

E-COMMERCE AND LAW REFORM PROGRAMME

FACILITATING E-COMMERCE THROUGH INFORMATION AND COMMUNICATIONS TECHNOLOGIES

GLOBAL CONTEXT

Electronic commerce – and more generally the rise of the information society – is rapidly transforming the way in which enterprises are interacting among each other as well as with consumers and Governments. The result is that e-commerce is creating new opportunities for technological leaps, productivity gains across the economy, the rise of new sectors and boosting trade. It is also growing rapidly in developing economies, thereby offering a catalyst for growth and development. Some of the greatest dynamism in e-commerce and information and communications technologies (ICTs) can be found in developing countries, but that potential is far from realized.

Making ICTs work for development means adapting to the benefits and the legal challenges that go along with their use. One facet of e-commerce raises the same issues for developed and developing countries – the need to ensure that consumers can trust online transactions. Conducting domestic and international trade online has to be simplified, and there must be legal protection for users and providers to carry out online activities and offer e-government services. Developing countries should have the legal, institutional and policy frameworks in place to open the door to the dynamism of e-commerce, whether via the Internet, mobile phones or the cloud.

UNCTAD assists Governments of developing and transition economies by helping to build the capacity of policymakers and lawmakers in these areas. This is essential as developing countries start to take on a more prominent role as both buyers and sellers of goods and services online. Working at the national and regional levels, UNCTAD helps government representatives to assess their readiness for e-commerce. Policymakers and lawmakers also gain understanding on the issues behind e-commerce and in particular the legal implications of ICTs, such as cyberlaws and enforcement of new legislation.

HOW CAN E-COMMERCE LEGISLATION BE IMPROVED?

At the request of Governments, UNCTAD carries out two main activities. Regional and national capacity-building workshops are designed to build sustainable local capacities in the complex legal, institutional and policy frameworks necessary to foster development through e-commerce. Legislative support focuses on revising laws and preparing regional cyberlaw frameworks, with a view to achieving international interoperability. Work begins with an inventory of existing laws and a critical analysis of the jurisprudence to assess compatibility.

In conducting activities, UNCTAD collaborates with a range of partners, among them regional institutions, academia, international, intergovernmental and multilateral organizations, as well as countries.

UNCTAD also developed a cyberlaw tracker which is regularly updated and maintained. Launched in March 2015, the Global Cyberlaw Tracker (unctad.org/cyberlawtracker) is the first online tool that maps cyberlaws globally, focusing on e-transaction, cybercrime, data protection and the protection of consumers online.

PROGRAMME FACTS AND FIGURES

E-commerce and law reform programme scope: Africa, Asia, and Latin America and the Caribbean

Programme start date: 2002

Number of training workshops: 31

Number of policymakers and lawmakers trained: 2,300

Number of developing countries benefiting from UNCTAD assistance: over 60

Programme website:
unctad.org/ict4d

RESULTS AND IMPACT AT A GLANCE

- UNCTAD recently supported the revision of laws in developing countries in Africa. In Ethiopia, the laws revised in May 2014 included the Draft E-signature Law, Computer Misuse Act, Data Protection Act and E-transactions Act. In Nigeria, the law on content development was modified in August 2014, while in Uganda, the Data Protection and Privacy Bill was revised in June 2014.
- The UNCTAD E-commerce and Law Reform programme pioneered the introduction of the legal dimension of ICTs in some 20 least developed countries (16 in Africa, 3 in Asia and Haiti); 21 developing countries in Africa (Ethiopia, all countries in the Economic Community of West African States and the East African Community), 10 in Asia (Association of Southeast Asian Nations) and 32 in Latin America and the Caribbean – where work continues. The East African Community became the first African region to adopt a harmonized framework for cyberlaws.
- As of November 2015, four regional reviews of e-commerce legislation harmonization have been published (for the Association of Southeast Asian Nations, the Caribbean, East African Community and Latin America).



DONORS/ FUNDING SOURCE

Current: Finland,
the Republic of Korea

Past: France, Spain

