

Cooperation, Capacity Building, and Implementation Considerations of Developing Countries in the E-Commerce Joint Statement Initiative:

Status and the way forward

April 2022

Yasmin Ismail

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Written by Yasmin Ismail

This policy brief benefited from the research support of Euphemia Ngoya. The author also acknowledges the substantive review and inputs by Rashid S. Kaukab, Executive Director of CUTS International, Geneva.

This publication was produced with funding by UK aid through the UK Government. The Umbrella Grant is a project of the Trade and Investment Advocacy Fund (TAF2+) and is implemented by the International Institute for Sustainable Development, in consortium with CUTS International, Geneva, and BKP Economic Advisors.

The views expressed in the publication are the author's own and do not necessarily reflect the official positions of the Government of the United Kingdom or those of the Trade and Investment Advocacy Fund.

IISD HEAD OFFICE

111 Lombard Avenue, Suite 325
Winnipeg, Manitoba
Canada R3B 0T4

Tel: +1 (204) 958-7700

Website: www.iisd.org

Twitter: @IISD_news

CUTS INTERNATIONAL, GENEVA

37-39, Rue de Vermont
1202 Geneva, Switzerland

Tel: +41 (0) 22 734 60 80

Fax: +41 (0) 22 734 39 14

Email: geneva@cuts.org

Website: cuts-geneva.org

Abstract

Negotiations on the World Trade Organization’s Joint Statement Initiative on electronic commerce are progressing and aim to reach convergence on most issues by the end of 2022. Around 38 developing countries—including six African economies and four least-developed countries (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 also lack the capacity to implement the commitments of the outcome.

This note emphasizes the urgency of answering the call of developing countries and LDCs for support during and after the negotiations. It highlights potential venues and approaches to strengthen cooperation, capacity building, and the implementation of proposed text provisions to ensure they address the needs and concerns of developing countries and LDCs and help enable and develop their e-commerce ecosystems.

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Acronyms and Abbreviations

FED	Friends of E-commerce for Development
FTTx	fibre to the X
GATS	General Agreement on Trade in Services
ICT	information and communication technology
ITU	International Telecommunication Union
JSI	Joint Statement Initiative
LDC	least-developed country
MSME	micro, small, and medium-sized enterprise
RTA	regional trade agreement
SDT	special and differential treatment
TFA	Trade Facilitation Agreement
WTO	World Trade Organization
WPEC	Work Programme on Electronic Commerce

1.0 Introduction

E-commerce has become progressively more relevant to the global economy over the last 2 decades. COVID-19 only increased policy-makers' sense of urgency to review trade rules as their application becomes more and more challenging, moving from the physical to the virtual space. A growing number of countries have negotiated and concluded regional trade agreements (RTAs) with specific provisions or chapters on e-commerce. According to the RTA database of the World Trade Organization (WTO), 187 of the 352 agreements in force to date contain provisions relevant to e-commerce. In 2020 alone, as the implications of COVID-19 flared, 19 RTAs with e-commerce provisions were notified to the WTO.

At the Eleventh WTO Ministerial Conference in Buenos Aires in 2017, 71 WTO members 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 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 affected by the COVID-19 pandemic, so far, 86 WTO members from different development levels are 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, including cybersecurity and data flow and protection.

On December 14, 2021, the ministers of JSI co-conveners (Australia, Japan, and Singapore) issued their statement intended for the Twelfth WTO Ministerial Conference following its indefinite postponement.¹ They indicated their objective of reaching convergence on most issues by the end of 2022. The co-conveners also recognized the importance of supporting the engagement of developing members and least-developing country (LDC) members participating in the initiative and announced that they would “continue to deepen the discussion on capacity-building options and support for implementation for developing members and LDC members in 2022” (Tehan et al., 2021).

To date, some 38 developing countries, including six African countries and four LDCs, have joined the initiative. Despite their limited capacities and legitimate doubts and hesitation due to the digital divide, many developing countries joined the process in the hope of ensuring that the future agreement will catalyze 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

¹ For the full ministerial statement, see: https://www.wto.org/english/news_e/news21_e/ji_ecom_minister_statement_e.pdf

and the digital divide, significantly reducing the ability of their Geneva missions and their policy-makers at home to keep track and actively participate in the negotiations. They also raised awareness 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 fulfill their forthcoming commitments.

This policy brief will explore the approaches to cooperation, capacity building, and implementation considerations of developing countries in trade agreements. It provides an overview of the development considerations raised by developing countries about the digital divide and its implications for benefiting from future e-commerce rule-making in the context of the JSI. It also explains the status of the cooperation and capacity-building concerns in the JSI process and proposals to carve a way forward to unleash the development potential of the e-commerce JSI negotiations and future rules from conception to implementation.

2.0 The Digital Divide and Development Priorities in WTO E-Commerce Discussions

2.1 Connectivity and Digital Access: A significant “preconditions” gap

The “digital divide” concept transcends 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 & Maciel, 2020). A key indicator of a country’s ability to leverage e-commerce is the level of access and use of the Internet and digital technologies by its population and businesses. A 2021 report by the International Telecommunication Union (ITU) on the telecommunication industry in the post-COVID-19 world found that 49% of the world’s population does not access the Internet today, with larger clusters of non-users located in Africa (71%), Asia and the Pacific (55%), and the Arab States (45%). The gaps are more pronounced when it comes to state-of-the-art technologies such as 5G and fibre to the X (FTTx), which are increasingly harnessed to create new digital services (Shoshani, 2020). The ITU (2021) report indicates that 83.9% of the world’s population is not covered by 5G, while 83.1% of households have not adopted FTTx.

Table 1. Telecommunication 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 the 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: Katz, 2021.

Furthermore, Katz (2021) and a 2021 econometric modelling study by ITU show that, due to the economic contraction and slower growth triggered by COVID-19, capital expenditure in telecommunications was negatively affected in regions with lower development levels, causing a downturn in network expansions. The results of the ITU econometric modelling presented in Table 1 show decreases in telecommunication investments per capita between 2019 and 2020 in Africa, Latin America and the Caribbean, Asia and the Pacific, and the Arab States. On the other hand, these investments increased in the Commonwealth of Independent States, Europe, and North America. So while e-commerce is expected to continue expanding post-pandemic, the connectivity gap and digital divides between developing and developed countries may actually widen.

2.2 Beyond Infrastructure: The asymmetry of information and raising concerns in the WTO

Box 1. Extract from the Friends of E-commerce for Development (FED) roadmap for e-commerce discussions in the WTO

The roadmap consisted of :

- “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
- access to financing.”

Source: Extract from FED, 2017.

Years before COVID-19, developing countries and LDCs raised concerns and called for solutions during e-commerce rule-making discussions. Aaronson and Struett (2020) examined public communications on e-commerce that were issued by WTO members, whether under the WTO Work Programme on Electronic Commerce (WPEC) since its establishment in 1998 or in the JSI. Their research showed that member states “struggled to address issues of development, access, and equity throughout the work program” (Aaronson & Struett, 2020, p. 14). The study pointed to asymmetries of information and knowledge that have progressively affected discussions among WTO members. It undermines the ability of developing countries and LDCs to assess the potential impacts 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 have 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 to enable their informed engagement in negotiations (Diplo Foundation et al., 2021). They also asked for help to build their e-commerce infrastructure, establish and develop their data-driven firms, increase the knowledge and skills of their populations, establish national rules, and ensure that efforts to review or formulate multilateral rules would benefit all members.

On April 25, 2017, a diverse group of developing members presented a comprehensive, long-term digital policy agenda to ensure that their concerns and interests were addressed in WTO e-commerce talks. 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 (FED, 2017). The seven issues, described in Box 1, aim to focus on 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” (FED, 2017).

Table 2. LDC development concerns in e-commerce discussions

Category	Development concerns in e-commerce
<p>Lack of capacity and/or resources</p>	<ul style="list-style-type: none"> • Limited existence of affordable 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
<p>Flexibility in market access commitments</p>	<ul style="list-style-type: none"> • Lack of clarity on the nature of electronic transmissions and the ability of LDCs to apply internal taxes
<p>Infant industry and/or policy space concerns</p>	<ul style="list-style-type: none"> • Lack of mechanisms for start-up enterprises in e-commerce business • Concerns about possible adverse effects of e-commerce and how to mitigate them

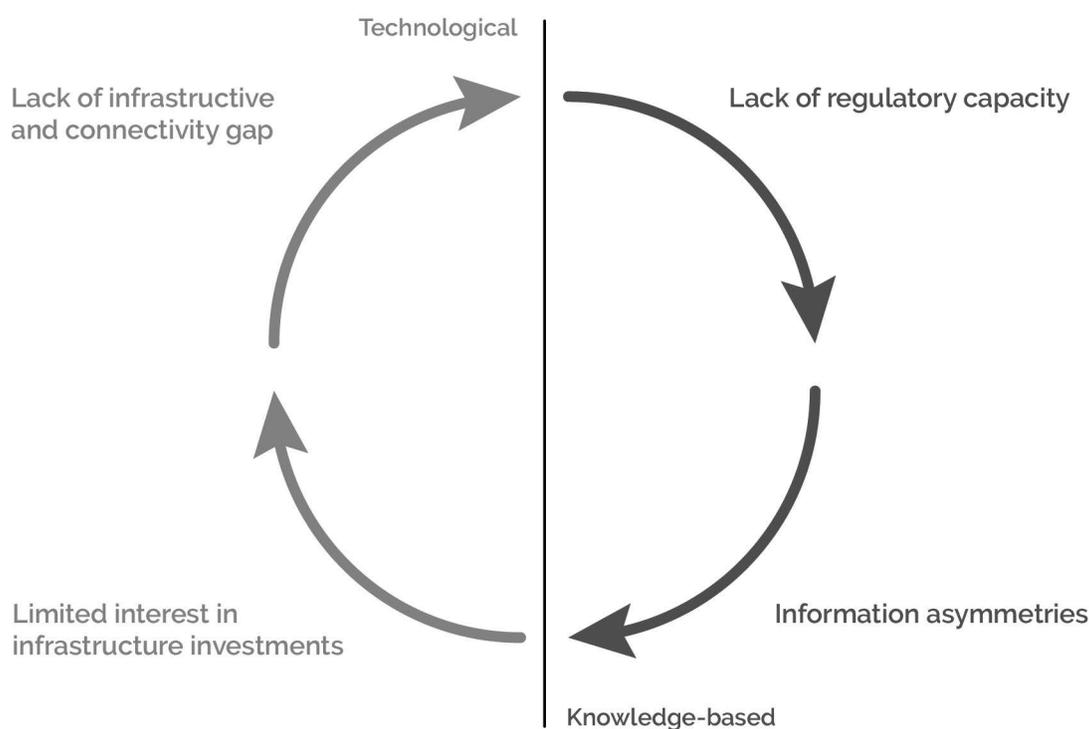
Source: Author based on WTO, 2019b.

A few months before the COVID-19 crisis, the LDC Group submitted communication WT/GC/W/787, dated November 14, 2019, which 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 listed the challenges LDCs face in using e-commerce for consideration in the WPEC. These concerns are itemized under three categories in Table 2.

According to Guglya and Maciel (2020), these concerns present “technological and knowledge-based sides of the digital divide” (p. vi). They warn 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).

Figure 1. The technological and knowledge-based sides of the digital divide



Source: Author.

2.3 Mainstreaming Concerns and Approaches to Special and Differential Treatment

On September 8, 2021, the JSI co-conveners circulated an updated consolidated negotiating text based on members’ proposals and progress in the negotiations in 2020 and 2021. The text forms the basis for negotiations and reflects outcomes of small group discussions and consultations that were considered in plenary sessions. It consists of six sections and an annex on “Scope and General Provisions” (WTO, 2021b).

The six sections mirror the six “focus groups” of negotiations created in 2019 to guide and group e-commerce trade-related specific 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. The annex includes a preamble and sections on definitions, principles, scope, relation to other agreements, general exceptions, security exception, prudential measures, taxation, dispute settlement, and the 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 (WTO, 2021b), its sections, and relevant specific issues, see Table A1 in Annex A.

Some WTO members say that vertical mainstreaming of development concerns in trade negotiations would make it easier for them to identify specific needs, while others say the horizontal carve-out helps to comprehensively level the playing field (WTO, 2021a). Nigeria, a member of the e-commerce JSI, has consistently asked 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:

1. Vertical mainstreaming identifies issues under each section and its substantive specific issues. Quoting from one JSI meeting agenda, 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).
2. Horizontal mainstreaming allocates the following specific issues under the “Cross-cutting Issues” section (Section D): “cooperation, cooperation mechanisms and capacity building and technical assistance” (WTO, 2021b).

To transform development concerns into special and differential treatment (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. When it comes to capacity building and technical assistance provisions, however, traditional SDT provisions tend to be “unenforceable,” “best endeavour” provisions (Van Der Ven, 2018, p. 1).

Therefore the study recommends the SDT model of the Trade Facilitation Agreement (TFA) as the most suitable option for “enforceable” capacity building and technical assistance provisions in e-commerce. This model allows for self-designated transitional implementation periods and for the implementation of some commitments to be linked to the provision of technical and capacity-building assistance. As shown in Table 3, the TFA model can be combined with traditional SDT to allow policy space. It can also be combined with the SDT model of the General Agreement on Trade in Services (GATS) to allow flexibility in market access commitments.

Table 3. Characteristics of the different SDT models

Category of concern	Traditional SDT	GATS SDT	TFA SDT
Lack of capacity and/or resources	✓ / ✗	✓ / ✗	✓
Flexibility in market access commitments	✓	✓	✗
Infant industry and/or policy space concerns	✓	✓ / ✗	✗

Source: Author's adaptation of Van Der Ven, 2018.

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

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

✓ / ✗ = 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 suitable model

Van Der Ven (2018) concludes that “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” (p. 29).

3.0 Cooperation and Capacity Building in the JSI: Status and the way forward

3.1 Overcome the Vertical Focus on Cooperation

Table 4 lists sections and specific issues in the e-commerce JSI negotiations where cooperation provisions have appeared.² 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), there is clearly a focus on the mere promotion of regulatory cooperation. The provisions do not include any targeted capacity building or technical assistance commitments related to the technical issues under each thematic sector.

According to 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” (p. 9).

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. “may work together, on a voluntary basis” (cleaned text) Promoting Recognition of Electronic Signatures
A.1.(4) Electronic invoicing	Article 4. “shall endeavour to share best practices” Exchange of Knowledge on E-invoicing Systems
A.2.(1) Paperless trading	Article 5. “shall endeavour to cooperate” in international forums Promoting Paperless Trading
A.2.(8) Enhanced trade facilitation	Article 7. “shall commit to enhancing international cooperation on regulation”
B. Openness and electronic commerce	
B.4. (1) Open government data	Article 5. “shall endeavour to cooperate” Matters relating to facilitating public access

² These are issues where JSI participants have reached the “clean texts” through small group negotiations.

<p>B.4. (3) Access to online platforms/ competition</p>	<p>Article 1. "Recognising that [Members/Parties] can benefit by sharing their experience"... (they) shall endeavour to..." Matters relating to enforcing competition laws</p>
<p>C. Trust and electronic commerce</p>	
<p>C.1. (2) Unsolicited commercial electronic messages</p>	<p>Article 5. "shall endeavour to cooperate..." Matters relating to regulating SPAM (cleaned text)</p>

Source: Author, based on WTO, 2021b.

Côte d’Ivoire proposed the texts of articles 7 and 8 under the “principles” subsection of the annex to the forthcoming agreement, in its latest submission in July 2021 (WTO, 2021c). The proposed text of Article 7 uses similar wording to Article 13.1 of the TFA but emphasizes the different needs and readiness levels of participating members, which are not strictly “lack of regulations” but also “capacity” and “infrastructure.” Article 8 says 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 stresses the need for this assistance to “bridge the digital divide,” which precedes the mention of “building their capacity to implement.”

Placing these two articles under principles and apart from the dedicated capacity-building section lays the ground to advance “vertical mainstreaming” beyond regulatory cooperation to identify the targeted needs of developing countries and LDCs and discuss ways to address them.

3.2 Reconcile Members’ Priorities on the Horizontal Level

On the horizontal level, members at different development levels have submitted proposals under the subsections “cooperation,” “cooperation mechanisms,” and “capacity building.” A proposal by Côte d’Ivoire (WTO, 2019d) and a subsequent one by Ecuador, Guatemala, and Paraguay (WTO, 2021d) also addressed approaches to adopt special implementation periods for developing countries and LDCs. Examining the proposals under these dedicated horizontal subsections underscores that submitting members have different priorities based on their level of development, the status of e-commerce at their national levels, and regional diversity.

Table 5 maps 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 with the same shade.

Table 5. Cooperation and capacity building: Mapping of proposals

	Cooperation	Cooperation mechanisms	Capacity building and technical assistance	Implementation periods*
INF/ECOM/17 Brazil	Regulatory cooperation on technical matters			
INF/ECOM/19 China	E-commerce for development program		Voluntary support and recommendations	
INF/ECOM/20 Japan	Regulatory cooperation on technical matters; support for MSMEs			
INF/ECOM/35 Chile, Colombia, Mexico, Peru	Regulatory cooperation on technical matters; support for MSMEs			
INF/ECOM/44 Republic of Korea (South Korea)		Enquiry points for notification and consultation		
INF/ECOM/49 Côte d'Ivoire	Multilateral cooperation forum		Support during the negotiations, situation analysis and needs assessment, and accessible urgent WTO funding	TFA model
INF/ECOM/66 Côte d'Ivoire			Binding support from capable members, including for infrastructure	

	Cooperation	Cooperation mechanisms	Capacity building and technical assistance	Implementation periods*
INF/ECOM/52 Indonesia			Upon request and binding to capable members	
INF/ECOM/68* Ecuador, Guatemala, Paraguay				Implementation periods (up to 3- year implementation periods for developing countries and LDCs, renewable up to a further 2 years)

Source: Author, based on WTO, 2018; 2019d; 2019e; 2019f; 2019g; 2019h; 2020; 2021c; 2021d.

*The implementation period proposal by Ecuador, Guatemala, and Paraguay (WTO, 2021d) 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.

For South Korea and Japan, regulatory cooperation and notification procedures are important to facilitate e-commerce. Chile, Colombia, Japan, Mexico, and Peru seek cooperation between members to encourage MSMEs to adopt and become more involved in e-commerce.

On the other hand, some developing countries such as Côte d'Ivoire and Indonesia seek concrete commitments from developed members, as well as developing countries with the capacity, to give them the assistance and technical support they need to engage in the negotiations, implement the forthcoming agreement, and bridge their digital divide. Steps to reconcile such varying interests are needed this year to reach a consolidated viewpoint on SDT approaches and potential provisions, as the co-conveners aim to finalize rules negotiations by the end of 2022.

3.3 Provide Critical Support to Developing Countries and LDCs During Negotiations

The submission INF/ECOM/49 on capacity building and technical assistance highlighted in Table 5 pointed straight to the issue of the 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.

Figure 2. Critical support for developing countries and LDCs during negotiations on e-commerce rules



Source: Author.

According to Guglya and Macial (2020), this critical support consists of the following three elements (also demonstrated in Figure 2):

- **Enabling the negotiations:** With such a wide thematic scope and the limited human and financial resources of many developing countries and LDCs, keeping up to date with the negotiations and ensuring active engagement can be very challenging. The WTO secretariat has been active lately in organizing webinars and experts' discussions to clarify the issues. However, a mechanism is needed to ensure methodological, continuous, and demand-driven research and analysis support to secure progress in clarifying the issues and their potential impacts on members' development objectives. This support may also involve larger-scale needs assessment studies at the national level.
- **Enabling multistakeholder participation:** Facilitating multistakeholder consultations at the national and regional levels—involving policy-makers, leading firms, MSMEs, civil society, trade experts, and relevant regional and international organizations—can give multistakeholders greater clarity on issues, build their knowledge on these issues, and allow for informed discussions on their implications. Moreover, these consultations can attract inputs from everyone concerned, leading to better participation of negotiators from developing countries and LDCs in the e-commerce discussions.
- **Enabling the elaboration of balanced rules:** Another proposal by Côte d'Ivoire suggests integrating development interests when drafting the future rules “to ensure that e-commerce is a real instrument for inclusive development and a useful complement to

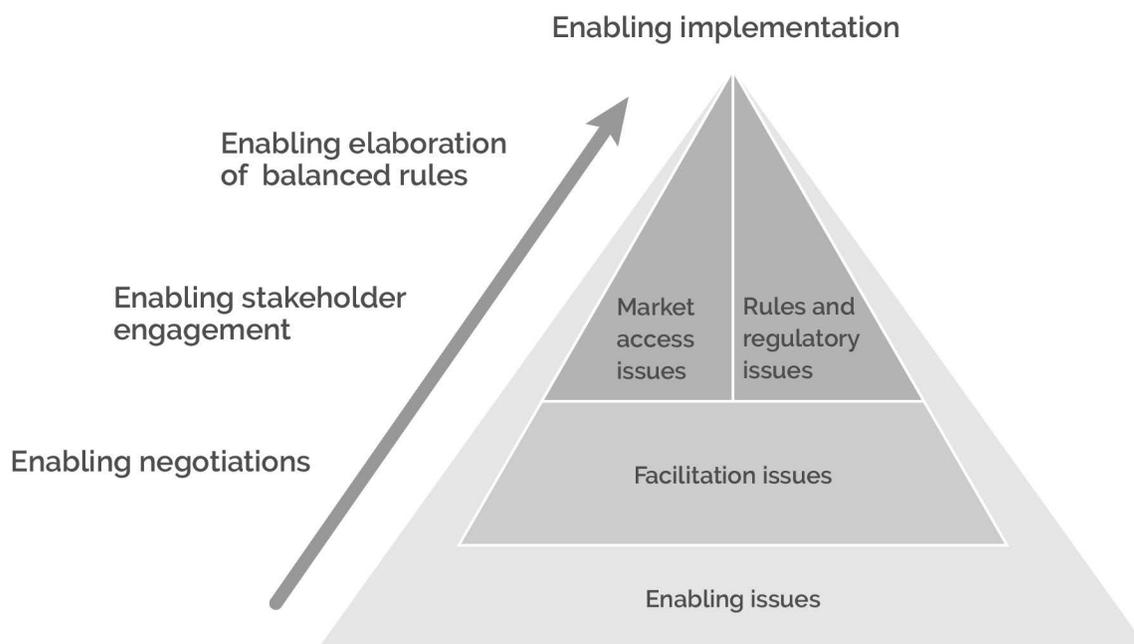
physical transactions in goods and services” (WTO, 2019i). Due to their limited capacities, however, developing countries and LDCs make fewer submissions than developed and more advanced developing economies. Hence, developing countries and LDCs need and will greatly benefit from drafting support to crystalize, articulate, and present their interests and concerns on the issues being negotiated. This will bring more balance to the negotiations and a more balanced outcome.

4.0 From Consideration to Implementation of “Enabling Issues”: Unleash the JSI’s development potential

To conclude, it is clear that developing countries cannot tackle the challenges related to negotiating and applying e-commerce rules without adequate and need-based capacity-building assistance—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 RTAs and the issues considered under the WTO Work Programme. He highlighted the need to prioritize “enabling issues” for developing countries—infrastructure, technology transfer, and skills, among others—in e-commerce discussions at the WTO before elaborating disciplines focusing on digital trade facilitation, rules and regulations, and market access.

Guglya and Maciel reiterated this approach in their 2020 study. They noted the JSI potential to achieve progress on enabling issues “parallel to the regulatory framework development” and that 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, p. 11). Figure 3 demonstrates this approach.

Figure 3. From consideration to implementation of enabling issues in the JSI on e-commerce: A model



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

With the clock ticking toward an outcome of the negotiations, need-based and demand-driven support initiatives for developing countries and LDCs are urgently needed from development assistance partners. It is equally imperative for JSI participants to address this key issue in the negotiations with a view to achieving a comprehensive, substantive, and effective outcome, taking into account the submissions of developing countries. These actions will go a long way in securing better participation of developing countries and LDCs in the negotiations, as well as their acceptance of the outcome.

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Annex A

Table A1. 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	Subsections	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 payment services/facilitation of e-payments
	A.2 Digital trade facilitation and logistics	(1) Paperless trading; (2) de minimis; (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

Sections	Subsections	Specific issues
B. Openness 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) [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 and (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

Sections	Subsections	Specific issues
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; and (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 authorization; (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; and (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

