Expert Meeting on

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

25-27 March 2015

Regional Case Study: Cyberlaw Reform in the EAC

By

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East African Community

The views reflected are those of the author and do not necessarily reflect the views of UNCTAD
Experts Meeting on Cyberlaws

25th – 27th March, 2015
Geneva, Switzerland

Regional Case Study: Cyberlaw Reform in the EAC
Agenda

1) Origin of EAC Framework for Cyberlaws
2) Content of Frameworks
3) Process of developing the Frameworks
4) Status of Implementation
5) Achievements and Challenges
6) Lessons Learnt
7) Conclusions and way forward
Experts Meeting on Cyberlaw and Regulations for E-Commerce: 25th – 27th March, 2015; Geneva
Regional Case Study: Cyberlaw Reform in the East African Community

East African Community
Framework for Cyberlaws: Origin

- Global consensus that e-government services e-commerce are critical for effective participation in the information society

- What are required for e-government services and e-commerce?
  - Content and applications (e.g. e-immigration, e-health, electronic payment systems)
  - ICT infrastructure (e.g. connectivity, storage systems);
  - Enabling environment (i.e. policies, cyberlaws, institutions);

- Recognizing the need for an enabling environment, in 2006, the EAC Council of Ministers approved that the EAC Framework for cyberlaws be developed.
EAC Framework for Cyberlaws: Content

- Two sets of documents, Framework I and Framework II

- Each Framework contains
  - Expositions, legislative guidelines, reference materials, and recommendations for enacting legislation for cyberspace

- Coverage Framework I
  - Electronic transactions, including electronic signatures
  - Cybercrime
  - Data protection and privacy
  - Consumer protection

- Coverage Framework II
  - Intellectual Property
  - Competition
  - E-taxation
  - Information Security
Process

• Developing Framework I began in 2007, was completed in 2008, approved in 2010

• Developing the Framework II began 2010, completed 2011, approved 2013

• Implementation of both Frameworks is in progress in EAC Partner States

• Sensitization and capacity building important elements of implementation

• EAC Secretariat responsible for monitoring implementation
Process

- Frameworks were developed by a Task Force comprising:
  - Officials drawn from various government departments including ICT, finance, trade, Attorney General's Office, judiciary, parliaments
  - Private sector representatives
  - An expert in cyberlaw, serving as the facilitator
  - Financial support from UNCTAD, administrative support provided jointly by EAC Secretariat and UNCTAD

- Actual work was preceded by an intensive class-room type training on cyberlaws
### Implementation Status: Framework I

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Achievements and challenges

- **Achievements**
  - Built local capacity on matters cyberlaws
  - Developed consensus
  - Produced a reference material for cyber-legislation
  - Facilitated implementation of e-government projects at both national and regional levels
  - Provided the legal support for the emergence and success of mobile money (i.e. confidence and security)

- **Challenges**
  Different pace of implementation of the Framework
Lessons learnt

- Involve the relevant people at the right time
  - political class at the beginning for general direction
  - Technocrats for the actual process of developing the

- To promote e-commerce, enact cyberlaws, but develop ICT infrastructure and applications as well (e.g. level of e-commerce activity within EAC does not correlate with presence of cyberlaws)

- Build capacities, share experiences
Conclusions and Way forward

- Law-making is a work in progress
  - Implementation of the framework will still continue
  - Monitor global trends developments, and incorporate in the cyberlaw reform programme as appropriate

- Further work, especially in the area of cybercrime and data protection and privacy

- Monitor evolution of case law on cyberlaws, locally and internationally

- Continue international cooperation in cyberlaw matters
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