E-Commerce Legislation and the Way Forward in the Greater Caribbean

Electronic Commerce or E-Commerce as it is most often referred to is defined as commercial transactions conducted electronically on the Internet; the buying and selling of goods and services, or the transmitting of funds or data, over an electronic network, primarily the Internet. These business transactions occur either business-to-business, business-to-consumer, consumer-to-consumer or consumer-to-business.

Electronic 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. The possible benefits to countries of our Region that can be actualized amongst others are the attaining of higher levels of international competiveness, and more active participation in the emerging global information economy.

Specifically in the area of legislation and the legal aspects of e-commerce, training on these issues allow for countries to effectively establish the legislative framework and regulatory instruments necessary to manage electronic commerce, and reap the gains associated. To effectively appropriate this e-commerce sector, deeper knowledge of key legal issues related to e-commerce must be cultivated. We have to understand why e-commerce laws are needed and the impact that they can bring to bear on areas such as:

Increased participation in regional/global markets and supply chains;

e-government strategy;

mobile commerce;

E-payment systems and;

Cloud computing.

The Association of Caribbean States (ACS) 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) and hosted 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 engaged regional practitioners in in-depth discussion and experience exchange on e-commerce, and e-commerce legislation. It is useful to share some highlights emanating from this workshop which identified the possible ‘way forward’ for the Caribbean as we address e-commerce issues.

The Caribbean landscape as it relates to e-commerce legislation is defined by: different levels of law adoption, this can be attributed to the lack of capacity of stakeholders and law enforcement bodies; lack of resources and of prioritization in Governments portfolio; as well as lack of mechanisms for coordinating cooperation between multiple agencies. As a result the harmonization of e-commerce legislation remains a challenge in the Region.

The question has been asked – What is the way forward? Coming out of an intensive week of dialogue and engagement, the following were identified as a potential blueprint by which the countries of the Greater Caribbean could follow to achieve improved e-commerce legislation and harmonization.

Good Practices

Commitment and ownership at highest national and regional level (e.g. East African Community Task Force on Cyber laws).

Collaboration among regulatory/statutory authorities at national and regional levels.

Public–private dialogue needed for legislation to be successfully enacted and enforced.

Set up inter-governmental coordination committee.

Define trainings and awareness-raising actions for key target groups, including parliamentarians, law enforcement agencies and the private sector.

Define milestones and monitor developments.

The way forward is also about sharing resources for shared benefits and development of domestic/cross-border ecommerce.

Sharing

Set informal and formal mechanisms at national and regional levels;

Establish promoters of the law reform process;

Tap into the existing resources available from regional and international organizations.

The use of information and communication technologies (ICTs) has transformed the business environment of developing countries, as Greater Caribbean 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. Regional training on the issues is one step, but for advancement and progress to be achieved there are other specific actions that must be taken to bring us as a Region closer to an improved and harmonized legal regime for ecommerce, and in turn add to our competiveness and sustainable development.