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TRADE AND DEVELOPMENT BOARD
Commission on Enterprise, Business
Facilitation and Development
Expert Meeting on Electronic Commerce and
International Transport Services: Best Practices for
Enhancing the Competitiveness of Developing Countries
Geneva, 26 - 28 September 2001

Agenda item 3

**ELECTRONIC COMMERCE AND INTERNATIONAL TRANSPORT SERVICES:
BEST PRACTICES FOR ENHANCING THE COMPETITIVENESS OF
DEVELOPING COUNTRIES**

Agreed conclusions and recommendations

The Expert Meeting on Electronic Commerce and International Transport Services: Best Practices for Enhancing the Competitiveness of Developing Countries examined the impact of electronic commerce on international transport services, including economic and operational as well as legal and documentary aspects thereof, and decided to bring the following conclusions and recommendations to the attention of the Commission on Enterprise, Business Facilitation and Development at its sixth session.

The experts re-emphasized the necessity and importance of capacity-building in developing countries with a view to introducing electronic commerce in developing countries and integrating developing economies into world trade.

The importance of electronic commerce as a vehicle for improving the efficiency of transport services and for promoting the participation of developing countries in global trade should be recognized. To this end, developments pertaining to electronic commerce and transport need to be addressed and monitored on a regular basis.

The experts considered a number of legal issues and uncertainties arising from the application of existing laws and transport conventions in an electronic environment, including the challenge of replacing the negotiable bill of lading by an electronic alternative.

The experts recognized the value of contractual arrangements as a means of supplementing the current legal infrastructure.

The recommendations set out below should be considered within the context of the general need to design and implement national and regional ICT strategies for development.

A. Recommendations addressed to national Governments and enterprises

1. Governments are encouraged to promote investment in transport and ICT infrastructure and to ensure its coordinated development.
2. Governments are urged to enter into regional cooperation agreements with the aim of coordinating investment programmes in transport and telecommunications infrastructure.
3. Governments are urged to examine their existing legal infrastructure with a view to streamlining and adapting it to the requirements of electronic transactions.
4. In adapting their legal infrastructure, Governments are encouraged to give consideration to the existing international rules and guidelines, such as the United Nations Commission on International Trade Law (UNCITRAL) Model Laws on Electronic Commerce and on Electronic Signatures.

5. Governments are encouraged to give consideration to adopting the existing international transport treaties that allow the use of electronic transport documents.
6. Governments are encouraged to simplify administrative regulations and practices, in particular customs procedures, to facilitate electronic commerce and transport operations.
7. Governments are encouraged to participate in the preparation of various legal instruments being considered in international forums.
8. Governments, customs, port authorities, port communities and transport operators are encouraged to undertake the necessary measures to establish port community systems and logistics platforms to facilitate the exchange of information amongst traders, service providers and administrations using international standards.
9. Governments and enterprises are encouraged to undertake the necessary measures to improve connectivity and access to Internet.
10. Governments are urged to introduce a regulatory environment that allows for a reduction in telecommunication and Internet charges.
11. Governments and enterprises are urged to promote public awareness of and education in all aspects of electronic commerce and the opportunities and benefits it offers, and Governments are urged to become model users of electronic commerce.
12. Commercial parties are encouraged to revise their existing commercial practices with respect to the use of traditional negotiable transport documents and to limit the use of such documents, whenever possible. Commercial parties are also encouraged to support and facilitate the use of electronic alternatives to traditional transport documents.
13. Transport operators from developed countries are called upon to enter into joint ventures with developing countries` operators, thus ensuring a transfer of know-how and capital.

14. Transport operators from developing countries are also called upon to enter into joint ventures with other developing countries' operators to further encourage South-South transfer of know-how and capital.

B. Recommendations addressed to the international community

15. International organizations involved in electronic commerce and transport should cooperate and coordinate their activities to improve the competitiveness of developing countries' trade and transport operators.

16. International organizations are encouraged to strengthen their legislative, technical and financial assistance to developing countries in the following areas:

- (a) Reviewing and adapting national laws and regulations;
- (b) Promoting awareness, and providing education and training;
- (c) Developing transport and telecommunications infrastructures; and
- (d) Strengthening transport and telecommunications services providers.

C. Recommendations addressed to UNCTAD

17. UNCTAD should keep under review and monitor developments relating to economic, commercial and legal aspects of electronic commerce and international transport services, and analyse the implications thereof for developing countries.

18. UNCTAD should undertake studies on the use of traditional transport documents in international trade, particularly on the extent to which negotiable bills of lading are necessary for modern-day international trade and the extent to which they can be replaced by non-negotiable transport documents, such as sea waybills, and by electronic alternatives.

19. UNCTAD should conduct research on the extent to which contractual arrangements can be used as a solution to facilitate wider use of electronic commerce in international transport services.

20. UNCTAD should develop and deliver training materials and disseminate information on best practices in the field of electronic commerce and international transport services for developing countries, with the participation of private operators from developed countries. UNCTAD, in conformity with requests or requirements in respect of capacity building from developing countries, should initiate or organize activities to develop human resources in developing countries.

21. UNCTAD should prepare guidelines for the establishment of model port community systems and logistics platforms in developing countries.

22. UNCTAD should give consideration to the possibility of reconvening the group on a regular basis to provide for a forum where developing countries, in particular the least developed among them, can benefit from a institutionalized dialogue on best practices in electronic commerce and international transport services as a means of facilitating trade.