



Towards e-commerce legal harmonization in the Caribbean





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NOTE

Within the UNCTAD Division on Technology and Logistics, the ICT Analysis Section carries out policy-oriented analytical work on the development implications of information and communication technologies (ICTs) and electronic commerce. It is responsible for the preparation of the *Information Economy Report* (IER) as well as thematic studies on ICT for Development, including regional comparative reviews on e-commerce legislation. The ICT Analysis Section promotes international dialogue on issues related to ICTs for development, and contributes to building developing countries' capacities to measure the information economy and to design and implement relevant policies and legal frameworks. Since 2015, it has mapped e-commerce legislation in the areas of e-transactions, data protection, cybercrime and consumer protection online (unctad.org/cyberlawtracker). The ICT Analysis Section is also responsible for the coordination of *eTrade for all* (etradeforall.org), a new multi-stakeholders' initiative launched at UNCTAD 14 in July 2016, which aims to improve the ability of developing countries, and particularly least developed countries, to use aom e-commerce.

This publication has been edited externally.

The following symbols have been used in the tables:

Two dots (..) indicate that data are not available or are not separately reported. Rows in tables have been omitted in those cases where no data are available for any of the elements in the row;

A dash (-) indicates that the item is equal to zero or its value is negligible;

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PREFACE

UNCTAD is mandated to help developing countries in the area of ICTs and e-commerce and, since 2002, has been the leading capacity-building provider within the United Nations system supporting the preparation of legal frameworks for e-commerce through the E-Commerce and Law Reform Programme and TrainForTrade Programme of the Division on Technology and Logistics.

Security and trust are fundamental for creating an environment conducive to e-commerce. Online fraud and data breaches are growing concerns for both consumers and enterprises, requiring adequate legal responses at national and international levels. The lack of legal frameworks in several regions, including in Caribbean countries, is impeding the development of e-commerce.

In the Latin American and Caribbean region, UNCTAD has carried out since 2007 joint capacity-building activities in the area of e-commerce with the support of Spain and Finland, in cooperation with the Secretariat of the Latin American Integration Association (ALADI); the Latin American and Caribbean Economic System (SELA) and with the Association of Caribbean States (ACS). Some of these activities included on-line distance learning courses and regional training sessions that reached over 1,200 lawmakers, government officials and practitioners involved in the business aspect of e-commerce from the public and private sectors. Moreover, UNCTAD has published two studies in the region entitled “*Study on Prospects for Harmonizing Cyber-legislation in Latin America (2015, 2009)*” and “*Study on Prospects for Harmonizing Cyber-legislation in Central America and the Caribbean*”(2009).

The purpose of this publication is to provide up-to-date information on the legal framework of Caribbean countries following the Regional Workshop on E-Commerce Legislation Harmonization in the Caribbean held from 29 September to 2 October 2015 in Port of Spain, Trinidad and Tobago. The workshop was sponsored by the Government of the Republic of Trinidad and Tobago, SELA, ACS and the Government of Finland.

Participants from the following Caribbean countries took an active part in workshop: Antigua and Barbuda, Bahamas, Barbados, Costa Rica, Cuba, El Salvador, Jamaica, Saint Lucia, Suriname, and Trinidad and Tobago. Prior to the workshop, a TrainForTrade distance learning course on legal aspects of e-commerce had been delivered in March/April 2015 with the participation of 140 representatives from 21 countries in the region.

This study reports on progress made by the countries in regard to electronic transactions/electronic signatures, online protection of consumers, protection of personal data, industrial and intellectual property, domain names, cybercrime, security of information and pending legislation and challenges.

I would like to express my sincere appreciation to all who have contributed to the process and thank development partners for their continuous support to UNCTAD Programme on E-Commerce and Law Reform.

It is my hope that this study will further reinforce the capabilities of Member States to develop electronic commerce legislation to allow for more online trade at the domestic, regional but also international levels.

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The study's principal consultant was Ian Walden. The study was prepared by a team from UNCTAD comprising Gonzalo Ayala, Cécile Barayre and Torbjörn Fredriksson. Statistical support was provided by Smita Lakhe. We are grateful for the contributions made by participants in the regional workshop on e-commerce legislation harmonization in the Caribbean, held in Port of Spain, Trinidad and Tobago in 2015: Mazuree Colin Ali, Pablo Ernesto Ayala Monges, Allison Bidaisee, Shelley-Ann Clarke-Hinds, Coppin, Georgette Crane, Craig Douglas, Alexis Downes-Amsterdam, Jan Drysdale, Alberto Durán Espaillat, Luxmore Edwards, Makisleidis Esponda Bravo, John D. Gregory, Shermatie Jagdeo, Hellen Jimenez, Justin John, Charelle Joseph-Samaroo, Caitlin Karijokromo, Chamyantie Lal, Nayelly Loya, Christian Marquez, Wilfred McKenzi, Philip McClauren, Tricia Puckerin, Sunita Ramsumair, Sheila Seecharan, Shirley Sheppard, Rene Singh, David Satola, Bridgid Sutherland, Anthony V. Teeluck-singh, Bobby Williams, and Deon Woods Bell.

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ABBREVIATIONS

ACS	Association of Caribbean States
AMCHAM	American Chamber of Commerce
AMI	Mesoamerican Information Highway
B2C	Business to Consumer
CAF	Development Bank of Latin America
CARICOM	Caribbean Community
ccTLD	Country Code Top-level Domain
CMA	Computer Misuse Act
CoE	Council of Europe
CTU	Caribbean Telecommunication Union
DPA	Data Protection Act
ECA	Electronic Crimes Act
ECLAC	Economic Commission for Latin America and the Caribbean
ECT	Electronic Communications and Transactions Act
ECTEL	Eastern Caribbean Telecommunications Authority
EGRIP	Electronic Government for Regional Integration Project
ETA	Electronic Transactions Act
ETECSA	Empresa de Telecomunicaciones de Cuba S.A.
EU	European Union
FOIA	Freedom of Information Act
GDP	Gross Domestic Product
HIPCAR	Harmonization of ICT Policies and Legislation Across the Caribbean
IANA	Internet Assigned Numbers Authority
ICANN	Internet Corporation for Assigned Names and Numbers
ICTs	Information and Communication Technologies
IER	Information Economy Report
IoT	Internet of Things
IPv6	Internet Protocol version 6
ITU	International Telecommunication Union
LACNIC	Latin America and Caribbean Network Information Centre
MIC	Ministry of Informatics and Communications (Cuba)
MICIT	Ministry of Science and Technology (Costa Rica)
MINCOM	Ministry of Communications (Cuba)
MITs	Mona Information Technology Services (Jamaica)
NTRC	National Telecommunications Regulatory Commission (Saint Lucia)
OECS	Organisation of Eastern Caribbean States
PRODHAB	Agencia de Protección de Datos de los Habitants (Costa Rica)
SELA	Sistema Económico Latinoamericano y del Caribe
TA	Telecommunications Act
UDRP	Uniform Domain-Name Dispute-Resolution Policy
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNCITRAL	United Nations Commission on International Trade Law
USD	United States Dollar

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