

Expert Meeting on

CYBERLAWS AND REGULATIONS FOR ENHANCING E-COMMERCE:
INCLUDING CASE STUDIES AND LESSONS LEARNED

25-27 March 2015

E-commerce and Law Reform: Best Practices and Lessons Learned

By

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E-COMMERCE AND LAW REFORM: BEST PRACTICES AND LESSONS LEARNED

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Including case studies and lessons learned**

Geneva, 27 March 2015

UNCTAD's E-commerce and Law Reform Programme

- ❑ To date, **60 countries** in Africa, Asia and Latin America and the Caribbean have received technical assistance in various forms
- ❑ Awareness and build capacity workshops of policy and law makers, including parliamentarians;
 - ✓ **Online and face-to-face training courses** on the “Legal Aspects of E-commerce” following the TrainForTrade methodology : legal validity of e-transaction, consumer protection, taxation, security, privacy, IPRs, content regulation;
 - ✓ Over **2400 policy and law makers** trained in 8 years in the ASEAN, EAC, ECOWAS, Latin America and the Caribbean.
- ❑ Reviews of national laws and regional agreements;

UNCTAD's work on cyberlaw harmonization

- ❑ Preparation of regionally harmonized legal frameworks and assistance in implementation at national level;
- ❑ Public and private roundtables;
- ❑ Comparative regional reviews on cyberlaw harmonization;
- ❑ Partners include:



- ❑ Programme funded by Finland, the Republic of Korea



- ❑ External evaluation in 2011





Lessons learned: Different regional/national legal approaches...

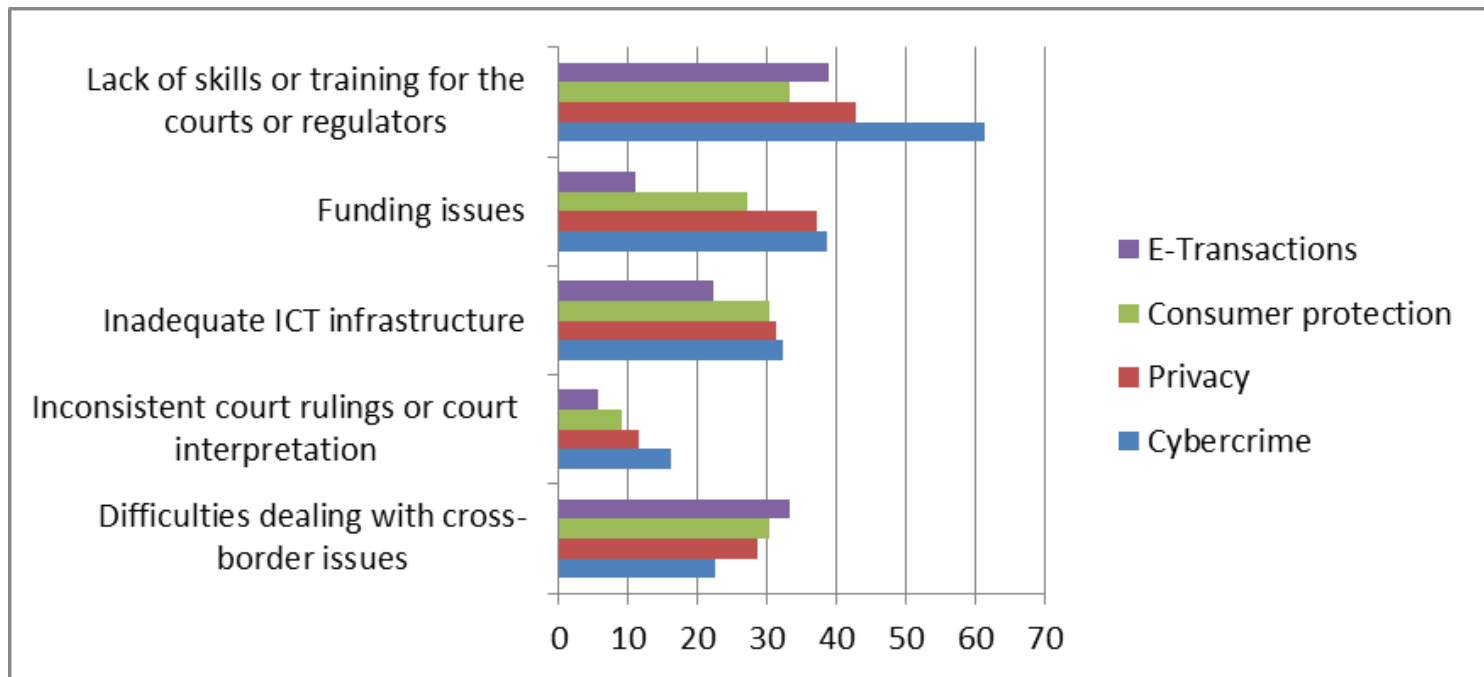
- ❑ Regional integration plans: increased participation in regional/global markets and supply chains; e-government strategy; mobile commerce, cloud computing
- ❑ Differences among countries
 - ✓ Legislation, capacity, resources, political situation
 - ✓ Regional trade agreements/frameworks
- ❑ Civil law, common law countries (e.g. EAC)
- ❑ *Hard* versus *soft* agreement regional approach:
 - ✓ a model law (e.g. ECOWAS) or a baseline text (e.g. EAC, ASEAN) to adapt to growing sophistication of ICTs
- ❑ Domestic omnibus law versus revising existing body of laws



...and common challenges regarding enforcement and cross border issues

(selected countries, 2013-14, % of respondents)

- ❑ Lack of capacity of stakeholders and law enforcement bodies
 - ✓ Staff turn over, change in the government authority and loss of key project focal points





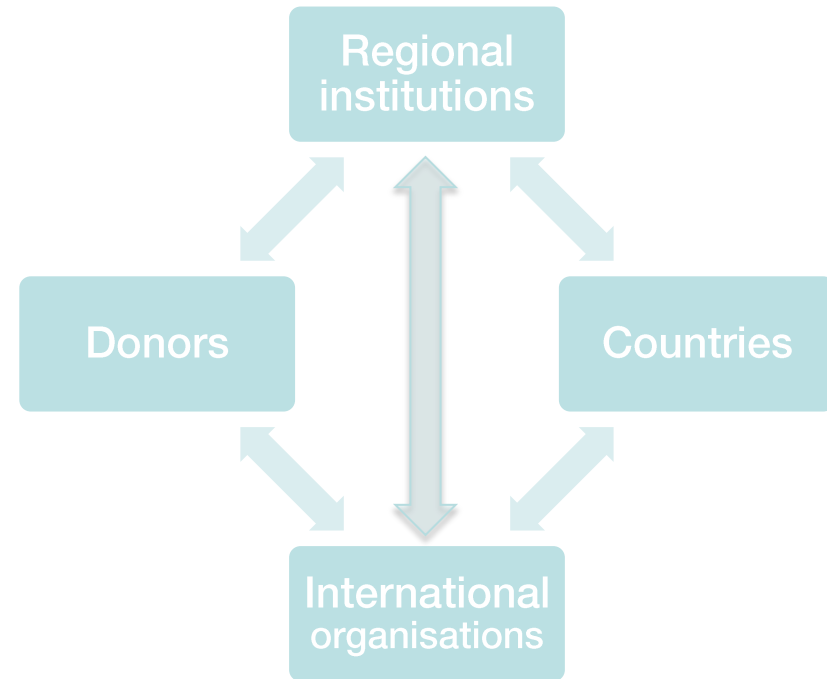
Best practices

- ❑ Commitment and ownership at highest level (e.g. EAC Task Force on Cyberlaws) – **National and regional cyberlaw strategy**
- ❑ Collaboration among regulatory/statutory authorities at national and regional levels - **Inter-governmental coordination committee**
- ❑ Public–private dialogue needed for legislation to be successfully enacted and enforced
- ❑ Trainees become promoters of the cyber law reform process
 - ✓ Sharing of experience, restitution seminars
 - ✓ Participation at national/regional workshop
 - ✓ Training/briefing of national institutions, awareness-raising campaigns



Best practices

- ❑ Detailed list of training and awareness-raising actions for key target group
- ✓ Policy and law makers, parliamentarians, law enforcement agencies, the private sector, civil society
- ❑ Comprehensive roadmap, milestones with agreed timelines and harmonization benchmarks
- ❑ Monitor developments



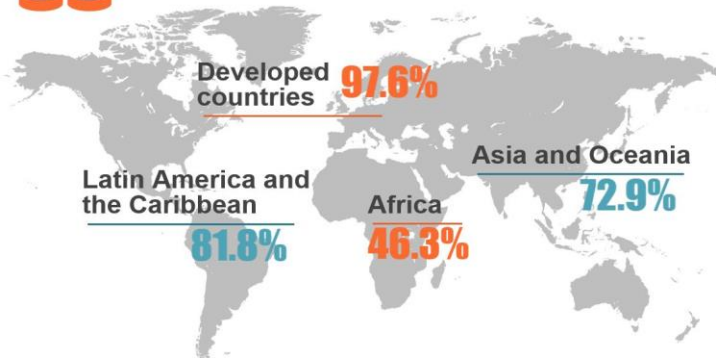
**Keep the momentum for
Cyberlaw reform**



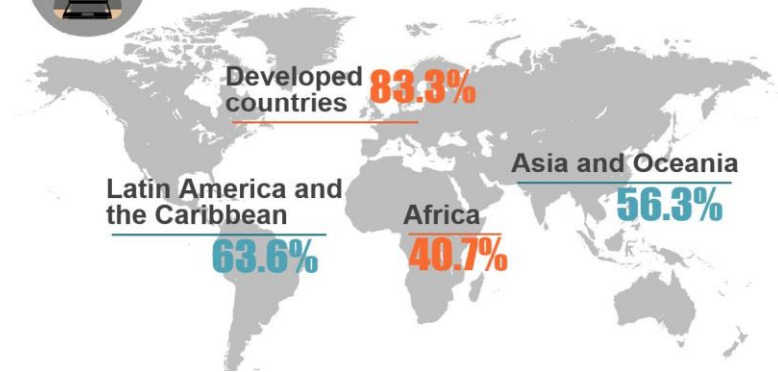
UNCTAD.org/CyberlawTracker



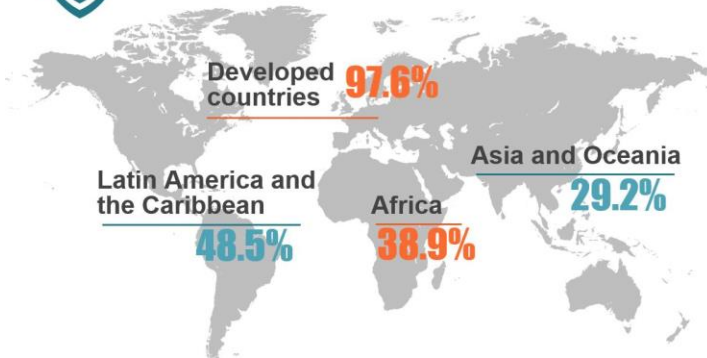
Share of countries with E-Transaction laws



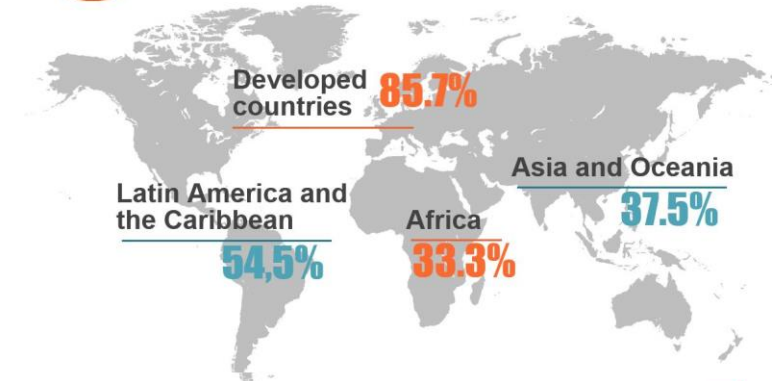
Share of countries with Cybercrime laws



Share of countries with privacy and data protection laws



Share of countries with consumer protection laws





Future plans

- Collection of cyberlaw data (annual surveys of legislations to Member States and through our partners) - ict4d@unctad.org
- Analysis of legislation in specific areas to facilitate decision-making
- Follow-up assistance to the EAC, ECOWAS, CARICOM countries
- Requests from Bhutan, Madagascar, South Asia, etc.
- Else?



THANK YOU