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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Geneva, 27 March 2015
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

Source: UNCTAD.
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
## Share of countries with E-Transaction laws

<table>
<thead>
<tr>
<th>Region</th>
<th>Developed countries</th>
<th>Latin America and the Caribbean</th>
<th>Africa</th>
<th>Asia and Oceania</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developed countries</td>
<td>97.6%</td>
<td>81.8%</td>
<td>46.3%</td>
<td></td>
</tr>
<tr>
<td>Latin America and the Caribbean</td>
<td>63.6%</td>
<td>48.5%</td>
<td>38.9%</td>
<td></td>
</tr>
<tr>
<td>Africa</td>
<td></td>
<td></td>
<td></td>
<td>72.9%</td>
</tr>
<tr>
<td>Asia and Oceania</td>
<td>85.7%</td>
<td></td>
<td></td>
<td>37.5%</td>
</tr>
</tbody>
</table>

**Source:** UNCTAD.
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