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REPORT

EXPERT GROUP MEETING ON
TRADE FACILITATION AND ELECTRONIC COMMERCE
IN THE ESCWA REGION
BEIRUT, 8-10 NOVEMBER 2000

Republic of Lebanon

Office of the Minister of State for Administrative Reform

Center for Public Sector Projects and Studies

(C.P.S.P.S.)

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Preface

The United Nations Economic and Social Commission for Western Asia (ESCWA) wishes to communicate its deepest thanks to the sponsors of the Expert Group Meeting on Trade Facilitation and Electronic Commerce in the ESCWA Region, in particular the Association for the Development of Informatics and Law in Lebanon, Crédit Libanais, Friedrich Ebert Stiftung, the General Union of Chambers of Commerce, Industry and Agriculture for Arab Countries, and the International Development Research Centre of Canada, as their contributions were instrumental in making this Meeting a success.

I. ORGANIZATION OF WORK

1. The Expert Group Meeting on Trade Facilitation and Electronic Commerce in the ESCWA Region was held in Beirut from 8 to 10 November 2000 to examine various issues relating to electronic commerce (e-commerce), to discuss case studies of Egypt, Jordan, Lebanon and the United Arab Emirates, and to formulate a set of policy recommendations for the consideration of the member countries. The Meeting represented a joint effort and had the combined support of ESCWA, the Association for the Development of Informatics and Law in Lebanon, Crédit Libanais, Friedrich Ebert Stiftung, the General Union of Chambers of Commerce, Industry and Agriculture for Arab Countries, and the International Development Research Centre (IDRC) of Canada.
2. The Meeting drew more than 100 participants, including representatives from the ministries of trade, communications and foreign affairs, and from chambers of commerce and the private sector in different ESCWA member countries. The Meeting was also attended by representatives from United Nations and other international organizations including the United Nations Economic Commission for Europe (ECE), International Trade Centre (ITC), World Trade Organization (WTO) and Organization for Economic Cooperation and Development (OECD). The session on legal and regulatory aspects of e-commerce attracted more than 150 Lebanese judges and lawyers.
3. The Meeting opened with statements by the Minister of Economy and Trade in Lebanon, the Executive Secretary of ESCWA, the Chief of the Economic Development Issues and Policies Division, and representatives of the other sponsoring organizations. The first session was devoted to reviewing e-commerce from an international perspective. The participants addressed trade policy issues, and various aspects of trade facilitation for small and medium-sized enterprises (SMEs). This was followed by a session during which the different requirements of e-commerce, including the provision of adequate telecommunications and Internet services, online security solutions, and banking and human resources support, were discussed. Legal and regulatory issues relating to e-commerce are central to the practice of electronic trading and were therefore allocated a whole session. Another session included the presentation and discussion of e-commerce ventures undertaken by the private sector in four ESCWA member countries. The managers of the companies concerned shared their practical experiences in electronic trading. The Meeting ended with the submission of a set of recommendations for the consideration of the member countries.

II. ACCOUNT OF PROCEEDINGS

A. THE INTERNATIONAL PERSPECTIVE ON TRADE POLICY AND ELECTRONIC COMMERCE

4. During the first session of the Meeting a representative from the ITC discussed how to “e” a business and survive in the e-trade environment. He outlined the reasons for “e-ing” an organization and the steps that should be taken to accomplish that. An OECD representative then gave a talk on policy issues and prospects for e-commerce, focusing particularly on SMEs. He explored the potential contribution of the Internet and its commercial applications to the development of poor countries and the role e-commerce could play in creating new opportunities for SMEs.
5. A presentation on the WTO view of e-commerce included a brief review of the General Agreement on Trade in Services (GATS) as it related to electronic trade. Particular attention was given to scheduled commitments on cross-border access, regulatory disciplines and general exceptions under the GATS.
6. In the final presentation of the session, an ECE representative discussed the business process and e-commerce. He pointed out that the information and communication revolution, unlike the industrial revolution, was based on knowledge. Developing countries could therefore skip some stages of the development process, saving time and resources as they endeavoured to catch up. The revolution could bring some substantial and measurable economic and social benefits to developed and developing countries alike.

B. THE PILLARS OF ELECTRONIC COMMERCE

7. The second and third sessions of the Meeting were devoted to discussing prerequisites for successful e-commerce operations. The pillars of e-commerce include the technical infrastructure (telecommunications, Internet services and online security), the financial and banking infrastructure, the legal infrastructure and competent human resources.

8. During the first presentation, the speaker provided an analysis of the information and communication infrastructure in the ESCWA region, made relevant projections, and offered a number of recommendations to enhance the various sectors involved. Another presentation focused on security issues relating to online transactions; the speaker identified the dangers involved in online interactions and talked about the development and maintenance of online security policies and solutions. This was followed by a presentation on certification and digital signature. Electronic authentication policies in different countries were discussed, and mention was made of the fact that open networks prompted greater transaction insecurity. Therefore, new technologies were needed to address the problem.

9. The session included a discussion on payment networks and e-commerce and the role of banks in that context. The compelling need to facilitate and enhance transport and the delivery of tangible goods, major prerequisites for the success of e-commerce, was addressed during the presentation of a paper that outlining the role of ESCWA in promoting transport facilitation in the region. A paper was then presented by a representative from the ESCWA secretariat on the need to Arabize the content of Web sites in order to increase awareness and encourage the development of e-commerce operations in the region.

C. CASE STUDIES

10. The fourth and fifth sessions were devoted to discussing the status of e-commerce in four ESCWA member countries; Egypt, the United Arab Emirates, Lebanon and Jordan were selected owing to the availability of information. The four country case studies gave participants some idea of the state of affairs with regard to e-commerce in the region.

11. The case study on Egypt provided a thorough review of the e-commerce situation in Egypt, focusing on the technological, financial and legal aspects. It was concluded that while a number of steps had been taken towards initiating e-commerce in Egypt, little could be accomplished on a larger scale until increased attention was given to awareness-raising, skill-building and other such consideration. Egypt was on the right track but still faced the challenges of a large population and some language and cultural barriers that might interfere with the progress of e-commerce.

12. The case study on the United Arab Emirates showed that the country had met most of the requirements for launching e-commerce. The country had one of the highest incomes per capita, well-developed telecommunications and banking infrastructures, and world-class shipping and customs systems. However, it lacked an effective legal infrastructure and had an inadequate supply of skilled manpower. The presentation ended with a set of recommendations for the consideration of the United Arab Emirates.

13. The case study on Lebanon assessed the status of e-commerce in the country. It provided examples of private initiatives and identified what should be done to promote e-commerce. Lebanon had a good human resource base and could be of some benefit to the region. The country was still in the early stages of e-commerce but had tremendous potential for growth. With government endorsement and the adoption of appropriate regional strategies, Lebanon could assume an advanced position in the region in electronic trading.

14. The study on e-commerce in Jordan showed that the Kingdom had pursued a number of initiatives to promote information technology (IT) and e-commerce but, like other countries, faced a number of limitations. Following a discussion of the state of affairs in e-commerce in Jordan, various recommendations were made to enhance activity in this area, raise awareness, and improve the technological, banking, and legal infrastructure in the country.

D. LEGAL AND REGULATORY ASPECTS OF ELECTRONIC COMMERCE

15. Discussions during the sixth and seventh sessions of the Meeting highlighted the importance of legislation as the key to ensuring online security and trust to promote e-commerce. The session covered different themes in new technology law, focusing on the legal aspects of e-commerce in the ESCWA region.

16. Several speakers, mainly lawyers from selected ESCWA member countries, presented studies on legal issues in e-commerce. The session included a comparative analysis of the contractual framework of Internet services (including Internet service provision and the use of virtual malls) on Arab sites, a presentation on consumer protection and Internet usage, and an introduction to the provisions of the proposed Lebanese legislation on electronic evidence dealing with the legal recognition of electronic documents and signatures.

17. These sessions also included discussions on computer crime. One presentation focused on relevant legislation in the United Arab Emirates, and mention was made of computer-related crimes such as illegal entry or presence in an automated data system, the intentional damaging of data or systems, and computer-based forgery. Another study dealt with the issue of legal precedence in cross-border e-commerce disputes and the jurisdiction of courts in the handling of disputes; the speaker argues that regional and even global consistency in the legal framework was necessary, given that cross-border transactions could constitute a large part of e-commerce. At the end, an intervention was made by a French jurist to illustrate the American and European experience in the development and application of e-commerce legislation.

E. THE EXPERIENCE OF PRIVATE ENTERPRISES IN ELECTRONIC COMMERCE

18. The eighth session, held during the third day of the Meeting, began with a discussion of the role of chambers of commerce and industry in promoting e-commerce. The presentation, based on a paper prepared by the General Union of Chambers of Commerce, Industry and Agriculture for Arab Countries, stressed the pivotal role of such entities in providing guidance relating to e-commerce; pressuring Governments to establish the necessary telecommunications, legislative and educational infrastructures; and utilizing the chambers' information systems to promote and market national exports. Chambers also had a major role to play in providing the necessary framework for e-commerce, with particular attention given to electronic certification, registration and security-related issues.

19. Several presentations were given on e-commerce experiences in different ESCWA member countries. The operations and future plans of the "Yalla! Shopping" virtual mall and Chateau Kefraya wine production in Lebanon were discussed first. Two experiences from the United Arab Emirates were then related, with representatives from the Bin Zayed Group and Al-Futtaim Trading sharing information on good e-commerce practices and pitfalls to be avoided. A speaker from Jordan discussed the experience of Aramex, a courier company whose operations are conducted largely through e-commerce; mention was made of the company's business-to-business e-commerce project currently in development. A representative from Egypt Home for IT gave a presentation on the enterprise's online operations in real estate and other areas and discussed potential future operations.

20. The presentations triggered a lengthy discussion among the Meeting participants. Attention was focused on the need for SMEs to secure the necessary funds and satisfy a number of other prerequisites before they could operate successfully in the world of e-commerce.

III. RECOMMENDATIONS

21. During the last session of the Meeting the participants formulated a number of recommendations for both the government and private sectors in ESCWA member countries to enhance e-commerce in the region.

A. CREATING E-AWARENESS

22. Governmental, non-governmental and private sector entities concerned with trade should work individually and collectively to raise awareness about e-commerce. The benefits of e-commerce should be communicated to businesses and consumers. In particular, SMEs should receive information and training on

G. LEGAL ISSUES

45. Laws that recognize the validity of electronically produced data (including electronic documents and signatures) have not yet been adopted in all the Arab countries. Legislation should be reviewed and appropriate steps taken to address this situation.
46. Legal frameworks must be set up to allow users to engage in secure and reliable electronic communications and to ensure the validity of transactions. Countries in the region should pass and enforce laws that address intellectual property and consumer rights and guard against online fraud and other computer crimes.
47. Governments should regulate ISPs and create centralized, automated trademark and domain registries.
48. Laws, regulations and standards relating to e-commerce and IT in the region should be harmonized with those applied in the rest of the world. Harmonization efforts at the regional level could begin with the formation of a regional body to identify the changes needed; at a later stage, laws, regulations and standards in the region could be harmonized with their counterparts at the international level. A review of the United Nations Commission on International Trade Law (UNCITRAL) model law would represent a step in the right direction.

H. SHIPPING AND EXPORT

49. The prompt delivery of goods establishes trust between customers and suppliers. Assistance should therefore be provided to ensure that shipping companies in the region can convey goods in the fastest and most efficient way possible. To achieve this, a clear system of coordination between government agencies and courier companies should be established, export procedures should be simplified, and taxes and fees should be reduced.

I. MARKETS

50. The region's Internet users could constitute a base for e-commerce in the ESCWA member countries; however, better results could be achieved if companies in the region also catered for the international market. Companies should export goods and services in which they have a strong base. Identifying niche markets would help e-commerce flourish in the region.
51. Efforts should be made to promote diversification between business-to-business and business-to-consumer transactions, and to promote the use of new means such as mobile commerce (m-commerce) to help open up regional markets and increase local participation in emerging international markets.

J. A NATIONAL STRATEGY FOR ELECTRONIC COMMERCE

52. There should be better coordination between the private sector, the public sector and academia with regard to the creation and development of e-commerce.
53. Government endorsement is crucial to the development of effective e-commerce. Support at this level ensures a proper "line of control" over all concerned ministries. Countries of the region should establish a comprehensive e-commerce strategy that addresses all aspects of this field, including objectives such as enhancing infrastructure, promoting human resources and providing laws and regulations. This strategy could be translated into an operational programme managed by a committee or task force that includes representatives of all concerned parties (including telecommunications authorities, ISPs, trade promotion organizations, banks and legal authorities). The task force would determine the best national e-commerce strategy as well as the legal and financial infrastructure required.
54. Each national strategy should support the formation of a council for raising awareness of and providing education in IT and e-commerce. Such a council could launch an ongoing promotional media

campaign and could also provide case studies and other materials on e-commerce successes and failures involving businesses or government projects sharing the lessons learned thus far.

55. The Government, in collaboration with the private sector and international organizations, could produce a document (booklet or guide) detailing the steps and preparations necessary to engage in e-commerce (or to create an e-business, depending on one's capabilities), with supporting diagrams and Internet links provided.

56. Governments should accelerate efforts towards the establishment and regulation of e-practices. They should work to upgrade local users' IT literacy and initiate pilot projects to implement e-services.

K. A REGIONAL STRATEGY FOR ELECTRONIC COMMERCE

57. Little has been done in terms of regional planning, the development of initiative, framework-building and or coordination as they relate to the Internet and e-commerce, particularly at the research and development, Arabization, organizational, regulatory, and awareness levels. Governments should work together to come up with a regional strategy, which would encourage countries in the region to operate within a specific framework, implement established plans and initiatives, and apply harmonized standards.

58. The ESCWA region is large enough to make e-commerce viable, and its homogeneity (common language, culture and traditions) is a plus. If adequately developed, e-commerce could provide an important trade-tool within the framework of the Greater Arab Free Trade Area (GAFTA). Countries and enterprises in the ESCWA region should "think regional".

59. ESCWA member countries that are WTO members should strengthen coordination between themselves and with other ESCWA members in order to ensure their effective participation in the forthcoming round of multilateral WTO trade negotiations, especially in the suggested new services round, which will include negotiations on e-commerce. ESCWA members must be actively involved in these negotiations to express their concerns on this issue.

60. Arab States in general, and ESCWA members in particular, should take note of the recommendations presented here and work towards incorporating them within the framework of the economic dimension of the forthcoming summit of Arab States, scheduled to take place in Amman in March 2001. The leaders of the Arab States could endorse these recommendations and translate them into policies and measures for action at the national and regional levels.

L. ARABIZATION OF ELECTRONIC COMMERCE

61. The Arabization of Web sites should be pursued seriously, in order to attract customers in the Arab countries. Arabic-enabled Web sites should draw a large consumer base, since such sites would incorporate concepts that were more in line with consumers' tastes and preferences. Cross-breeding and intercultural operation also needs to be stimulated.

62. There are some who believe that sites should be both English- and Arabic-enabled. Sites that are purely Arabic-enabled could constitute a barrier to entry for consumers and businesses from other areas in the world, thereby isolating Arab businesses and limiting their potential. Thus, it is recommended that sites designed in the region should offer both language options.

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Annex II

LIST OF DOCUMENTS

Symbol	Title
E/ESCWA/ED/2000/WG.1/L.1	Proposed organization of work
E/ESCWA/ED/2000/WG.1/2	Business processes and electronic commerce
E/ESCWA/ED/2000/WG.1/3	E-commerce security
E/ESCWA/ED/2000/WG.1/4	E-commerce for development: prospects and policy issues
E/ESCWA/ED/2000/WG.1/5	The role of Arab chambers in the development of electronic commerce
E/ESCWA/ED/2000/WG.1/6	Electronic commerce in Lebanon
E/ESCWA/ED/2000/WG.1/7	Electronic commerce in Egypt
E/ESCWA/ED/2000/WG.1/8	دور الإسكوا في تسهيل النقل الدولي
E/ESCWA/ED/2000/WG.1/9	Certification and digital signature
E/ESCWA/ED/2000/WG.1/10	Identifying management gaps towards e-business: a study from Lebanon
E/ESCWA/ED/2000/WG.1/11	منازعات التجارة الإلكترونية
E/ESCWA/ED/2000/WG.1/12	Electronic commerce in the United Arab Emirates
E/ESCWA/ED/2000/WG.1/13	Electronic commerce in Jordan
E/ESCWA/ED/2000/WG.1/14	وضع الأعمال الإلكترونية في الوطن العربي: تعريبها وتوطينها
E/ESCWA/ED/2000/WG.1/15	Information and communication infrastructure of the ESCWA region
E/ESCWA/ED/2000/WG.1/16	التجارة الإلكترونية و جرائم الإنترنت في تشريعات دولة الإمارات العربية المتحدة
E/ESCWA/ED/2000/WG.1/17	العقود والأعمال الجارية ضمن إطار التجارة الإلكترونية
E/ESCWA/ED/2000/WG.1/18	European and American experience in e-commerce
E/ESCWA/ED/2000/WG.1/19	التوقيع الإلكتروني

Annex III

ORGANIZATION OF WORK

Wednesday, 8 November 2000

- 9.30 - 10.15 a.m. Opening statements (Mr. Zeki Fattah, Chief of the Economic Development Issues and Policies Division of ESCWA; representatives of sponsoring organizations; Mr. Hazem El-Beblawi, Executive Secretary of ESCWA; and Mr. Basel Fuleihan, Minister of Economy and Trade in Lebanon).
- 10.15 - 10.45 a.m. Break.
- 10.45 a.m. - 1 p.m. **Session I: the international perspective of trade policy and e-commerce**
- Introductory remarks (Mr. Zeki Fattah).
- Enabling your organization: surviving in the e-trade environment (Mr. Ian Worrel, International Trade Center, Adviser on Trade Services, Department of Market and Product Development).
- E-commerce for development: prospects and policy issues, with emphasis on SMEs (Mr. Maurizio Bussolo, economist, OECD Development Centre).
- WTO and e-commerce (Ms. Lee Tuthill, World Trade Organization).
- Trade facilitation for SMEs (Mr. Hans Hansel, Deputy Director, Trade Division, Economic Commission for Europe).
- Discussion.
- 1 - 2 p.m. Lunch break.
- 2 - 4 p.m. **Session II: the pillars of e-commerce**
- Information and communication infrastructure in the ESCWA region (Mr. Abdulilah Dewachi, Regional Adviser, ESCWA).
- Security issues in e-commerce (Mr. Abdulkarim Freihah, General Manager, Comnet, Jordan).
- Certification and digital signature (Ms. Linda Karam, Attorney-at-Law and computer law specialist, Lebanon).
- Payment network and e-commerce (Mr. Antoine Raad, Deputy General Manager, IT Division, Credit Libanais, and Chairman of Net Commerce, Lebanon).
- The role of ESCWA in promoting transport facilitation in the region (Mr. Nabil Safwat, Chief, Transport Section, ESCWA).
- Discussion.
- 2 - 2.30 p.m. Break.

Wednesday, 8 November 2000 (continued)

2.30 - 6 p.m.

Session III: the pillars of e-commerce (continued)

Arabization and localization of e-commerce: status and requirements (Mr. Mohammad Mrayati, Regional Adviser, ESCWA).

Management attitudes and e-commerce (Mr. Hussin Hijazi, Professor, Lebanese American University).

Microsoft in e-commerce: impact on buying and selling habits (Mr. Charbel Fakhoury, Business Development Manager, Microsoft).

Discussion.

Thursday, 9 November 2000

9 - 10.30 a.m.

Session IV: status of e-commerce in selected ESCWA countries

Case study of Egypt (Ms. Magda Ismail, ESCWA consultant).

Case study of the United Arab Emirates (Ms. Rita Fakhoury, Economic Affairs Officer, ESCWA).

Discussion.

10.30 - 11 a.m.

Break.

11 a.m. - 1 p.m.

Session V: status of e-commerce in selected ESCWA member countries (continued)

Case study of Lebanon (Mr. Antoine Feghali, ESCWA consultant and Director of Timezero Interactive Technologies, Lebanon).

Electronic banking in Lebanon (Mr. Ali Nahle, IT Director, Banque du Liban).

Case study of Jordan (Ms. Rita Fakhoury, Economic Affairs Officer, ESCWA).

Discussion.

1 - 2.30 p.m.

Lunch break.

2.30 - 5 p.m.

Session VI: legal and regulatory aspects of e-commerce

Consumer protection (Mr. Ahmad Al-Samdan, Professor, University of Kuwait).

Computer crimes (Mr. Habib Moulla, Attorney-at-law, United Arab Emirates).

International disputes resolution (Mr. Younis Arab, Attorney-at-law and Chairman of the Arab Center for Legal Studies and High Technology, Jordan).

Electronic evidence (Mr. Fawzi Khamis, judge and member of the Association for the Development of Informatics and Law in Lebanon).

Discussion.

5 - 5.30 p.m.

Break.

Thursday, 9 November 2000 (continued)

5.30 - 7 p.m.

Session VII: legal and regulatory aspects of e-commerce
(continued)

Contracting in e-commerce (Mr. Wassim Harb, Honorary President of ADIL, and Professor at the Lebanese University and La Sagesse University, Lebanon).

European and American experience in e-commerce (Mr. Pierre Catala, Professor, University of Paris).

Discussion.

7 - 9 p.m.

Cocktail reception.

Friday, 10 November 2000

9 - 11 a.m.

Session VIII: best practices of private firms

The role of chambers of commerce and industry (Ms. May Dimashkieh Serhal, Director, Research Department, General Union of Chambers of Commerce, Industry and Agriculture for the Arab Countries).

NetCommerce and its virtual mall: "Yalla! Shopping" (Mr. Roger Abi Nader, Marketing and Sales Manager, NetCommerce, Lebanon).

The Chateau Kefraya experience in e-commerce (Mr. Elie Saab, Financial and Administrative Manager and IT Manager, Chateau Kefraya, Lebanon; and Mr. Philip Abi Rached, Principal Internet Analyst, Chateau Kefraya representative in the United States).

The experience of the Bin Zayed Group in e-commerce (Sheikh Khaled Bin Zayed Al-Nahyan).

The experience of Alfutaim Trading in e-commerce (Mr. Saeed Al Barwani, E-Business Manager, Alfutaim Trading, United Arab Emirates).

The Aramex experience (Mr. Hazem Malhas, Chief Operating Officer, Aramex, Jordan).

The experience of Egypt Home for IT in e-commerce (Mr. Abdul Moneim Hafez, Managing Director, Egypt Home for IT, Egypt).

Discussion.

11 - 11.30 a.m.

Break.

11.30 a.m. - 1 p.m.

Session IX: closing session

Panel discussion.

Conclusions and recommendations.