

## UNCTAD Trust Fund for Trade Facilitation Negotiations Technical Note No. 11

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# Internet publication

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## Background

The transparency obligation of Article X of GATT does not specify the means and channels of publication. Art. X.1 requires only that the information is published “in such a manner as to enable governments and traders to become acquainted with them”.

In reality, disclosure and provision of trade-related information differs from country to country. In many countries, published legislative information is still kept to a minimum level and relies on paper-based distribution as means and channel of publication. This limits the access to the information and the offer of information.

The use of information and communications technologies (ICTs) offers a huge potential to improve access to information on a 24-hour daily basis with little operating costs. Traders can have 24-hour/365-day access to the information independent of their location. RSS technique or e-mail alerts can be used to inform users of recent updates in content. The information published on websites can be mirrored on several sites without duplication of the actual content and related work of uploading and maintaining it.

The content and user-friendliness of information can also be improved. Centralized websites can provide topical subject collections without again duplicating the information. Different formats for text and multimedia can be combined and therefore offer new opportunities for the presentation of information.

## Implementation issues

Internet publication has to be seen in line with the concept of the information management system described in the technical note on publication. Several questions related to Internet publication arise: security (mainly the authenticity and control of the information provided), definition of scope of information, and the development of a comprehensive information technology (IT) strategy.

### *Security: Authenticity and legal validity of information*

In an ICT-enabled environment where information administered by government is published, shared and even processed electronically security concerns relate to “protect information assets from unauthorized acquisition, disclosure, manipulation, modification, or damage and loss” (UNCTAD, *Information Economy Report 2005*: 187). Information security thus is the “sum of processes and technologies” (ibid.) to ensure such protection.

The main security concerns for publication of trade-related legislative and operational information are legal validity of the information electronically provided, and the authenticity of the information. Legal validity refers to the question of whether the information displayed and downloaded from the Internet will be an acceptable record for the public authority with regulatory supervision. Countries’ legislation regarding legal validity of electronic information and data vary. It is therefore important to

provide an adequate legal disclaimer stating the limitation of the validity as well as ways to access the original and valid document with the piece of information.

Authenticity requires ensuring that the information has not been altered by a third party and that the displayed document is the latest valid and original document. In a paper-based environment, the control of authenticity is provided through signature, stamps, envelopes, seals, letterheads. Alternative means of the control have to be accepted and introduced for Internet publication.

Ideally, government bodies have official websites set up, maintained, secured and backed up on official servers. This way ownership and control of the information remains with a central body with necessary staffing and skills. In addition to the equipment infrastructure a web-publication policy and guidelines need to be implemented, clearly defining the responsibilities and mechanism of web-publication.

### *Scope of published information*

The transparency obligation of Article X of GATT is mainly related to legislative texts. However, WTO delegates have stressed that additional information is required to enhance transparency of cross-border trade transactions. Further information on, for example, operational procedures, access to online forms, descriptive outlines of information as well as news-flashes on changes in legislation are equally important to traders. Publishing this information constitutes the added value from a trade facilitation perspective.

Many countries have in recent years introduced an electronic version of the official government journal or gazette publishing regularly adopted legislation. The electronic version either complements or supplements the printed version, depending on the legal validity given to electronic documents. Government journals or gazettes made accessible via the Internet offer access to full legal text and can provide additional services, such as access to consolidated legal texts, to legal digests or abstracts and search functions.

#### Examples of such government gazettes on the Internet

Argentina: Boletín Oficial de la Republica Argentina (<http://www.boletinoficial.gov.ar/>)

Burkina Faso: Journal Officiel de la République du Burkina Faso (<http://www.legiburkina.bf>)

Chile: Diaro Oficial de la República (<http://www.anfitrion.cl>)

Germany: Bundesgesetzblatt ([www.bundesgesetzblatt.de](http://www.bundesgesetzblatt.de)) and Law Portal ([www.gesetzesportal.de](http://www.gesetzesportal.de))

In addition, many government agencies, ministries and even private sector associations compile and make subject-relevant legislation and regulations available on their own websites. In order to ensure authentic and updated information, such information portals or collections often only mirror the information on the official gazettes' websites or provide only summaries of legislation and regulations with a link to the document on the gazette website.

For example, many Customs websites already provide a collection of legislation and regulations related to import and export formalities, procedures and restrictions, and Customs tariffs, fees and charges. Electronic Single Window platforms may also function as information platform (e.g. Cameroun Single Window (GUCE)). An example of a comprehensive trade information portal can be found under <http://www.tradeinfo.pk>.

### Pakistan Trade Information Portal

The Pakistan Trade Information Portal has been conceived as a single-stop resource bank on the trade, transport and transit laws of Pakistan, commodity tariffs based on Harmonized System (HS) Code, trade statistics, free trade agreements, transit agreements and other trade related information. It offers the possibility of a two way access with a private log-in area of registered users.

#### *IT strategy*

Adequate ICT infrastructure, an implemented web-publication policy as well as an information security policy are basic requirements for secure, efficient and updated Internet publication by government entities. Many countries develop IT strategies in light of e-governance reform efforts.

Government agencies require a secured server to locate their websites, and a regular back-up service. Other requirements include software for the editing and control of the content of the sites, and trained staff. An administration-wide policy and regulation would deal with issues such as legal disclaimers, and links or mirroring of authentic legislative documents and will be followed up by internal guidelines defining the procedures for updating the content and attributing dedicated staff to this task. Security concerns will have to be addressed through the use of security technologies, the definition of an appropriate legal framework and ongoing training of staff.

## References and tools available

#### *UNECE*

To assist public administrations to develop aligned trade documents the UN Regional Commissions have developed the Electronic Toolkit for the development of Interactive paper documents including as set of training materials and templates. See <http://unece.unog.ch/etrade/tkhome.aspx>.

#### *The Global Facilitation Partnership for Transportation and Trade (GFP)*

The Global Facilitation Partnership for Transportation and Trade (GFP) brings together the world's leading organizations and practitioners in trade and transport facilitation. It creates an open information and exchange platform on major new developments and all aspects of trade and transport facilitation. See [www.gfptt.org](http://www.gfptt.org).

#### *UNCTAD*

Various reports are available via <http://r0.unctad.org/ttl>. See in particular the document "ICT Solutions to Facilitate Trade at Border Crossings and in Ports", 2006, (TD/B/COM.3/EM.27/2). See also "Information Economy Report 2006" (UNCTAD/SDTE/ECB/2006/1) via [www.unctad.org](http://www.unctad.org). In order to subscribe to UNCTAD's Transport Newsletter please visit <http://extranet.unctad.org/TransportNews>.

*Further UNCTAD Technical Notes*

Further Technical Notes are available via <http://www.unctad.org/technicalnotes>.

See in particular:

- Technical Notes No. 1 (Publication of trade regulations)
- Technical Note No. 6 (Single national enquiry points)

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