

## 5 MOBILES AND ODR: WHY WE SHOULD CARE

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Information technologies can help in many unexpected ways, as well... Consider the sense of subdued frustration in Pakistan about the takeover of the Swat valley by the Taliban, which imposed its own repressive rules, and against which the Pakistani military was, initially, rather unwilling to act. Despite the barbarity of the Taliban rule in the Swat Valley, it looked rather remote to the mainstream Pakistani civil society, and there was a kind of apathy about the state of affairs in Swat. The mobile phone played a major part in changing this situation – a move from which there was an impact on changing the rather passive position of the Pakistani government, as well as that of the military.<sup>1</sup>

The events earlier this year in Tunisia, Egypt, and other countries in the region commonly referred to as the Middle East were powerful markers of how information and communications technologies (ICTs) undergird struggles for democratic governance. It is not only these struggles they support. ICTs are in and of themselves mere tools, and are increasingly used by repressive governments for their own parochial ends, in stark opposition to those who seek to foster democracy and strengthen human rights. This is a double-edged sword, for the same ICTs that help bear witness and strengthen accountability are those that place activists at greater risk.

It is no different with mobile telephony and communications. The mobile phone is to many in this region as well as in my own region – South Asia – their first PC. Mobiles today are more capable in fact than average PCs were a few years ago. They are more pervasive, affordable and utilitarian. The mobile today is first a device for the exchange of information through text messages (SMS), including mobile commerce, and only then a device for voice conversations. In the case of smartphones, the mobile is even more akin to a PC, revolutionising in the vernacular as well as in English, the way content is consumed, disseminated and archived through text, video, audio and photography.

Few in the world of ICT for Development (ICT4D) saw this coming. Fewer in peacebuilding and conflict transformation saw the potential for mobiles even a few years ago. My Masters thesis and other academic writing at the time, based on my work in Sri Lanka using ICTs and mobiles to transform violent conflict, is still flagged as some of the first forays into

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<sup>1</sup> Amartya Sen, “The Mobile and the World”, <<http://itidjournal.org/itid/article/view/614>>.

what has today become a praxis and theory far more studied, yet perhaps still as misunderstood.<sup>2</sup>

This lack of understanding leads to the oft-repeated mantra that revolutionary use of ICTs drives democratic means and ends writ large, a result that web based social media and mobiles alone are ill placed to engender. It leads to the divorcing of tools from the general socio-political, ethnic, economic, cultural and religious context. It leads to false assumptions that delink the use of ICTs from those that have access to them, and the manner in which they are adopted. It leads to a language of “revolution” prefaced by Facebook and Twitter that does little for the meaningful advancement of these technologies for democracy.

Hyperbole from some quarters of academia and Capitol Hill, who are for obvious reasons keenly interested in championing these developments, often serves to dilute complexity to the point of caricature, and risks the work of activists on the ground. Specifically, those I have encountered in US academe (and the case may well be true elsewhere) and the speeches of Hillary Clinton on Internet Freedom actually and ironically serve to stunt progress on how we use the web and Internet for peace building and democratic ideals. The mainstream media point to Al Jazeera as the new beacon of an engaged media that uses ICTs to get to and report on the pulse of the people in the region, but here again, the media’s role in these processes tends to either get romanticised or roundly criticised, with very little nuance. We are in an age of telegenics and sound bites, and ODR’s practice, platform and advocates do not stand apart. The very technologies I proposed a few years to the almost immediate dismissal of many in the ODR community at the time are precisely those fuelling the most interest today in processes of conflict transformation around the world. The theatres are different – regime change as opposed to commercial dispute resolution – but the pivotal role mobiles and ICTs can play is no longer contested. Few however know how to strategically leverage these technologies to mitigate, transform and recover from violent conflict.

It is not for outsiders to, in any way, critique processes that controlled by citizenry and in the service of a democratic polity and society. Yet, the question must be asked whether the same technologies that helped them overthrow despotic rulers, for example in Egypt, are those that will be used by them in the longer, more complex process of democratisation. It is the same question we can ask of Barack Obama’s supporters – whether what was a precisely engineered, supremely well executed ICTs strategy to garner support for and disseminate information on Obama as a Presidential candidate were the same platforms used by his administration after his election to strengthen participatory democracy in the

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<sup>2</sup> <<http://sites.google.com/site/sanjanah/thoughtsonictandpeacebuilding>>.

US. Some commentators have likened the divide between the early promise over Obama's use of new media in the White House<sup>3</sup> and how it quickly fizzled out to the distinction between a leader and an organiser, using new technologies to "pursue power as a means to enact reforms he deems favourable, rather than a means to allow others to enact change as they see fit – presumably those who had previously not had the power to do so".<sup>4</sup>

There is a familiar narrative that emerges. A regime needs to be changed. ICTs, including social networking platforms and mobiles are used to engineer and sustain opposition. These technologies help people swarm in increasing numbers and frequency. In the case of the countries in the so-called Middle East, governments then try to block or curtail access to these technologies. These efforts ultimately fail. The pro-democracy demonstrators prevail. In the US, Barack Obama is elected into office. But then the story ends. Books, interviews, quotes, academic papers, sound bites – the full fifteen minutes of fame looks only at this first blush of democracy's blossoming. We may be too early to critically analyse its second stage – where its institutions and processes are introduced and mainstreamed. It is unclear to what degree ICTs and mobiles can help in this stage. There is plenty of anecdotal evidence from elsewhere, from economists who co-relate the per capita use of mobiles with a percentage increase in GDP, from activists who use mobiles to bear witness over the long term to farmers and fishermen who get better market rates for their produce and daily catch. As *The Economist* notes:

Mobile phones have proved to be a boon for the poor world. An extra ten mobile phones per 100 people in a typical developing country boosts growth in GDP per person by 0.8 percentage points, according to a recent study. Mobile-phone subscriptions in poorer countries accounted for just a quarter of the global stock in 2000, but had risen to three-quarters of the 4 billion total by the start of this year. The next challenge is to expand the use of mobile technology to access the internet. Despite huge strides in producing cheap netbooks that connect via mobile networks, the mobile phone may still provide the cheapest way to access the internet in the developing world.<sup>5</sup>

We have all read these stories put out by institutions ranging from the World Bank to governments themselves. Increasingly, entering this glut of euphoria and optimism are international NGOs, who look at the use of mobiles and ICTs after natural disasters (*e.g.*

3 *Post-Election Voter Engagement*, Aaron Smith, "The Pew Research Center's Internet & American Life Project", <[www.pewinternet.org/Reports/2008/PostElection-Voter-Engagement.aspx](http://www.pewinternet.org/Reports/2008/PostElection-Voter-Engagement.aspx)>.

4 <<http://newsbusters.org/blogs/lachlan-markay/2010/01/05/much-anticipated-obama-transparency-fails-materialize-supporters-cha>>.

5 <[www.economist.com/node/14529802](http://www.economist.com/node/14529802)>.

Haiti, Pakistan, Japan, the Gulf Oil Spill) and suggest that even here, citizens empowered by ICTs are helping redefine aid and relief work.<sup>6</sup>

More specifically in the domain of ODR, there are now a number of platforms<sup>7</sup> that leverage the power of the mobile, up from almost none just a few years ago. Many will now posit a certain inevitability to this evolution. A few will recognise how far ODR providers have come in the past four to five years – from a complete dismissal of mobile platforms for dispute resolution to the recognition now that they are not just integral to the field, but are its future. One can see this in terms of pure business – where the models of ODR have changed as the platforms and a practice have been introduced to new markets where it is not the PC but the mobile that is most prevalent. There is no option but to change, because the profit line demands it.<sup>8</sup> A less cynical view suggests that though there are now platforms and services built for mobile phone based dispute resolution, there is still little or no strategic understanding about how to use these devices for more complex dispute transformation, a challenge that resonates with recent events in repressive regimes.

The first observation one can make in this regard is that a note of cautious optimism over the increasing use of ICTs for human progress needs to be tempered with how easily they can be manipulated and access shut down completely, or severely curtailed. Myanmar in 2007 and Iran in 2009 tried but failed, at great human and social cost, to use ICTs to overthrow their respective despotic rulers. In my own country Sri Lanka, crimes of mass atrocity and allegations of genocide haunt the incumbent government, which fought a war that despite some of the best ICT infrastructure in the region, was without witness. Mainstream or citizen media captured nothing of what went on in the frontlines of conflict, and even in the Internally Displaced Persons (IDP) camps immediately after the end of war. However, the first images of these camps – that were at the time hellish in the fullest sense of that term – came from a mobile phone, and were published online by me on a citizen journalism platform called *Groundviews*.<sup>9</sup> As the International Federation of Journalists (IFJ) averred:

The citizen journalism website *Groundviews* (<[www.groundviews.org](http://www.groundviews.org)>) did some of the most telling early reporting on the conditions within the IDP

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6 Disaster Relief 2.0: The Future of Information Sharing in Humanitarian Emergencies, <[www.unfoundation.org/press-center/press-releases/2011/disaster-report-2.html](http://www.unfoundation.org/press-center/press-releases/2011/disaster-report-2.html)>.

7 Technology as Fourth Party in dispute resolution, <[www.thehindubusinessline.com/features/eworld/article1447479.ece](http://www.thehindubusinessline.com/features/eworld/article1447479.ece)> and Smartsettle Announces Negotiation. System Destined for iPhone, Safari, <[www.smartsettle.com/news-and-events/249-smartsettle-announces-negotiation-for-iphone-safari](http://www.smartsettle.com/news-and-events/249-smartsettle-announces-negotiation-for-iphone-safari)>.

8 *The size and nature of the mobile web market*, <<http://ict4peace.wordpress.com/2010/03/09/the-size-and-nature-of-the-mobile-web-market>>.

9 <[www.groundviews.org](http://www.groundviews.org)>.

camps, alerting national and international opinion to the growing conditions of squalor and distress following heavy rains in August and then October 2009. The website's reporting was accompanied by a poignant commentary on the level of concern of the mainstream media in the situation in the camps. Reporting on the IDPs issue was clearly an area of silence for much of the mainstream media. Following the opening of the camps in November and the return of several of the displaced to their home villages, the indifference of the mainstream media persisted. As the silence grew, *Groundviews* did another report, tracking certain of the individuals who had been released from the IDP camps as they went back to their villages to begin the arduous process of reconstructing their lives.<sup>10</sup>

Beyond telegenic revolutions, the longer-term construction and sustenance of meaningful political opinion is a two-way street – mainstream media and national level political rhetoric shapes and is shaped by aspirations of the commons. This is a cycle tough to address through mobiles and ICTs alone if it is founded on repressive governance, if only because such states are also increasingly turning to the power of the Internet, web and mobiles to control citizenry. On the other hand, as we have witnessed in countries such as the Philippines, information in the hands of a public equipped with mobile phones can be a powerful democratic imperative that brings down an authoritarian and corrupt government. However, success stories such as this run the risk of romanticising the gravity of problems that bedevil post-conflict democratic reform. The traditional power of politicians in rigid social structures, a clientelist political architecture along with rampant nepotism and corruption erode the onset of democratic social transformation as promised by ICTs and mobiles.

Beyond the strict confines of ODR, yet deeply linked to it, is how ICTs can expand the ability to identify and mitigate disputes, including violent conflict. Democracy, seen as a dynamic construct reflecting the aspirations of all peoples and the desire for a life free from want and fear, is a living organism kept alive by the degree of citizen participation. This relationship between government and citizens is symbiotic – stable democracy strengthens plural societies who in turn more fully participate in democratic processes to ensure their voices are interwoven into the frameworks of governance. Beyond the rhetoric and the hyperbole, we need to examine what is really meant by expanding access – for instance, what does expanding access mean with populations that grapple with the daily strife of life in the deathly pall of violent conflict? How can ICTs empower those who have

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<sup>10</sup> *Freedom in Solidarity: Media Working for Peace in South Asia*, published on behalf of the South Asia Media Solidarity Network (SAMSN) by the International Federation of Journalists (IFJ) Asia-Pacific.

been erased or marginalised from national debates on governance and democracy regain a sense of identity, belonging and citizenship? Is the measure of expanded access quantitative – *e.g.* the number of mobile phones/PCs per capita – qualitative – *e.g.* the availability of websites in the vernacular and literacy to understand and communicate through the web – or a mixture of both? Is talk of a new Facebook or Twitter revolution a cruel misnomer in the face of conditions of life that continue to exist in terrains of hopelessness in these countries where so much of media attention has been devoted to regime change?

Following from above, the potential of expanded access to ICTs is deeply linked to the availability mechanisms and devices that operate in the vernacular (not just in English). The qualitative measure of communication in support of peace in post-conflict scenarios is in its ability to contest, amongst other issues, the corrosive structures of politics and governance that gave rise to violence and terrorism. It is a central problem of all pro-democracy movements to sustain the groundswell of support in favour of peace through peaceful means. ICTs can be used to examine the ways through which communities communicate – through metaphors, oral histories, hagiography, ritual, mysticism. Digitally captured, stored and disseminated, these can help communities transcend cycles of violence with support from other communities, the diaspora and an international support network and be a powerful social history of a country's movement from conflict to peace. A community able to articulate its alienation from processes of governance is able to better engage with local and international actors capable of delivering the necessary reform. At the very least, the large well-springs of support marginalised communities can tap into, especially in the diaspora, is a vital bulwark against the depreciation of hope that in turn is a strong factor in the rise of terrorism.

Reading the wealth of literature on ICT, it is easy to forget that it is not a panacea for problems facing developing nations. Normative assumptions about ICT tend in most cases to outstrip knowledge of how technology is actually used. ICTs cannot magically liberate people, alleviate poverty, erase the “digital divide”, and ensure prosperity. Much of the literature written on ICT does not treat it as one factor amidst a myriad of others that shape inter-state and intra-state relations in developing countries. Furthermore, in planning for and using ICT, many countries often concentrate on the intervention itself, rather than what they want to accomplish through it. It must be remembered that ICT is a means to an end, not an end in itself.

It is a valid question as to whether those who use the Internet to support progressive social policies adequately realise the long-term nature of social transformation. The caveat of many who tout the potential of the Internet and New Media for social transformation and empowerment is that the expectation of the time taken for such processes is much shorter

than what may be necessary for communal healing after decades of violence. Furthermore, many social activists online suffer from the myopia of believing in short-term social change initiatives automatically resulting in longer-term social change. Unless sustained and constantly adapted to respond to dynamics in polity and society, initiatives for conflict and social transformation that use Internet and web based new media have little chance of success in the long run.

Transforming information to knowledge requires context. Context requires education and the ability to discern bias. Given the problems associated with syllabi and public education in general in regions of protracted conflict, further research is needed to examine the ways in which the Internet and new media may contribute to existing racial and ethnic stereotypes on account of wider access promoting biased information that is uncritically read and understood as the truth.

If this is all somewhat dystopic, it is with reason. The projection of ICTs, web based social media and mobiles as a means to facilitate short-term regime change is a telegenic recipe that has captured the attention of many. We know however that peace and democracy are by definition imperfect constructs, riven by conflict. They are inherently processual in nature, not a perfect *telos* that is ever achievable. To celebrate the courage of a progressive, vocal, web savvy minority who use ICTs to strengthen democracy, especially against great odds, is one thing. To expect a more powerful, entrenched majority to be easily dominated by this is facile. At best, recent world events show that ICTs can help people bear witness as never before, and that this is a way for marginalised or violently erased narratives to be recorded for posterity. This is a far humbler task than regime change, not as mediagenic perhaps, but as important. It is based on the understanding that history is often recorded by the most powerful, but that today, the proliferation of ICTs records (using applications like Microsoft's amazing Photosynth software<sup>11</sup>) can produce snapshots of socio-political, cultural, religious and other identity based perspectives that can contest, frame and illuminate the status quo. The question then is how we take advantage of and strengthen these possibilities and at the same time maintain a critical distance from heady promises and rodomontade. As I note in the foreword to a recently published book on ODR edited by Marta Poblet:<sup>12</sup>

What will it mean to live in a world where an SMS generated a continent away can spark localised violence? What will it mean to use these new technologies

<sup>11</sup> <<http://photosynth.net>>.

<sup>12</sup> Mobile Technologies for Conflict Management: Online Dispute Resolution, Governance, Participation: 2 (Law, Governance and Technology Series), <[www.amazon.co.uk/Mobile-Technologies-Conflict-Management-Participation/dp/9400713835](http://www.amazon.co.uk/Mobile-Technologies-Conflict-Management-Participation/dp/9400713835)>.

to strengthen the essential fragility of peace processes, which only get harder after the cessation of violence? How can we ensure it is used for the purposes envisaged in this book? And will these ICTs test the limits of the freedoms we cherish even in progressive societies when used by those who choose and endorse violence – physical or verbal – as a means to promote their worldviews? How do we temper and seriously critique, without entirely dismissing, the enthusiasm over crowdsourcing and crisis-mapping by looking at contexts other than sudden onset disasters like complex political emergencies? Can ICTs create, sustain, transmit and safeguard any better than in the past hope – that irascibly ethereal construct even during the height of violence? Are all the case studies in this volume, compelling as they may be, initiatives pegged to courageous individuals or minorities that can't be easily scaled up, trans-located or sustained over the long-term especially within cycles of violence? Are most of these initiatives, and ICTs by extension, designed by and developed largely for men? What are the gender considerations of ODR, and do ICTs necessarily empower women or help them, *inter alia*, seek justice?

I have long since believed mobiles would deeply influence the field of conflict transformation and peacebuilding. This is a belief that has fuelled my work leveraging new media in Sri Lanka. Stories over the use of ICTs around the world for conflict transformation are growing. Kashmir's mobile phone totting citizens are the new producers of content that captures the violence that surrounds them, when mainstream media cannot or will not.<sup>13</sup> Bearing witness to the violence of the every day, which is so normalised that it does not even register on the radar of international wire agencies, the content created by youth and young adults with mobile phone is capturing history in the making.<sup>14</sup> An essay by Nik Gowing is worth quoting at length in this regard:

It was a chance video taken by a New York investment banker that dramatically swung public perceptions of police handling of the G20 protests. Those 41 seconds swiftly exposed apparently incomplete police explanations of how and why Ian Tomlinson died. They alone forced a level of instant accountability from the police about their orders, behaviour and operation.

Like the London police, most major institutions of power, and those working for them, still don't appreciate the full scale and implications of the dramatic

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13 Capturing violent conflict in Kashmir with mobile phones, <<http://ict4peace.wordpress.com/2008/09/21/capturing-violent-conflict-in-kashmir-with-mobile-phones>>.

14 Capturing violent conflict in Kashmir with mobile phones, <<http://ict4peace.wordpress.com/2008/09/21/capturing-violent-conflict-in-kashmir-with-mobile-phones>>.



new real-time media trend and its profound new impact on their credibility in a moment of crisis.

The on-going investigation into heavy civilian casualties last week when US-led Nato war planes bombed villages in Afghanistan's Farah province recalls how initial official claims were challenged after a similar strike on a school in Azizabad last August. US forces initially claimed only seven people died. NGOs said the bombing killed up to 90. Only after mobile phone video emerged two weeks later did US commanders accept they had to re-examine evidence. In a re-investigation condemned by Human Rights Watch as "deeply flawed" the US had to revise the death toll up to 55, although 22 victims were classified as "anti-coalition militants".

Such examples confirm how new information technologies and dynamics are together driving a wave of democratisation and accountability. It shifts and redefines the nature of power in such moments. It also creates a new policy vulnerability and brittleness for institutions, who then struggle even harder to maintain public confidence.

Increasingly routinely, a cheap, "go-anywhere" camera or mobile phone challenges the credibility of the massive human and financial resources of a government or corporation in an acute crisis. The long-held conventional wisdom of a gulf in time and quality between the news that signals an event and the whole truth eventually emerging is fast being eliminated. The new lightweight technologies available to almost anyone mean a new capacity for instant scrutiny and accountability that is way beyond the narrower, assumed power and influence of the traditional media.<sup>15</sup>

How will these advancements shape ODR? I would like to offer some preliminary thoughts on this score, based on a presentation made at the annual ODR working group meeting, held this year (2011) in Chennai in February.<sup>16</sup>

First, what is recognised and referred to as online dispute resolution today will transform into dispute resolution. In other words, online will be an extension of what is conducted face to face, in person. The process of dispute resolution will no longer differentiate between

<sup>15</sup> Real-time media is changing our world, <[www.guardian.co.uk/commentisfree/2009/may/11/real-time-media-government](http://www.guardian.co.uk/commentisfree/2009/may/11/real-time-media-government)>.

<sup>16</sup> <[www.odr2011.org](http://www.odr2011.org)>.

physical, real world interactions and virtual, web mediated and mobile interactions – they will be seen as parts of a greater process, seamlessly interwoven into various platforms that combine automated processes (bots, artificial intelligence driven software agents) as well as expert human input to facilitate negotiations and discussions. In this sense, ODR may in fact cease to be a term that is used, or useful.

The second driver of change will be the proliferation of mobile devices as well as devices connected via Internet Protocol (IP).<sup>17</sup> In a few years, everyone on this planet will either own or be able to easily access (and afford to use) a mobile device. In more developed regions, everything from home appliances to PCs and other computing devices, including mobiles that are internet enabled, will be connected to the internet. This will result in a world increasingly governed by IP connectivity, leading to products and services that combine the addressability of virtual appliances and devices through the Internet with real world interactions, seamlessly. One can imagine the amount of conflict – device to device first, and device based conflicts with real world impact – this will generate, requiring more dispute resolution mechanisms to be put into play, in more languages, far more pervasively, in more industries and services, to serve an exponentially greater base of humanity. This will be a challenge that is founded on technical issues, but will deeply impact how we interact, share and disseminate information, store knowledge and run our lives.

Linked to this will be the necessary growth of content on mobiles. Gapminder is an excellent way to visualise what's needed.<sup>18</sup> When comparing the mobile phone ownership and income per person for Kenya, India, Sri Lanka and the United States, it is clear that that over 2007 and 2008 – the most recent data on Gapminder – there were dramatic increases for under developed countries over, in this case, the US.<sup>19</sup> The US, with a population of around 296 million in 2005, a per capita income of almost USD 42,000 had a mobile phone penetration (per hundred people) of 72. India, in the same year, had a per capita income of just over USD 2,000 and a mobile penetration of just 8.2, again per 100 people. Fast forward to 2008, and the US mobile phone penetration increased to 89, and its per capita income to around USD 43,000. But in India, even though the per capita income increased only marginally, to around USD 2,700, its mobile phone penetration shows an explosive growth, up from just 8.2 per 100 people three years ago to thirty. Similar results can be seen in Sri Lanka and Kenya. This clearly demonstrates that the greatest potential for new ODR markets is actually in the developing world, and over mobiles. It also flags that the greatest need for dispute resolution will come from the developing world, which even without the developed

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17 <[http://en.wikipedia.org/wiki/Internet\\_Protocol](http://en.wikipedia.org/wiki/Internet_Protocol)>.

18 <[www.gapminder.org](http://www.gapminder.org)>.

19 <[www.bit.ly/frBjxu](http://www.bit.ly/frBjxu)>.

world's technical platforms and products, will innovate its own mechanisms and processes. The endogenous ODR initiatives stand to benefit from the expertise and technical experience of existing ODR providers, with the caveat that existing business processes and cultures will need to be revised if they are to embrace the very different economics, expectations and dynamics of these new markets, consisting of cultures and perceptions very different to what current providers of ODR tools expect and have built their tools around.

Add to this the growth of geo-location services (Foursquare, Facebook check-ins, Google Latitude), the evolution of the so-called Web 2.0 platforms including social networking sites like Facebook and Twitter, the growth of Interactive Voice Recognition (IVR) platforms like FreedomFone and finally, with the growing adoption and availability of low-cost broadband, the technical undergirding of ODR shows much promise of supporting new, innovative and pervasive services and products to help users identify, mitigate, transform and recover from conflicts and disputes. These disputes will, as they do today, range from purely commercial arbitration and dispute resolution to the negotiated transformation of complex ethno-political conflict. The ODR platforms will range from those products and services anchored to the provisioning of legal assistance and mediation to those that help bear witness to human rights violations and record them in a manner that supports both retributive and restorative justice mechanisms.

In this rich field, ODR will increasingly grapple with several key challenges. These challenges will come from within the existing ODR community, with competing business interests and a battle for market share leading to platforms and products that lock in users and their information, instead of a more open, platform agnostic approach. There is an annoying tendency, especially in the West, to believe that notions of privacy are radically different in the more densely populated developing world, because personal space is obviously more constrained.

Privacy is indeed a vital issue, but it applies to everyone in virtual domains. Information security is no less important for someone using m-pesa<sup>20</sup> with a mobile phone than it is for someone using online banking through his or her PC and over the web. Privacy is no less an issue for mobile healthcare clinics connected to hospitals over mobiles than it is for patient records stored in larger hospital and national databases. Facebook's largest growth is over mobiles, yet its privacy framework has come under repeated scrutiny by governments and privacy watch-guards alike. So-called digital natives<sup>21</sup> will have a very different notion of privacy to those currently developing the ODR platforms and tools,

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20 <[www.safaricom.co.ke/index.php?id=745](http://www.safaricom.co.ke/index.php?id=745)>.

21 <[http://en.wikipedia.org/wiki/Digital\\_native](http://en.wikipedia.org/wiki/Digital_native)>.

which will impact on how they interact with each other online. Conflicts will arise in this culture clash – with a bias towards more open sharing of even private information clashing with what still is a rather stentorian corporate culture of non-disclosure and the penalisation against full disclosure of private information, even if it is not connected to professional responsibilities. ICTs will help mediate these clashes as much as it will be the means through which they arise in the first place. Existing ODR providers will have to more rapidly move to mobile platforms. This requires significant investment for research and development costs. This high expenditure will foster resistance in even the larger ODR providers to service new markets through mobile means.

What gives hope that these challenges will be overcome is to reflect back on ODR's growth over the past few years. At the ODR working group meeting in Melbourne, back in 2004, I first presented ideas based on what I thought would be drivers of change for dispute resolution – the shift to embrace conflict transformation<sup>22</sup> in contra-distinction to dispute resolution and the need to leverage the mobile phone. It was a hard sell. Many were unconvinced. Today, the outlook is very different. The events this year in Tunisia and Egypt alone suggest that a population can and will use all the ICTs at their disposal to give voice to what is, around the world, a yearning for stronger democratic governance. People and communities, for decades written out of political and social narratives, women, debarred from participating fully in democratic dialogues and processes, children, who can now create their own content – all of these groups and more are competing to establish a democratic space better than what exists today in many parts of the world, including in the developed world. ICTs and mobiles are helping bear witness to this social and political change. It is unclear and perhaps too soon to suggest that this is a new chapter in mankind's progress to a more equitable, just, democratic polity and society. It is abundantly clear however that ICTs will be centre and forward in most of these struggles, and that ODR – or whatever it becomes and is called in years to come – will be a body of knowledge and practice that assists this democratic potential so many of us, around the world, share, believe in and want to leave as the legacy for our children.

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22 <[http://en.wikipedia.org/wiki/Conflict\\_transformation](http://en.wikipedia.org/wiki/Conflict_transformation)>.