E-commerce legislation harmonization in the Caribbean

The use of information and communication technologies (ICTs) has transformed the business environment of developing countries as small and medium-sized enterprises are able to participate more actively in international trade. However, in order to fully benefit from the opportunities offered by ICTs, it is important that governments adopt legal regimes which will address the legal challenges linked to e-commerce.

Recognising the need for e-commerce legislation in the Greater Caribbean, the Association of Caribbean States (ACS) has partnered with the United Nations Conference on Trade and Development (UNCTAD), the Government of the Republic of Trinidad and Tobago and the Latin American and Caribbean Economic System (SELA) to convene a workshop on E-commerce legislation harmonisation in the Caribbean from 29th September to October 2nd, 2015 in Port of Spain, Trinidad and Tobago.

This Workshop stems from the Distance Training Course on Legal Aspects of Electronic Commerce (E-Commerce) For Latin America and the Caribbean organized by UNCTAD, with the support of the Government of Finland and in cooperation with the Permanent Secretariat of SELA, ACS Secretariat and the Ministry of Foreign Affairs of Ecuador. This course was held from 2nd – 27th June 2014 in Spanish and from 23rd March 2015- 19th April 2015.

Delivering opening remarks Mr. Alberto Duran, ACS Director of Trade Development and External Economic Relations acknowledged the successful collaborative work executed with partner organisations in areas of mutual interest in the Region. He further stated that, “E-Commerce is rapidly gaining ground as a major opportunity factor for trade and development in developing countries, due to the increase of electronic transactions. It therefore becomes imperative that

countries better understand and master the various aspects of electronic commerce which exist.” In closing, he urged participants to apply the information and knowledge received in their respective countries.

Research conducted by the UNCTAD and Cyberlaw Tracker has identified key legal challenges relating to e-commerce. The research has underscored the following: the enactment of laws that facilitate security and trust in online transactions varies considerably across the world, with significant gaps in many developing countries; international compatibility of e-commerce laws remain a challenge for many countries, including developed countries; laws, capacity and infrastructure are needed to respond effectively to cybercrimes and consumers buying online from other countries need better protection.

The four day workshop will therefore address global and regional e-commerce trends and cyberlaw developments; main legal e-commerce challenges in the Caribbean; the harmonisation of national technology policies in the Caribbean; electronic transactions and electronic signature laws; cybercrime; data protection and intellectual property rights.

Representatives from Antigua and Barbuda, Bahamas, Barbados, Costa Rica, Cuba, El Salvador, Jamaica, Saint Lucia, Suriname and Trinidad and Tobago who have completed the distance learning course on legal aspects of e-commerce, as well as other country representatives are participants in this workshop. The meeting also received participation from international organisations including; CARICOM, UNCITRAL, UNECLAC, UNODC, the World Bank and the United States Department of Justice.