those with the resources have been forced to install alternative power sources mainly diesel powered generators. This no doubt has increased operation costs for the entrepreneurs. Caroline the owner of will-cote had to install a generator in order to make sure that the machines that she has remain functional when there is no power. Her company does aluminum kitchen chairs, blinds, powder coating of metals, blinds, curtains and upholstery. The generator only works for the machines and once there is no power she cannot make use of the internet. This was also confirmed by those who use dial up connectivity to access the internet when there is no electricity the landlines usually do not function as has become the norm in Zimbabwe. This means they cannot use the internet depending on the area one would be staying. For some the connection would be so slow such that it takes ages for one to access the internet and conduct any meaningful business.

4:6:3 Infrastructure

In the field one of the findings was that infrastructure is a challenge. The infrastructure in question being the physical infrastructure like the base stations, network infrastructure to

support network connection. Tendayi Bernadette Mamvura who owns Ardency Investments and has lots of other business interests in farming, interior design catering to name a few, found the issue of the infrastructure as a challenge:

"Most of the time I am at the farm and there is no booster so network is always a problem. It is really frustrating. At times I have urgent business to conduct and I have to wait to drive into town which is usually every Friday when I make my rounds its just annoying why are the service providers doing nothing."

Her sentiment were also echoed by Ann for her Borrowdale Country Manor is situated in a low lying area and when there is no electricity there is no network:

"If I have something urgent business to conduct I have to drive to Borrow dale Brooke Spar at least they have broadband there, when I wanted a booster installed it turned out it would be very expensive to put up. My neighbors who would have also benefited where not willing to contribute."

The issue of the infrastructure is something which is beyond the ability of the entrepreneurs to fix as there are others who are responsible for this. As the aim of the study was to analyze the efficacy of the use of modern technology I also had to turn to the service providers.

The service providers on the other hand blamed the issue of infrastructure on the government. Due to government monopoly in the telecommunications sector the private players are not in a position to expand the existing infrastructure without approval. The licensing requirements that are set are also expensive. The lack or unavailability of telecommunications infrastructure makes it difficult for remote areas to access e-services like the internet or even basic email. This confirms the findings of R Ndlovu (2005) who found that although farmers could afford personal computers, they could not access the internet because either the telephone infrastructure is non existent, broken down or unreliable in their areas. His findings confirm what I also found in the field. This is particularly true for those entrepreneurs who are farmers and those who rely on dial up connectivity like Ann.

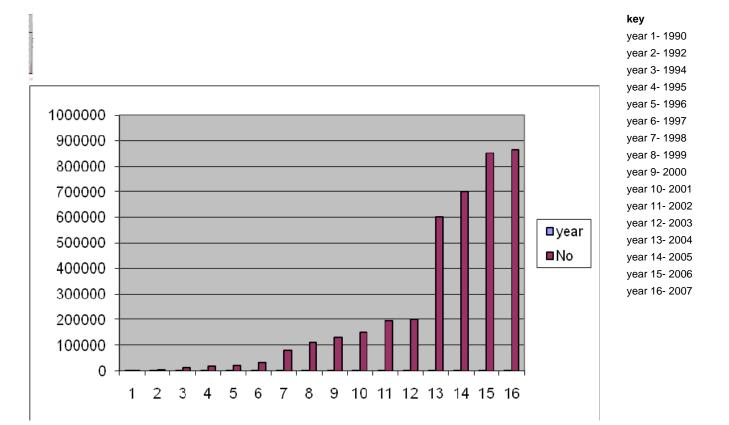
A recent case to illustrate the issue of infrastructure is the Econet Wireless issue. The Harare City Council is accusing Econet a major service provider for telecoms, of digging trenches to lay its fiber optic cables without approval. The Sunday Mail March 7-13 2010 captured this story in one of its headlines titled Econet, Harare at loggerheads. In brief the Harare City Council was up in arms with Econet Wireless after the mobile network provider dug trenches for its optic fibre project without permission from the local authority. Econet on the other hand says that they sought the necessary approval and have the documentation to prove the matter. What is interesting is that at the launch of the optic fibre project the Harare City mayor was present as well as some of the senior mayors from the city council. One wonders if the city fathers would be invited to witness the launch of a project for which the necessary approval would not have been sought. In other words bearing in mind the issue of government monopoly is this not a case where the government feels threatened by the private players? One would tend to think that the government through the City Fathers fears to lose its grip on the control of the telecommunications industry. According to Econet this project has the capacity to reduce congestion on networks and therefore expand the capacity to provide ICT services to the general population of Zimbabwe. The project is also aimed at targeting the rural areas. One hope that this project will be allowed to continue so that the rural- urban bridge is closed in the near future.



In the field one of the major stumbling blocks for women to effectively make use of ICTs are the cost of the computers and the computer software.

When visiting the entrepreneurs at their business premises I noticed that the majority did not have computers at their premises. The majority indicated that the computers where at home. The findings in the field revealed that in order to purchase a computer or laptop one needs US\$700 to US\$1 500. This no doubt is a lot of money for the ordinary women. The Minister of Finance Tendai Biti in July 2009 suspended duty for those importing personal laptops or computers. Although this is a plus on the part of government more still needs to be done. Due to resource constraints I did not manage to visit any port of entry in order to get data as to whether the women entrepreneurs were taking advantage of the suspension of duty on computers It would have been interesting to find out how many women were importing computers and make a comparison with the number of men doing the same At the ZIMRA offices here in Harare they indicated that they do not capture such information since the traveller just fills in one declaration form which is returned to the person after being checked so that should the need arise on the road one can always produce the form as proof that the goods have been declared and that they passed through that particular port of entry.

Research findings done by Ndlovu R in this country revealed that computer and internet penetration is very low in Zimbabwe due to the cost of having an internet connection according to him what is needed in this area is for the stakeholders to identify equipment manufacturers that can supply Zimbabwean market PCs in bulk and at competitive rates. The graph below shows the number of people in this country who own computers since 1990. The figures have not been updated for some time now, the last update having been in 2008. The other problem is that the figures are estimates.



This will go a long way in ensuring that most of the upcoming entrepreneurs access and own PCs. The costs of owning PCs are not the only challenges that bother women entrepreneurs. If there is no electricity and one needs to conduct business urgently some resort to the internet cafes in town.

At least in town electricity is usually there. The cost of the internet cafes is the crisis. One of the respondents Lucy Luis had this to say.

"It costs \$1per 30 minutes in these cafes; one dollar is a lot of money. Imagine if I have to spend two hours there, how much I pay even if the internet connection is slow you still pay."

This shows that the prices charged by these cafes are beyond the ability of most women. A survey in town revealed that it is usually the younger generation aged between 15 years and 21 years who frequent these cafés, this is particularly true for the Quick and Easy internet cafe which seems to have so many branches in town it is rare to find women in these cafés. This was also confirmed by Munyaradzi who said it is usually the teenage girls who frequent the cafes. Suffice to point out that the internet cafes in Zimbabwe are privately owned and currently there are no public access points which will be generally cheaper than the private owned ones. The issues of costs involved therefore become a major obstacle for some of the entrepreneurs.

Internet connection is still very expensive for most entrepreneurs as the service providers are charging exorbitant fees. Very few people in this country are able to have internet connection in their homes. The majority access this service at work, schools and colleges. Ndlovu on one of his visits to South Africa was impressed by how easy it was to connect to the internet MTN's 3G using a USB dongle with a 3G capable filmcard. This shows that at least South Africa is trying to make the use of ICTs available to the majority of the population. It is my hope that Econet will not make the 3G data access a service for the elite only. One hopes that this service is extended to the business brass, women entrepreneurs included.

Be that as it may, the gender theoretical approach was the one which worked best in the field in answering this particular assumption as it embraced the experiences of both men and women in relation to the challenges that they faced in effectively making use of ICTs in business transactions. The study sample of men was limited to four only for comparative purposes. The four men's challenges could be indicative of the majority of men. The service providers on the other hand also faced challenges in providing access to ICTs. The challenges include but are not limited to

- Cost of computers and equipment
- Inadequate access technologies (data and voice)
- Poor national and international bandwidth
- Regulation and licensing
- Censorship and control
- ♦ Brain drain and lack of skilled manpower and I.T. certifications
- Poorly designed and optimized websites
- ✤ E government

The National ICT policy framework also acknowledges the following challenges in the ICT sector

- ✤ Inadequate communications infrastructure
- Inadequate ICTs facilities
- ✤ Inadequate ICTs skills
- Limited institutional arrangements
- Inadequate financial resources
- Limited public private partnerships
- Limited date management capacity
- ✤ Inadequate horizontal and vertical communication
- ✤ Inadequate bandwidth nationally and on the gateway.

4:7 Enforcing on line Contracts

The fifth assumption was that generally contracts that women entrepreneurs enter into using ICT are easy to enforce without any hurdles. The most common and normally the most helpful technique for ascertaining whether there has been an agreement is to look for an offer and acceptance of the offer. Infact Solomon J in <u>Wattmeter v Murray</u> 1911 AO 61, 70 went so far as to say that "every contract consists of an offer made by one party and accepted by the other." More strictly accurate is Watermeyer A J's statement in Reid Bros (SA limited V Fischer Bearings Company Limited 1943 AD 232, 24 "that a binding contract is as a rule constituted by the acceptance of an offer".

These precedents show that the requirements of a valid contract have been the same since the 1900s. In the study the majority of the respondents reiterated that they knew and understood what constitutes a contract. There are however some who were of the firm belief that a contract has to be written down. At law however a contract does not necessarily have to be written down verbal agreements are also valid. Since the research was dealing with online transactions it follows that the focus will be on contracts that are entered into using modern technology. It appears that modern technology does not always guarantee results. Divine the owner of Securico Security Services in relation to the use of ICT in business had the following to say:

"These days with the use of emails we just transact online and give the customer our bank account whereby they deposit the money. At times I feel that this modern way is a bit risky as a customer can just change their email and disappear without paying."

She then went on to explain how difficult it would be to follow up such a customer in the event that one defaults and you intend to go the legal route to seek redress. One of the prerequisites at law is that there has to be proper service of court summons. In her view such contracts that are entered into online become difficult to enforce.

Be that as it may there are those who indicated that for them its business as usual as they do not encounter any problems in enforcing the contracts they enter into Mrs. Nyandoro who owns Path World Taxis indicated that business is like the weather sometimes enforcing the contracts can be a hassle as is the case in her line of business where at times there is a third party who is not party to the contract between the buyer and the seller. The seller on the one hand would avoid liability due to a 'vootstoets clause' in the contract which in essence according to her excuses the seller from liability with the buyer just having to accept the situation. In good times there is no need to worry about the contracts as the buyer and seller simply agree on what has to be done:

Her views were also concurred with by some of the respondents. Caroline for instance said she enters into contracts to safeguard her interests as customers can be difficult at times She is big in blinds and curtains and her business specializes in powder coating of metals, blinds, curtains and upholstery. In her experience the contract therefore acts as deterrent to those who would be party to the contract as they are afraid of being sued.

Ann on the other hand also expressed the view that contracts can be enforceable without any hurdles especially when dealing with honest individuals. At one time the people who had booked her place for a wedding willingly surrendered their motor vehicles and registration books while they looked for the money. In fact what works for her is the fact that she has an interest clause in her contracts of twenty percent:

"Now twenty percent is a lot of money in US dollar terms so most people prefer to pay up than pay more."

For those who enter into contracts, some indicated that they had lawyers draft them and these are what they use as a format on drafting contracts. For others they use the standard formats which are found on the internet and are simple and easy to follow. For instance if one searches the internet the is a Business in a Box website where one can get a variety of contracts to download and apply to their specific business.

Maria of Just Lingerie remarked:

[&]quot;I usually do not pay much attention to the detail. Business is about making money, we just agree on a price and quantity to be supplied."

The assertion is supported by the findings on the internet. In fact most women do not pay any particular attention to the contracts they enter into, such that in countries like South Africa some attorneys now offer on line legal guidance on topics like: E-commerce, contracting on line, IT governance, technology¹⁰ to mention just a few.

The assumption was up held by the majority. The being reason that contracting on line is something which is still relatively new in Zimbabwe and that at the present moment most of the agreements are being honoured. In the field it emerged that those who are white tend to be a step ahead of the black women entrepreneurs. Ann is a business woman who knows that for every agreement there has to be a contract. For example in relation to weddings they enter into contracts which cover among other issues: booking venue fees, payment terms, conditions relating to hired items, cancellations and interest. Wedding are booked six months in advance and if a wedding date is cancelled it is difficult to sell the date. So contracts safeguard their interests in that they implement the cancellation clause and claim damages. Should they fail to provide the required service the client is also empowered to sue them.

Findings in the field revealed that one of the respondents failed to pursue enforcing her contract due to resource constraints. She exports fresh farm produce to the European market. In 2008 the economic situation in the country was bad. Most people could not keep up the payment of their bills due to inflation. Fuel was also scarce and Air Zimbabwe, the local airliner was not spared. A1 jet fuel was difficult to come by during that period and at times flights were either cancelled or grounded. It was during this period that Air Zimbabwe failed to fly her produce. The produce arrived the day after the expected day of arrival. The buyer on the other side wanted the price of the produce reduced as he claimed that he would not get the profit he had anticipated. Due to resource constraints, she could not pursue the legal route as the lawyers in Europe were charging legal fees which were almost equivalent to the price of the produce. As she was dealing

¹⁰ For a detailed list of topics visit <u>http://www.michalons.co.za/?gcli.d=cjthi</u> ptv 58c FQ6 MZA ock 3 TBjw-on line legal guidance.

with perishable products she also had no option but to accept the loss. The contract had been entered on line and communication with the lawyers was via the internet.

4:7:1 Service providers

The services providers on the one hand indicated that they were doing their best under the present circumstances. Econet wireless through Mellany its brand and market manager indicated that the company was one of the best in the country in terms of providing ICT services to the people. Those with Econet lines could now apply and be connected to the internet for a nominal fee which is fixed per month .The only problem in my view is that this company does not seem to encompass gender in its access policy the reason being that Econet is one big family. However to cater for those who can not access the internet the company introduced an SMS directory get customers to come to you by simply following the easy steps below:

To register your business or personal contact details go to

- Messages and type:#|R,business
- name business, nature of business.
- Address, area, city, landline numbers, cell phoneumbers, fax number,
- Email address, website address and send to 444

This is still relatively new and has been in place for less than six months having been introduced in December 2009. So the benefits have not yet been analyzed.

Aitec on the other hand has been focusing on ICT publishing, event management, professional development and training in Africa since 1987. In the field none of the women entrepreneurs said they had been trained at Aitec. This company is a market leading pioneer in terms of spreading knowledge on the internet, computing and telecommunications across most of English speaking African countries. What this means is that this company does not offer any training to individuals but provides knowledge through the internet.

With Telone it was difficult to get information from one individual whom 1 only got to know as Herbert. He appeared to be in a hurry and avoided answering some of the questions that 1 had for example pertaining to the huge bills complained about by some of the respondents as well as the dial up connection which seemed to be causing headaches for some of their customers. What 1 found to be uniform among the service providers is that there are no measures or programmes designed to assist women to catch up with the digital train and be part of the information society as envisaged by UN resolution 56/183 of 2001.

4:7:2 Government Ministries

There are no government programmes to assist and train women in the use of modern technology in general.

Ministry of Women Affairs: Despite this being the ministry that is tasked with promoting and ensuring that the rights of women are respected, there is nothing to show that some of the officials in the ministry are aware of MDG3 and Article 12 2 (2) of the African Protocol on Women's Rights. Just like the Ministry of Education there is nothing to show that this particular ministry is lobbying the government to ensure that women get access to ICTs.

Ministry of Small and Medium Enterprises: This particular ministry promotes the growth and development of SMEs. Like the other ministries there is no evidence on the ground to show how these various ministries have tried to ensure that women get access to training in modern technology. The President of this country launched a programme whereby computers are distributed in schools. This is quite a noble way of ensuring that children get to learn to use computers at a tender age. When the girl child decides to be an entrepreneur she would have the necessary knowledge. More still needs to be done to cater for the older women who did not get the opportunity to be trained in computer usage at school.

4:8 Conclusion

It is clear that there is a need to have a law in place which women entrepreneurs have to be made aware of. Without the law in place 1 am of the view that women in business will face impediments like legal constraints that is they will be reluctant enforce contracts entered into on-line due to lack of knowledge about the relevant law that applies to them and in which to enforce their claims. This country should at least try to follow the example of India where it has jurisdiction as long as computer system or computer software in that country is involved. Therefore it is quite clear that the solutions do not lie in the law alone as it does not operate in a vacuum. People need to know what the law provides for so that they are able to seek redress should the need arise. As such there is need for a holistic approach in terms of providing legal knowledge to the intended users. There is also a need for the service providers to improve their services if women entrepreneurs are to effectively utilize ICTs in their business. Most importantly the government needs to honour its commitments and the government ministries outlined above should play an active role in ensuring that women get access to ICTs.

CHAPTER 5: ANALYSIS OF FINDINGS

5:1 Human Rights Analytical Framework

In light of the developing human rights paradigm, the study had to analyze the efficacy of using modern technology in conducting business transactions within a human rights framework in order to measure national compliance. It is important to note that basically women's rights are human rights, which are fundamental, inalienable, indivisible and inviolable and should be guaranteed. There are a number of international and regional human rights instruments which seek to promote women's rights. Furthermore, the human rights instruments underscore the principles of equality. It is important to note that Zimbabwe is a party to these instruments but has not yet domesticated them in order for them to become part of our law. In light of this study it is important that Zimbabwe should domesticate the Protocol to the African Charter on the Rights of Women ('the African Protocol on Women's Rights').

However before fully embarking on the discussion of women's rights it is important to note that:

"International human rights law has not yet been applied effectively to redress the disadvantages and injustices experienced by women by reason only of their being women; In this respect human rights fail to be universal. The reason for this general failure to enforce women's human rights are complex and vary from country to country." (Cook1994:3)

Globalization has turned the world into a village in which its member countries are obliged, as part of its membership rules, to conform to a certain standard of conduct. Zimbabwe is part of this global village and as such it has agreed to be bound by certain human rights instruments. It is important to note that for one to be able to measure the state's compliance, one should first ascertain what positive steps the state has taken to comply with its obligations. In the Zimbabwean context it is important to acknowledge the fact that does yet have an ICT policy in place. What it has are various Acts which fall under the jurisdiction of different ministries whose spheres of influence overlap because they all regulating similar ICT-related issues. There are also the various polices that are in place and these have already been alluded to in the literature review chapter. The fact that this country has set Millennium Development Goals which are to be achieved by the year 2015 is a plus on the part of government although there is room to do more than just setting goals. The fact that the national policy framework is in place is also commendable. The government of national unity also needs to expedite the passing into law of the ICT Bill. This Bill which seeks to establish a single regulatory ICT authority also needs to open up the sector to public private investors if Zimbabwe is to be counted among the information technology giants in Africa. After all, apart from certain areas, Zimbabwe's infrastructure is better than others in the region. The services providers also argued that an increase in the private investment flows would benefit the country. However research done by Choike in 2009 on whether African countries would meet the Millennium Development Goals showed that an increase in private investment does not necessarily mean an increase in access to ICTs by the general population. Large flows of private investment benefit countries where the infrastructure has already been well developed, such as South Africa, Tunisia, Egypt and Morocco.

Be that as it may the domestication of the African Protocol on Women's Rights Protocol will go a long way to ensuring and facilitating women's access to modern technology. Article 12 2 (b) clearly states what the State parties must do to facilitate and improve women's' access to ICT. There are a few Regional Human Rights Instruments which seek to promote women's access to modern technology. Article 12 2 (b) of the African Protocol on Women's Rights requires that State Parties shall take specific positive action to:

(b) Promote education and training for women at all levels and in all disciplines, particularly in the fields of science and technology;

Currently the international, regional and national focus seems to be on increasing the number of women's participation in politics and decision making in the public domain. It is my view that ICT should also receive the same focus. In fact ICTs have become part of our every day lives. From the findings in the field it is sad to note that the government,

through its various arms has not done anything worth writing about in relation to increasing women's access to ICTs yet alone the general population. ICT is the key resource of the information society. Without real access to technology, there is a limit to how and what women can contribute. Access needs to improve availability and quality. More women especially in the rural areas and in the informal sector need to use ICT to get things done in their lives and their business. The Zimbabwe government should aim to make available these technologies to the people who are less likely to come in contact with them and show them how they can use them to improve their livelihoods. It is sad to note the civic society in this country has note been playing much of an active role. Research done in Zambia shows that the civil society has a critical role in the ICT development process. A vocal and strong civil society is significant in raising public awareness and serving as a monitoring tool for the ICT policy process and ensuring that a comprehensive draft is formulated, adopted and implemented accordingly. In this country the starting point would be to have more organizations like EKOWISA which specifically train women on ICT use. If there were more of these organizations there could be no doubt a marked increase in women making use of ICTs in their business ventures and life in general. In fact government should collaborate with civic organizations not only to raise awareness about the benefits of making use of modern technology but to also to develop a gender based strategy and implement programmes which promote access by women.

5:1:1 The Constitution

The Zimbabwean Constitution is the Supreme law of the country and the current one does not in its Bill of Rights contain the provision which empowers a person to take the government to court, presumably because it is more then twenty years old. This however is not in line with what most Constitutions contain. Be that as it may all hope is not lost for this country as we can take advantage of the Constitutional law making process and have one of the best Constitutions in the region or even internationally. This is only possible by drawing and learning lessons from those countries that are regarded as having progressive constitutions. For example we could follow the South African example, its Constitutional Bill of Rights actually provides that the State must respect, protect, promote and fulfil the rights in the Bill of Rights and it is within this Constitutional framework that the Constitutional Court endorsed a generous or purposive approach in respect of the Bill of Rights (Women's Legal Centre Report 2003). The advantage with this is that those citizens who feel aggrieved can take the State to court for non compliance.

5:1:2 United Nations Resolution

Information Society through Resolution 56/183: This was meant to address a broad range of themes concerning ICT as it is now known. It contains a guideline on the Declaration of Principles and Plan of Action which the member states could adopt addressing issues and a whole range of issues related to ICT. The second phase of this had the Development themes which the governments must have adopted and would also assess the progress made and adopt any further plan of action to see to it that developments are made.

Section C3 of the WSIS Plan of Action, states:

ICTs allow people anywhere in the world, to access information and knowledge almost instantaneously. Individuals, organizations, and communities should benefit from access to knowledge and information.

This shows that there is a need for the government to put in place measures which facilitate women's access to ICTs so that women are also able to get information.

5:1:3 SADC and the Gender Development Declaration

Zimbabwe as a member of the Southern African Development Community (SADC) has also ratified the SADC Gender and Development Declaration 1997. The Declaration is a synthesis of the Nairobi Forward Looking strategies, CEDAW and the Beijing Declaration and Platform for Action. It provides that gender equality is a fundamental right. In the Declaration the SADC Member states commit themselves to:

Promoting women's full access to and control over productive resources such as land, livestock, markets, credit, <u>modern technology</u>, formal employment and a good quality of life in order to reduce poverty among women

Picking up on the above Article, the SADC Gender and Development Declaration enjoins states to promote the human rights of women. In order to facilitate this the mass media are to disseminate information and materials in respect of the human rights of women, acknowledging the importance of law in social change (Banda F 2008). I need to point out that in order to become more effective the Declaration should be upgraded to a protocol. Then compliance with it under national law becomes compellable. This will help to make the Millennium Development Goals achievable.

The Zimbabwean government has to some extent not complied with providing service delivery from a human rights perspective. This is evidenced by the fact that the ministries mentioned above seem not to have taken any measures or steps to promote women's access to the use of modern technology. These ministries need to be actively involved in facilitating women's access if the country is to meet its Millennium Development Goals by the year 2015. For example they could lobby the government on the need to have more public access points to the internet so that people do not have to rely on internet cafes which are unaffordable to the majority of women. For there to be any meaningful access to modern technology as envisaged by the MDGs and Article 12 2 (b) of the African Protocol on Women's Rights, there has to be a complete shift in priorities at the national level in order to incorporate real and substantial equality for both men and women in terms of use of ICTs. However the problem in reality is that rights oversimplify the complex realities that prevail on the ground in any given area. For example right to education and training in modern technology does not necessarily mean that the women will automatically get preference in order to address the imbalance which is prevailing. It therefore follows that the human rights paradigm alone is not adequate to address this.

International Policy statements

Equitable access to ICT technology is a critical issue for women. Recent important international policy documents¹¹have recognized the gender implications of the new technologies. The Platform for Action of the Fourth World Conference on Women states that:

"Women should be empowered by enhancing their skills, knowledge and access to information technology. This will strengthen their ability to combat negative portrayals of women internationally and to challenge instances of abuse of power of an increasingly important industry... Women therefore need to be involved in decision making regarding the development of new technologies in order to participate fully in their growth and impact."

5:2 Feminist perspective

Taking into account that the main thrust of feminism is to fight women's oppression and subordination by men, it is clear that Existentialist feminism aims to encourage women to work for them so as to rid themselves of subordination and to become economically independent. For there to be visible change women need to challenge the myth and belief that computer literacy is highly technical and suited for men and women in clerical and secretarial jobs.

This belief which I choose to call 'fear' to try out new ideas and use of modern technology is the reason why most women in Africa are still lagging behind when compared to their male counterparts. This fear is evidenced by the findings which are on the ground and are particularly true for those who were above fifty years of age and had not attained much in terms of professional qualifications. In fact most women tend to want to put their eggs in many baskets as opposed to keeping them in one. This is why women entrepreneurs have been considered to be risk averse that is they are not prone to taking risks. Research by others shows that men tend to be the opposite and are willing to take the risks as this usually pays off.

¹¹ http://archive.wigsat.org/it/womenicts.html

5:3 Conclusion

There has been little research done on women's information needs and access to appropriate information in developing countries. The "information highway" is still predominantly male-oriented, and is often a forum for gender discrimination, intimidation and even harassment. The profound, gendered implications of ICTs for both men and women in employment, education and business mean that women need encouragement and support to take their place in the information revolution. For women to effectively access ICTs through the millennium development goals it is my belief that there has to be a time frame in which that has to be achieved. Nations which fail to comply could also be penalized for that failure.

CHAPTER 6: CONCLUSIONS AND RECOMMENDATIONS

6:1 Introduction

Findings from this study suggest that women entrepreneurs are well aware of the benefits of using ICTs in their business operations. They are however not aware of the policy and laws that have an impact on ICT use by entrepreneurs. The efficacy of modern technology has still to be achieved. Its success is still a long way off. It is like embarking on a journey of a thousand miles where one step is taken each day.

6:2 Conclusions

The conclusions made as a result of this study are best considered as answers to the research objectives set out in Chapter One. The research when it commenced had the following objectives:

- To analyze the impact and relevance of ICT for women in a modern world in relation to contractual obligations.
- To establish and assess if there are any laws which impact on the use of ICT by entrepreneurs.
- To establish and assess the level of awareness among women of the potential use of ICT in business transactions.
- To find out if the contracts that are entered into by women entrepreneurs using ICT are enforceable and if not to find out what the hurdles are and how women have been able to overcome them.

As a result of the field research and detailed analysis of the findings the following conclusions are presented as outcomes of the research.

The impact and relevance of ICT for women in a modern world cannot be underestimated. ICTs have played a positive role in promoting the development of women's entrepreneurship skills in Zimbabwe. In the sample study, mobile phones and the use of emails in particular appear to have had a huge impact on the effectiveness and efficiency of businesses owned by women. The study also confirms that technological invention on its own does not guarantee that it will have an impact or become relevant to one's business. The majority of Zimbabwean women entrepreneurs are still to benefit from the modern technology of ICTs.

Undoubtedly, ICTs can contribute immensely to development in business transactions. Technology needs to be specially harnessed by laws and policies. In Zimbabwe at least 10 policies have been launched since independence in 1980 to harness ICT for social and economic development. Some of the policies seemed to have gathered dust in government drawers. Examples of such policies are the National Telecom Policy, National Postal Services Policy and the Universal Services Policy. The absence of any legislation to govern the industry has, however, been the missing link between the policies and realising them in the lives of the people.

From the study sample it is apparent that if more women entrepreneurs are to benefit from using ICT in their business ventures more still needs to be done. All of the women in the study sample used one form of ICT or another. The commonest form being used most being mobile phones and emails. The challenges which women entrepreneurs face in utilizing ICTs in business operations are: the high costs of buying computers, let alone the costs involved in setting them up and being connected to the internet, lack of ICT skills and knowledge, limited access to technology due to inadequate physical infrastructure and, in some instances, the lack of broadband.

For the contracts that are entered on line to be enforceable there is need for an enabling legal framework. Currently there are no laws that govern cyber transactions in the following areas, digital signatures and contracts made over the internet. The legal framework should not only be limited to contracts but should also cover issues of the

convergence of telecommunications broadcasting and computing. The Minister of ICT in one of his speeches promised to enact laws that control and manage on line transactions in line with what is happening in other jurisdictions.

6:3 Recommendations

The Government should be lobbied to ensure that it focuses on achieving the Millennium Development Goals especially Goal 8 which is about ensuring that women get access to modern technology. This would mean that more women get to use ICTs in their business ventures. The Zimbabwe Government also signed the Gender and Development Declaration, a declaration by Heads of State or Government of SADC and one of the commitments made by Heads of State in this Declaration was:

To promote women's full access to and control over productive resources such as land, livestock, markets, credit, formal employment and a good quality of life in order to reduce the level of poverty among women.

The Government of Zimbabwe, in line with this declaration which covers its duty to promote women's access to modern technology, should engage in the following courses of action:

- Promote awareness and use of ICTs among women through distributing pamphlets that educate women about the benefits of using ICTs in their lives and business ventures.
- Develop and improve ICT infrastructure for all sectors of the economy (communications, electricity and transport).
- Rationalize the ICT tariff structure to make ICTs more affordable and accessible to the public, especially, women.

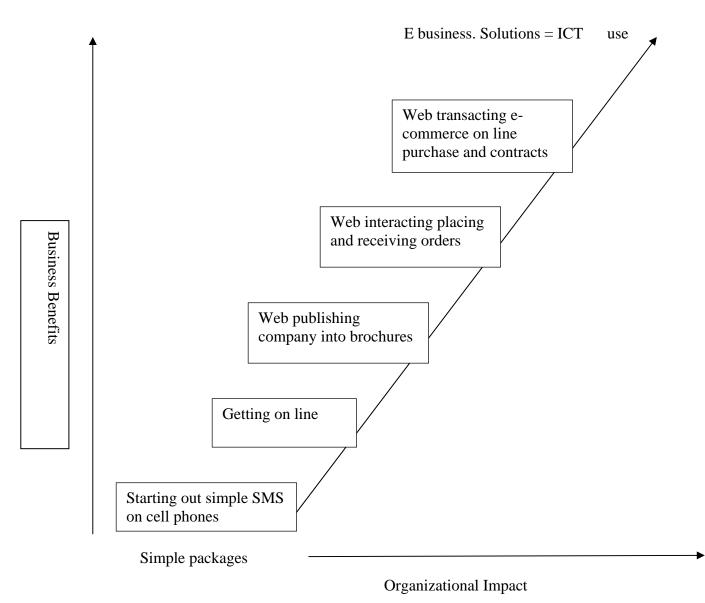
- Promote local production of ICT products to ensure relevance of content and use of appropriate technologies that meet international standards.
- Promote gender mainstreaming as a strategy to ensure that the concerns and experiences of both men and women are integrated into the design and implementation of ICT programmes so that they benefit equally from the same.
- Promote legal literacy i.e. "taking the law to the people" (Tsanga 2004) for them to have legal knowledge. The women themselves should be holistically empowered in order to be able to assert their rights. Women need to be educated on what constitutes digital signatures, electronic evidence, and when, how and where they can enforce contracts entered into on line.
- Women's right to be educated in modern technology as envisaged by Article 12 2

 (b) of the African Protocol on Women's Rights should be respected and promoted by government in line with human rights standards. There should be more campaigns on the part of government, coupled with programmes to raise awareness on the use of ICTs and its benefits in both the print and electronic media. These programmes need to be published in the country's local languages as well. This will go a long way to demystifying the notion that computer literacy is highly technical and thus most suited to men and women in office jobs. (UNIFEM report undated).
- Promote basic computer training especially for women so that they know how to use computers and enjoy the benefits of using ICT so that they are not left behind in the technology revolution. The Government of Zimbabwe in its education policies is convinced that education is the best form of investment in human capital. It is a key to social, scientific and technological development. The high literacy rate in Zimbabwe indicates that there is a high potential of the nation

being 'a society of learning' as the majority of the people can read and write. Educating women in ICTs will further ensure that women are part of the digital divide and that in the long run most entrepreneurs will realize the benefits of making use of ICT in business.

- The national ICT Policy Framework recognizes that inadequate funding is one of its major challenges. There is therefore a need for the Ministry of Finance to improve the funding of the ICT Ministry if most of the goals that have been alluded to by Minister Chamisa are to be a reality. Presently the government says that it does not have the money to achieve this. The Millennium Development Goals are still five years away, however, and if government reserves and/or funding improves it is hoped that the ICT sector will be adequately funded to reach them.
- In the study most of the respondents went to formal colleges for training in computer skills; however, some did not. According to research done by EKOWISA a Non-Governmental Organization which trains women in computer use, some women cannot access these training centres due to the time that the lessons are conducted. It is usually done at times that women are busy with their domestic chores. For example from eight in the morning to four in the afternoon for the first session and from six to eight in the evening. It is therefore recommended that more ICT training centres be established. Also, they should have a more user-friendly training timetable similar to that of EKOWISA. Each training session usually lasts about two hours per session to enable women to access these training centres without necessarily disturbing their daily home routines. This would serve women well. These centres should also be built or situated in places large numbers of women frequent, such as churches and women's clubs.

- Need to enact legislation. Developments in the ICT sector have given rise to the need to have legislation in place. There is a need to have laws in place that govern the processing and dissemination of digital information. The Zimbabwe Government needs to enact legislation as a matter of urgency that would regulate cyber transactions.
- Monitoring and Evaluation. There is a need to monitor and evaluate the utilization of ICTs by women entrepreneurs by keeping a database which will have the following steps (see next page).



Adapted from Duncombe et al (2006)

The following criteria will be a good indicator on analyzing the efficacy of modern technology in business:

- Is there an increase in the number of women using ICT?
- Have the women moved from the simple use of SMS to transacting on line?

- Use of ICTs and its impact on women entrepreneurs, how knowledgeable have they become and what are the benefits to society as a whole (after all women constitute 52% of the country's population).
- The long term effect will be a knowledge based ICT society whose members embrace ICT as part of their daily lives.

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