

Cooperation, Capacity Building and Implementation Considerations of Developing Countries in the E-commerce JSI

Status and Way Forward

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Abstract

The negotiations of the WTO Joint Statement Initiative on Electronic Commerce are progressing, intending to reach convergence on the majority of issues by the end of 2022. Around thirty-eight developing countries, including six African countries and four LDCs, participate in this initiative. Many of these countries face considerable capacity constraints compared to their developed country counterparts and more advanced developing countries. Their limited human and technical resources, knowledge of relevant technical issues and overall national capacities stand against their active engagement in the negotiations as well as their ability to benefit from the future Agreement to achieve their long-due development aspirations. They do not have the capacities to participate actively in the negotiations nor to implement the commitments of the outcome. This note emphasises the urgency of responding to developing countries and LDCs' call for support during and after the negotiations. It highlights potential venues and approaches for strengthening cooperation, capacity building and implementation potential provisions to ensure they address the needs and concerns of developing countries and LDCs and contribute to enabling and developing their e-commerce ecosystem.

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Introduction

The relevance of e-commerce to the global economy has been rapidly increasing in the last two decades. COVID-19 only increased policy makers' sense of urgency to review existing trade rules as their application becomes more and more challenging, moving from the physical to the virtual space. Countries have increasingly negotiated and concluded Regional Trade Agreements (RTAs) with specific provisions or chapters on e-commerce. According to the RTAs Database of the World Trade Organisation (WTO), out of the 352 agreements in force to date, 187 contain provisions relevant to e-commerce. In 2020 alone, as the implications of COVID-19 have flared, 19 RTAs with e-commerce provisions were notified to the WTO.

At the Eleventh Ministerial Conference (MC11) of the WTO in Buenos Aires, on December 13, 2017, 71 members of the WTO adopted a Joint Statement Initiative (JSI) declaration on e-commerce to begin "exploratory work together toward future WTO negotiations on trade-related aspects of electronic commerce" (WTO, 2017). Later, on January 25, 2019, at the World Economic Forum (WEF) annual meeting in Davos, Switzerland, 76 WTO members released a second JSI declaration announcing the launch of negotiations on trade-related rules on e-commerce (WTO, 2019a).

After two years of negotiations interfered by the COVID-19 pandemic, 86 WTO Members from different development levels are to date officially participating in the e-commerce JSI and negotiating rules that cover around 58 specific themes or issues. The issues represent a complex interplay between traditional trade rules and policies, such as trade facilitation and consumer protection, with Information and Communication Technology (ICT) and digital transformation governance issues, such as cybersecurity, data flow and protection, etc. On December 14, 2021, the Ministers of JSI co-conveners (Australia, Japan and Singapore) issued their statement intended for MC12 following its indefinite postponement¹. In their statement, the co-conveners indicated their objective of reaching convergence on most issues by the end of 2022. They also recognised the importance of supporting the engagement of developing Members and LDC Members in the initiative and announced "they would continue to deepen the discussion on capacity-building options and support for implementation for developing members and LDC members in 2022". .

To date, around 38 developing countries, including six African countries and and four least-developed countries have signed on the initiative among the eighty-six countries. Despite their limited capacities and legitimate doubts and hesitation due to the current digital divide, many developing countries joined the process with the aim to ensure the future Agreement will catalyse their digital transformation, generate new services, and open new markets for their Micro, Small and Medium-sized Enterprises (MSMEs). In fact, the JSI process and the COVID-19 pandemic revealed the depth of those countries' limited capacities and digital divide, significantly reducing the ability of their Geneva Missions and their Policy Makers in the Capital to keep track and actively participate in the negotiations. They also raised the consciousness of the crucial need to strengthen the development dimension of the future Agreement to promote effective cooperation and ensure that needed capacity building and technical assistance are provided to enable small developing countries and LDCs to fulfil their future commitments.

This policy brief will explore the approaches to cooperation, capacity building and implementation considerations of developing countries in trade agreements. It provides an

¹ For the full Ministerial Statement, please visit:

https://www.wto.org/english/news_e/news21_e/ji_ecom_minister_statement_e.pdf

overview of the development considerations raised by developing countries concerning the digital divide and its implications on benefiting from future e-commerce rulemaking in the context of the JSI. It then gives a status of the cooperation and capacity building concerns in the JSI process and proposals to finally carve a way forward for unleashing the development potential of the e-commerce JSI current negotiations and future rules from conception to implementation.

1. The Digital Divide and Development Priorities in E-commerce WTO Discussions

Connectivity and Digital Access: A Significant “Preconditions” Gap

The “digital divide” concept transcends the mere access to infrastructure and connectivity. However, it is undeniable that these remain preconditions for inclusion in the digital economy and integrating cross-border e-commerce value chains (Guglya and Maciel, 2020). A significant indicator of a country’s ability to leverage e-commerce is the levels of access and use of the Internet and digital technologies by its population and businesses. According to a recent report on the telecommunication industry in the post-COVID-19 world, 49 per cent of the world’s population does not access the Internet, with larger clusters of non-users located in Africa (71 per cent), Asia and the Pacific (55 per cent) and the Arab States (45 per cent). (ITU, 2021). The gaps are more significant when it comes to the state of the art technologies such as 5G and Fiber To The “x” (FTTx), that are increasingly harnessed for creating new digital services². Based on ITU (2021) report, 83.9 per cent of the world’s population is not covered by 5G, while 83.1 per cent of households have not adopted FTTx.

Furthermore, according to Katz (2021) and a recent econometric modelling study by ITU, due to the economic contraction and slower growth induced by COVID-19, capital expenditure (CAPEX) in telecommunications was negatively affected in regions with lower development levels, causing a downturn in network expansions. The below table 1 shows the results of the ITU econometric modelling. It clearly shows a decrease in telecommunications investments per capita between 2019 and 2020 in Africa, Latin America, the Caribbean, Asia and Pacific, and the Arab States. On the other hand, these investments have increased in the Commonwealth of Independent States, Europe and North America. So while e-commerce expansion is expected to last post-COVID, it is anticipated that the connectivity gap and digital divides between developing and developed countries may actually widen.

Table 1: Telecommunications Investments Per Capita (USD)

	2019	2020	Delta
WORLD	\$ 50.86	\$50.77	-0.2 %
Africa	\$ 9.81	\$ 9.12	-7.0 %
Latin America and the Caribbean	\$ 45.16	\$41.99	-7.0 %
Asia and Pacific	\$ 30.08	\$ 29.22	-2.9 %
Arab States	\$ 42.54	\$ 41.09	-3.4 %
Commonwealth of Independent States	\$ 31.93	\$ 33.04	3.5 %
Europe	\$ 99.92	\$ 101.77	1.9 %
North America	\$ 291.50	\$ 305.28	4.7 %

Source: ITU (2021). The Economic Impact of Broadband and Digitization through the Covid-19 pandemic - Econometric Modelling

Source: Katz (2021)

² <https://www.thefastmode.com/expert-opinion/17901-leveraging-accelerated-data-processing-for-5g>

Beyond Infrastructure: Asymmetry of Information and Raising Concerns in the WTO

Years before the COVID, developing countries and LDCs had raised their concerns and called for addressing them in e-commerce rulemaking discussions. Aaronson and Struett (2020) examined the issued public communications on e-commerce by WTO Members, whether under the WTO Work Programme on Electronic Commerce (WPEC) or the Joint Statement Initiative (JSI) since the inauguration of the WPEC 1998 until December 2020. The study proved “Member States struggled to address issues of development, access and equity throughout the work program.” The study pointed to a visible “asymmetry of information”, and knowledge has been increasingly affecting the discussions between the Member States in the WTO. It undermines developing countries and LDCs’ ability to assess the potential impact of e-commerce development and future relevant regulations on cybersecurity, data flows, e-invoicing, source code, competition and others on their stakeholders and national development aspirations.

In recent years, developing countries and LDCs focused their communications on this asymmetry. Faced with multiple constraints, they called for support to enhance policy makers’ understanding of the issues and their implications and enable their informed engagement in negotiations³. They also called for assistance to build their e-commerce infrastructure, develop their data-driven firms, the knowledge and skills of their populations, and to establish national rules as well as to ensure attempts to review or formulate multilateral rules will benefit all Members.

On April 25, 2017, a diverse group of developing Members of the WTO presented a comprehensive, long-term digital policy agenda to bring their concerns and interests into WTO e-commerce talks. The Friends of E-commerce for Development (FED) brought together Argentina, Chile, Colombia, Costa Rica, Kenya, Mexico, Nigeria, Pakistan, Sri Lanka and Uruguay. The group’s press release “put forward a roadmap with seven key issues that they believe are the foundation” for e-commerce discussions. The seven issues aim to drive the focus to the role of e-commerce “as a tool to drive growth, narrow the digital divide and generate development solutions for developing and least-developed countries.” (FEC, 2017). See Box 1 below for an extract of the seven issues.

Box 1. Extract from the Friends of E-commerce for Development Roadmap for E-commerce Discussions in the WTO

- “the identification of strategies for e-commerce readiness;
- access to ICT infrastructure and services;
- trade logistics and trade facilitation;
- e-payment solutions;
- legal certainty and regulatory frameworks;
- capacity building and technical assistance; and
- access to financing”.

Source: Extract From Fec (2017).

³ See webinar held by DiploFoundation, ITC and CUTS International Geneva, on November 11, 2021, titled “Capacity building on e-commerce: From lessons to solutions”. <https://www.diplomacy.edu/event/capacity-building-on-e-commerce-from-lessons-to-solutions/>

And a few months before the COVID-19 crisis break-out, the LDC group submitted communication WT/GC/W/787, dated November 14, 2019, and called “on the four designated bodies under the Work Programme, to delve deeper into the benefits and costs of e-commerce for LDCs” (WTO, 2019b). The communication pointed to the challenges LDC countries face in utilising e-commerce for consideration in the WPEC. These are enlisted under three categories of concerns in Table 2 below.

Table 2: Development Concerns in E-commerce Discussions, based on LDC Group Communication WT/GC/W/787, dated November 14, 2019:

Category	Development Concerns in E-commerce
Lack of capacity/resources	<ul style="list-style-type: none"> ▪ limited existence of affordable information technology (ICT) infrastructure; ▪ weak legal and regulatory frameworks; ▪ limited knowledge among enterprises, government players, and regulators; ▪ limited access to credit cards by consumers; ▪ weak facilities for physical delivery; ▪ Inadequate online payment facilities; ▪ Limited skills among enterprises and consumers;
Flexibility in market access commitments	<ul style="list-style-type: none"> ▪ lack of clarity on the nature of electronic transmissions and the ability of LDCs to apply internal taxes;
Infant industry /policy space concerns	<ul style="list-style-type: none"> ▪ lack of mechanisms to start-up enterprises in e-commerce business; ▪ concerns about possible adverse effects of e-commerce and how to mitigate them.

Source: Author based on Van Der Ven (2017) and WTO (2019b).

According to Guglya & Maciel (2020), the above concerns present “technological and knowledge-based sides of the digital divide”. They warned that failing to address them in current WTO e-commerce talks and JSI negotiations would lead to a vicious circle, where a poor and unfounded e-commerce ecosystem discourages investments in digital infrastructure. (Guglya & Maciel, 2020; Samans & Botwright, 2019).

Mainstreaming Concerns and Approaches to Special and Differential Treatment (SDT)

On September 8, 2021, the JSI co-conveners circulated among Members participating in the JSI an updated consolidated negotiating text based on members’ proposals and progress in the negotiations during 2020 and 2021. The text forms the basis for negotiations and reflects outcomes of small group discussions and consultations that have been considered in plenary sessions. It consists of six sections and an annex on “Scope and General Provisions”. The six sections mirror the six “focus groups” of negotiations created in 2019 to guide and group the various specific e-commerce trade-related issues. These six sections are: A) enabling electronic commerce; B) openness and e-commerce; C) trust and e-commerce; D) cross-cutting issues; E) telecommunications; and F) market access. While the Annex section on “Scope and General Provisions” covers: (1) Preamble; (2) Definitions; (3) Principles; (4) Scope; (5) Relation to other agreements; (6) General exceptions; (7) Security exception; (8) Prudential measures; (9) Taxation; (10) Dispute Settlement and (11) Committee on Trade-Related Aspects of Electronic Commerce. For an overview of the latest structure of the consolidated negotiating text, document INF/ECOM/62/Rev.2, its sections and relevant specific issues, see table in Annex 1.

When it comes to mainstreaming development concerns in trade negotiations, some Members argue that vertical mainstreaming could be easier for them to identify specific needs, while others say that the horizontal carve-out helps with a comprehensive levelling of the playing field (WTO, 2021a). In the case of discussions and negotiations on e-commerce, Nigeria, one of the JSI participating Members, had consistently called for “targeted discussions on horizontal and vertical issues regarding the trade-related aspect of e-commerce”, whether under the WPEC or the E-commerce JSI process (WTO, 2021a).

The co-conveners seem to have adopted a two-pronged approach to mainstreaming developing countries’ concerns and interests since the early framework designs of the JSI:

- Vertical mainstreaming identifies issues under each section and its substantive specific issues. Quoting from one of the JSI meeting’s agenda seen by the author, “the unique opportunities and challenges faced by members, including developing countries and LDCs, (...) will be taken into account across each of the Focus Groups” (WTO, 2019c).
- Horizontal mainstreaming: allocates the following specific issues under the “Cross-cutting Issues” section: “Cooperation, Cooperation Mechanisms and Capacity Building and Technical Assistance.”

To transform development concerns into SDT provisions, a study by Van Der Ven (2018) and commissioned by CUTS International, Geneva, examined the common types of SDT provisions that could be considered to address the development concerns in e-commerce. The study finds that traditional SDT in the form of exemptions and derogations from core disciplines would be an appropriate model when addressing policy space and infant industry issues. However, when it comes to capacity building and technical assistance provisions, traditional SDT provisions tend to be “unenforceable” “best endeavour” provisions. Therefore the study recommends TFA model that allows for self-designated transitional implementation periods and linking of the implementation of some commitments to the provision of technical and capacity building assistance as the most suitable option for “enforceable” capacity building and technical assistance provisions in e-commerce.

Van Der Ven (2018) concludes: “a hybrid TFA/GATS and TFA/traditional SDT approach – within a plurilateral context – would be the most appropriate model to address different development concerns that have been raised in the context of the e-commerce debate”. (See Table 3 below).

Table 3: Characteristics of the different SDT Models

Category of Concern	Traditional SDT	GATS SDT	TFA SDT
Lack of capacity/ resources	√/X	√/X	√
Flexibility in market access commitments	√	√	X
Infant industry /policy space concerns	√	√/X	X

Source: Author’s adaptation of Van Der Ven, 2017.

√ = SDT model would be appropriate to address the stated development concern

X = SDT model would not be appropriate to address the stated development concern

√/X = SDT model could address the stated development concern but is limited – either because of scope, lack of specificity, or lack of enforceability – and would not be the most appropriate model to use

2. Cooperation and Capacity Building in the JSI: Status and Way Forward

Overcome the Vertical Focus on Cooperation

Table 4 below lists sections and specific issues in the e-commerce JSI negotiations so far where cooperation provisions have appeared.⁴ By examining these draft text cooperation provisions at the vertical level based on the latest e-commerce JSI consolidated negotiating text of September 2018 (A restricted document seen by the author), a dominant focus on the mere promotion of regulatory cooperation can be observed. The provisions do not include any targeted capacity building or technical assistance commitments related to the technical issues under each thematic sector.

Table 4: Summary of cooperation provisions at the vertical level in “Cleaned Texts”

A. Enabling Electronic Commerce	
A.1.(2) Electronic Authentication and e-signatures	Article 8. “ <i>may work together, on a voluntary basis</i> ” (cleaned text) Promoting Recognition of Electronic Signatures.
A.1.(4) Electronic invoicing	Article 4. “ <i>shall endeavour to share best practices</i> ” Exchange of Knowledge on E-invoicing Systems.
A.2.(1) Paperless Trading	Article 5. “ <i>shall endeavour to cooperate</i> ” in international fora. Promoting Paperless Trading
A.2.(8) Enhanced trade facilitation	Article 7. “ <i>shall commit to enhancing international cooperation on regulation</i> ”
B. Openness and electronic commerce	
B.4. (1) Open Government Data	Article 5. “ <i>shall endeavour to cooperate</i> ” – Matters relating to facilitating public access.
B.4. (3) Access to Online Platforms / Competition	Article 1. “ <i>Recognising that [Members/Parties] can benefit by sharing their experience</i> ”... (they) shall endeavour to...” Matters relating to enforcing competition laws.
C. Trust and electronic commerce	
C.1. (2) Unsolicited commercial electronic messages	Article 5. “ <i>shall endeavour to cooperate.</i> ” Matters relating to regulating SPAM (cleaned text)

Source: Author, based on (WTO, 2021b)

Quoting from Guglya and Maciel (2020), “The work in the JSI appears to be based on the presumption that the necessary e-commerce infrastructure, regulatory framework, and even a certain level of e-commerce consumer culture are already in place”.

In their latest submission in July 2021, Cote d’Ivoire proposed the texts of articles 7 and 8 under the “Principles” sub-section of the Annex⁵. The proposed text of Article 7 uses similar wording to Article 13.1 of the TFA but emphasises the different needs and levels of readiness

⁴ These are issues where JSI participants have reached the so-called « Clean Texts » through small group negotiations.

⁵ As mentioned in page 6, the annex to the updated consolidated negotiating text INF/ECOM/62/Rev.2, is titled “Scope and General Provisions” and covers the following specific issues: (1) Preamble; (2) Definitions; (3) Principles; (4) Scope; (5) Relation to other agreements; (6) General exceptions; (7) Security exception; (8) Prudential measures; (9) Taxation; (10) Dispute Settlement and (11) Committee on Trade-Related Aspects of Electronic Commerce.

of participating Members, which are not strictly “lack of regulations” but also “capacity” and “infrastructure”. Article 8 states that necessary “assistance and support” to developing countries and LDCs “should be provided” for implementation, thus implying that implementation would be conditional on the provision of such support. It also emphasises the need for this assistance to “bridge the digital divide”, which precedes the mention of “building their capacity to implement”.

The placing of these two articles under principles and apart from the dedicated capacity-building section lay the ground for furthering the “vertical mainstreaming” beyond regulatory cooperation to identify targeted needs by developing countries and LDCs and discuss means to address them.

Reconcile Members’ priorities at the horizontal level

At the horizontal level, Members belonging to various development levels have submitted proposals under the sub-sections of “Cooperation, Cooperation Mechanisms and Capacity Building”. A proposal by Cote d’Ivoire and a later one by Ecuador, Guatemala and Paraguay also addressed approaches to adopting special implementation periods for developing countries and LDCs. By observing the proposals under these dedicated horizontal sub-sections, it can be observed that submitting Members have different priorities based on their level of development, the status of e-commerce at their national levels, and regional diversity.

For developed countries like Korea and Japan, regulatory cooperation and notification procedures are important for the smoother facilitation of e-commerce. Japan, Chile, Colombia, Mexico, and Peru emphasise cooperation between Members to support adoption by and integration of Micro, Small and Medium Enterprises (MSMEs) into e-commerce. On the other hand, other developing countries like Cote d’Ivoire and Indonesia seek concrete commitments from developed Members and developing countries with the capacity to do so, to provide them with the capacity building and the financial and technical support needed to engage, implement and bridge their digital divide. Steps to reconcile such varying interests are most needed this year to reach a consolidated approach to SDT approaches and potential provisions, as the co-conveners aim to finalise rules negotiations by the end of 2022.

Table 5 below mapped key interests of Members’ proposals under the three sub-issues (cooperation, cooperation mechanisms, capacity building and technical assistance), together with proposals on Implementation periods while highlighting proposals that share common elements in the same colour.

Table 5: Cooperation and Capacity Building: Mapping of Proposals

	Cooperation	Cooperation Mechanisms	Capacity building and technical assistance	Implementation Periods*
INFECOM17 Brazil	Regulatory on technical matters			
INFECOM19 China	E-commerce for Development Program		Voluntary Support and Recommendations	
INFECOM20 Japan	Regulatory on technical matters; Support MSMEs			

INFECOM35 Chile, Colombia, Mexico, Peru	Regulatory on technical matters; Support MSMEs			
INFECOM44 Republic of Korea		Enquiry points for Notification and Consultation		
INFECOM49; Cote d'Ivoire	Multilateral cooperation forum		Support during the negotiations, Situation analysis and Needs Assessment + accessible urgent WTO funding	TFA Model
INFECOM66 Cote d'Ivoire			Binding support from capable Members, including for infrastructure	
INFECOM52 Indonesia			Upon request and binding to capable Members	
INFECOM68 Ecuador, Guatemala Paraguay				Implementation Periods (Up to 3 years implementation periods for DCs and LDCs, renewable up to further 2 years)

Source: Author, based on (WTO, 2021b)

*The Implementation periods proposal by Ecuador, Guatemala and Paraguay, was submitted after the distribution of the September 2021 consolidated text; the placement of this proposal is not yet clear in the text. For the purposes of this note, the author considers proposals on implementation as part of the horizontal Section D on “cross-cutting” issues and relevant to cooperation and capacity building.

Provide Critical Support to DCs and LDCs during the Negotiations

The submission INFECOM49 on Capacity Building and Technical Assistance highlighted in the table above pointed straight to the issue of asymmetry of information and capacity during negotiations. With this proposal and other calls by Members, a new category of capacity building support emerges as a priority to ensure effective and increasing participation of developing countries in the e-commerce JSI. According to Guglya and Macial (2020), this critical support consists of the following:

- **Enabling the Negotiations:** With such a wide thematic scope and limited human and financial resources of many developing countries and LDCs, keeping up to date with the negotiations and ensuring active engagement can be significantly challenging. While the WTO Secretariat lately has been active in organising webinars and experts' discussions to clarify the issues, there needs to be a mechanism to ensure methodological, continuous and demand-driven research and analysis support to ensure progress towards clarifying the issues and their potential impacts on the Members' development objectives. This support may also involve larger-scale needs assessment studies at the national level.

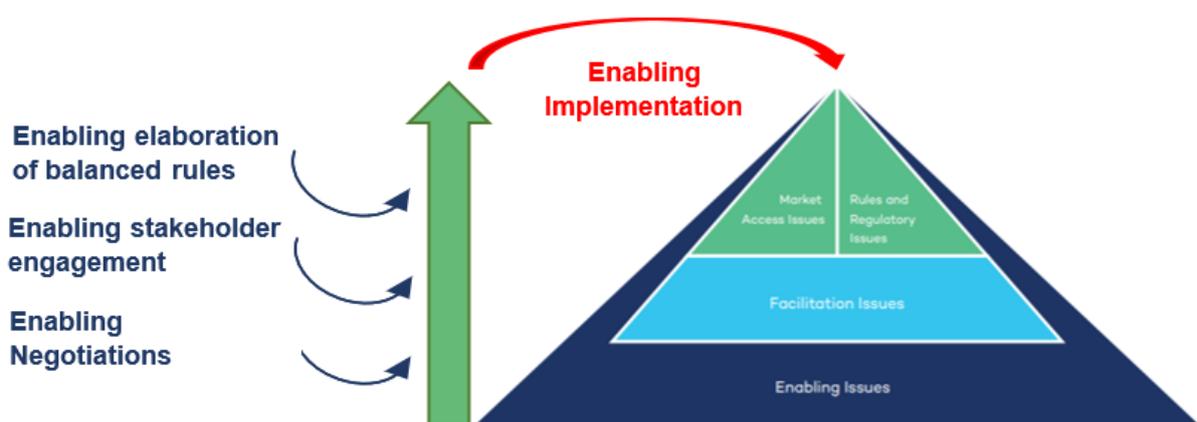
- **Enable Multistakeholder Participation:** Facilitating multi-stakeholder consultations at the national and regional levels, involving policy-makers, leading firms, MSMEs, civil society, trade experts, and relevant regional and international organisations can also contribute to greater clarification of issues among multi-stakeholder, the building of their knowledge on these issues, and allowing for informed discussions on their implications. Moreover, these multi-stakeholder consultations can be the means to seek inputs from all concerned for better participation of negotiators from developing countries and LDCs in the e-commerce negotiations.

Enabling the Elaboration of Balanced Rules: In another proposal by Côte d'Ivoire (INFECOM46), Cote d'Ivoire called for integrating development interests in the drafting of the future rules, "to ensure that e-commerce is a real instrument for inclusive development and a useful complement to physical transactions in goods and services". However, with limited capacities, submissions by developing countries and LDCs are not as frequent as their developed and more advanced developing countries. Hence, developing countries and LDCs need and will greatly benefit from drafting support to crystallise, articulate and present their interests and concerns on the issues under negotiations. This will contribute to more balance in the negotiations as well as to a balanced outcome.

From Consideration to Implementation of "Enabling Issues": Unleash the Development Potential of the JSI:

To conclude, it is clear that the challenges related to enabling the negotiation and implementation of e-commerce rules cannot be faced by developing countries without adequate and need-based capacity-building assistance. They would need assistance and capacity building during the negotiations and all the way to implementation. Before the JSI process started, Kaukab (2017) observed the types of e-commerce provisions considered in Regional Trade Agreements (RTAs) and the issues considered under the WTO Work Programme. He highlighted the necessity to prioritise "enabling issues" for developing countries such as infrastructure, technology transfer, skills, etc., in e-commerce discussions in the WTO before elaborating disciplines focusing on digital trade facilitation, rules and regulations, and market access.

Figure 1: From Consideration to Implementation of Enabling Issues in the WTO JSI on E-commerce: A Model



Source: Author's adaptation of Guglya & Maciel, 2020

Guglya & Maciel reiterated this approach in their 2020 study. They highlighted the JSI potential to achieve progress on enabling issues “parallel to the regulatory framework development”. Later the “implementation of (digital) trade facilitation measures (...) could progressively build the necessary capacity in developing countries and LDCs, and the stakeholders within.” (Guglya & Maciel, 2020). This approach is demonstrated by figure 1 in the previous page.

With the clock ticking towards an outcome of the negotiations, it is urgent that development assistance partners pay urgent attention to this need and support needs-based and demand-driven initiatives in this regard. It is equally imperative for the JSI participants to devote attention to this key issue in the negotiations with a view to achieving a comprehensive, substantive and effective outcome on the issue, taking into account the submissions of developing countries. These actions will go a long way in securing better participation of developing and least-developed countries in the negotiations as well as their acceptance of the outcome of the negotiations.

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Annex 1

Table 1. Summary of issues subject to JSI negotiations as per the latest streamlined text (INF/ECOM/62/Rev.2) (WTO, 2021b) under each thematic focus group

SECTIONS	SUB-SECTIONS	SPECIFIC ISSUES
A. ENABLING E-COMMERCE	A.1 Facilitating electronic transactions	(1) Electronic transaction frameworks; (2) electronic authentication and e-signatures; (3) electronic contracts; (4) electronic invoicing; and (5) [Electronic payments services / Facilitation of e-payment]
	A.2 Digital trade facilitation and logistics	(1) paperless trading; (2) <i>de minimis</i> ; (3) unique consignment reference numbers; (4) customs procedures; (5) improvements to trade policies; (6) single windows data exchange and system interoperability; (7) logistics services; (8) enhanced trade facilitation; (9) Use of technology for the release and clearance of goods; and (10) Provision of Trade Facilitating and Supportive Services
B. OPPENNESS AND E-COMMERCE	B.1 Non-discrimination and liability	(1) Non-discriminatory treatment of digital products; (2) interactive computer services (limiting liability); and (3) interactive computer services (infringement)
	B.2 Flow of information	(1) [Cross-border transfer of information by electronic means/cross-border data flows]; (2) location of computing facilities; and (3) [financial information / location of financial computing facilities for covered financial service suppliers]
	B.3 Customs duties on electronic transmissions	
	B.4 Access to Internet and data	(1) Open government data; (2) (2) [Alt 1: Open internet access / Alt 2: Principles on Access to and Use of the Internet for electronic commerce/Digital Trade] [FN]; (3) Access to Online Platforms / Competition
C. TRUST AND E-COMMERCE	C.1 Consumer protection	(1) Online consumer protection; (2) unsolicited commercial electronic messages
	C.2 Privacy	(1) [Personal information protection/personal data protection]
	C.3 Business trust	(1) Source code; and (2) ICT products that use cryptography
D. CROSS-CUTTING ISSUES	D.1 Transparency, domestic regulation and cooperation	(1) Transparency; (2) electronic availability of trade-related information; (3) domestic regulation; (4) cooperation; (5) cooperation mechanism
	D.2 Cybersecurity	
	D.3 Capacity building	(1) Options for capacity building and technical assistance
E. TELECOMMUNICATIONS	E.1 Updating the WTO Reference Paper on telecommunications services	(1) Scope; (2) definitions; (3) competitive safeguards interconnection; (4) Interconnection (5) universal service; (6) licensing and authorisation; (7) telecommunications regulatory authority; (8) allocation and use of scarce resources; (9) essential facilities; (10) Resolution of disputes; and (11) Transparency.
	E.2 Network equipment and products	(1) Electronic commerce-related network equipment and products

F. MARKET ACCESS		(1) Services market access; (2) temporary entry and sojourn of electronic commerce-related personnel; (3) goods market access
ANNEX 1: SCOPE AND GENERAL PROVISIONS		(1) Preamble; (2) definitions; (3) principles; (4) scope; (5) relation to other agreements; (6) general exceptions; (7) security exception; (8) Prudential measures; (9) Taxation; (10) Dispute Settlement; and (11) Committee on Trade-Related Aspects of Electronic Commerce

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