

**CONCLUSIONS & RECOMMENDATIONS
OF
THE ROUNDTABLE ON
CAPACITY BUILDING NEEDS FOR E-COMMERCE LEGAL AND
REGULATORY SYSTEM DEVELOPMENT IN ASIA AND THE PACIFIC
BANKGOK, THAILAND, 9 JULY 2004**

The Roundtable on Capacity Building Needs for E-commerce Legal and Regulatory Systems Development in Asia and the Pacific, held in Bangkok on 9 July 2004,

Acknowledges: the importance of training and capacity building for E-commerce legal professionals (law makers, regulators, lawyers and judges)

Recalls: The Geneva 2003¹ Declaration of principle of the World Summit on the Information Society (WSIS), according to which:

- Enabling environment at national and international levels is essential for the Information Society. ICT's should be used as an important tool for good governance.
- The rule of law, accompanied by a supportive, transparent, pro-competitive, technology neutral and predictable policy and regulatory framework reflecting national realities, is essential for building a people-centered Information Society.
- Standardization is one of the essential building blocs of the Information Society.
- Regional integration contributes to the development of the global Information Society.
- Regional dialogue should contribute to national capacity building.

Refers to: The WSIS Plan of Action on Capacity building (C4, a to p)² and the Declaration on E-commerce for Development³

Recognizes that: regardless of the uneven stage of development of the legal and regulatory framework of e-commerce in the Asia-Pacific region, training and capacity building of the legal professional constitute a realistic and effective means to achieving a common understanding of E-commerce legal and regulatory issues for harmonization and trade facilitation.

Endorses: the Technical Assistance Project for Regional Capacity Building summarized in Figure 1.

¹ See Document WSIS-03/Geneva/Doc/4-E, 12 December 2003

² Ibidem

³ Joint UNCTAD-UNESCAP Asia-Pacific Regional Conference, E-Commerce Strategies for Development, 20–22 November 2002 (http://r0.unctad.org/ecommerce/event_docs/bangkok_about.htm#documents)

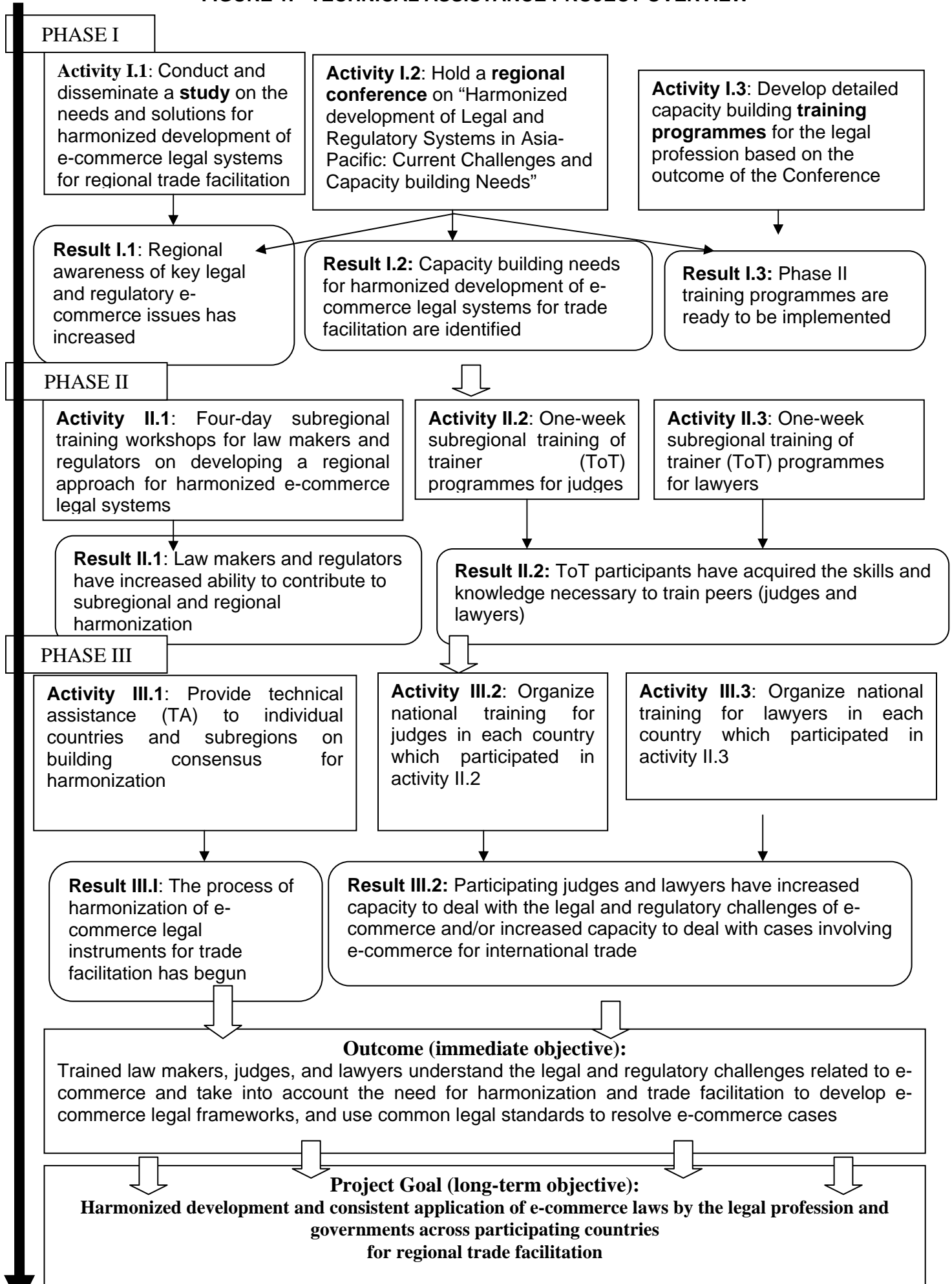
Recommends: that UNESCAP, as the regional arm of the United Nations, coordinate with other relevant capacity building organizations, particularly UNCITRAL, ITC UNCTAD/WTO, UNCTAD, ITU, WIPO and the World Bank, to implement the capacity building activities on a regional or subregional basis.

Further recommends: that donor countries, as well as the regional and international development finance institutions, particularly ADB, provide the necessary financial and technical support for implementation of the technical assistance project at the regional or subregional level.

Requests: that UNESCAP incorporate the findings and recommendations of the roundtable subcommittees 1 to 3, as well as the key elements of the Report of the Cooperating Agencies⁴, in the implementation plan of the regional capacity building framework so as to insure its coherence.

⁴ See ANNEX 1 entitled “Report of the Cooperating Agencies, Roundtable Discussion on Capacity Building Needs for E-commerce Legal and Regulatory System Development, 9 July 2004”

FIGURE 1. TECHNICAL ASSISTANCE PROJECT OVERVIEW



- ANNEX 1 -

REPORT OF THE COOPERATING AGENCIES:

ROUNDTABLE DISCUSSION ON CAPACITY BUILDING NEEDS FOR E-COMMERCE LEGAL AND REGULATORY SYSTEM DEVELOPMENT, 9 JULY 2004

REPORT OF THE COOPERATING AGENCIES: ROUNDTABLE DISCUSSION ON
CAPACITY BUILDING NEEDS FOR E-COMMERCE LEGAL AND REGULATORY
SYSTEM DEVELOPMENT (9 JULY 2004)

The meeting recognized that UNESCAP is best positioned in the Asia and Pacific region to coordinate and facilitate regional cooperation and to follow up on the Regional Expert Conference on “Harmonised Development of legal and regulatory systems for electronic commerce in Asia and the Pacific: Current Challenges and Capacity Building Needs”.

All international organisations represented in this meeting agree that the most effective and efficient way to move forward in the field of harmonised development of E-Commerce legal systems is by leveraging existing synergies and pro-actively working together on the follow up of this conference. Organisations agree that the regional capacity building framework as included in the documentation of this roundtable would be a good basis to do so.

Specifically, phases II and III could be implemented using the UNCTAD course on legal aspects of E-Commerce and a version of the ITC E-Commerce legal kit adapted to the Asia-Pacific setting (ITC Legal kit would provide a good basis for activity II.3 for lawyers). UNCITRAL could also provide substantive support to phases II and III. It is recognized that the training material for activity II.2 for judges may need to be developed as existing materials may not be adequate. The meeting further agrees that collaboration in the field of legal aspects of E-Commerce could extend beyond the scope the activities specified above.

The research commissioned by the World Bank benchmarking 23 countries in the region in terms of E-Commerce legal systems is to be released officially soon. Additionally the World Summit on the Information Society has identified many of the issues related to harmonised development of E-Commerce legal systems in its Principles and Action Plan. It is agreed by the meeting that follow up activities conducted by the World Bank and the WSIS could provide important opportunities for constructive collaboration through providing physical and substantial linkages between these workshops and the follow up of the Regional Expert Conference on “Harmonised Development of legal and regulatory systems for electronic commerce in Asia and the Pacific: Current Challenges and Capacity Building Needs.”

Many experts during the conference expressed the view that both the EU and the Asia Pacific region could benefit from active participation in the on-going capacity building effort in the Asia Pacific Region. The EU continues to provide important input in this process through the sharing of lessons learnt and best practices from the EU region.

It was noted that many law faculties and lawyers are willing to participate pro bono in capacity building activities in the implementation of the capacity building framework. Organisations recognised that this initiative along with the involvement of national trainers may serve as an important resource in the delivery of the activities described in phase 2 and 3 of the technical assistance overview. The international organisations represented expressed their appreciation of this initiative and expressed encouragement to utilise this resource for follow up on the conference.

Last but not least, the international organisations noted that this meeting was a significant step towards harmonised development of legal and regulatory systems for electronic commerce in the region and expressed their overall willingness to contribute where possible and appropriate in a collaborative and cooperative manner.

Participating International Organisations:

Representation from:

UNCITRAL Secretariat

UNCTAD

ITC

UNESCAP

EU

Observer:

Mr. Rajesh Sreenivasan, Consultant, World Bank.

Report acknowledged by:

ITU