

## WTO-PIFS-UNCTAD REGIONAL WORKSHOP ON E-COMMERCE FOR THE PACIFIC

20 - 22 June 2017, Sheraton Resort Hotel, Nadi, Fiji.

### SUMMARY OF DISCUSSIONS

#### 1.0 Introduction

1.1 The Regional Workshop on E-Commerce for the Pacific was held in Nadi, Fiji from 20-22 June 2017. The Workshop was jointly organised by the Pacific Islands Forum Secretariat (PIFS), World Trade Organisation (WTO) and the United Nations Conference on Trade and Development (UNCTAD). Senior Representatives from Government Ministries responsible for E-Commerce, central banks, telecommunication regulators and the private sector from the 14 Forum Island Countries (FICs) attended the Workshop. Speakers from the public and private sectors directly involved with E-Commerce presented on the policies, strategies, laws and regulations and shared their experiences and challenges in order to assist policy makers identify solutions to assist Pacific nations in taking advantage of E-Commerce and contribute further to developing Pacific economies. Regional and other International Organisations also made presentations and shared their expertise on their work relating to E-Commerce. These included the Oceania Customs Organisation (OCO), University of the South Pacific (USP), South Pacific Tourism Organisation (SPTO), Melanesian Spearhead Group (MSG), the Asian Development Bank (ADB), International Telecommunications Union (ITU), United Nations Economic and Social Commission for Asia Pacific (UNESCAP), and the World Bank. A list of participants is attached.

1.2 The theme of the Workshop was 'Promoting E-Commerce in the Pacific – Recent Development Policies and Laws'. The objectives of the Workshop were to update participants from the region on recent developments in E-Commerce including the state of play in the WTO discussions on E-Commerce, and identify appropriate policies and laws that would promote the development of domestic and trans-border E-Commerce in goods and services throughout the region. It also provided an opportunity for Pacific island countries including the private sector to share their experiences and challenges relating to E-Commerce. The expected outcomes of the Workshop were for the participants to gain a better understanding of E-Commerce and the recent developments taking place globally including in the WTO and to develop recommendations that will enhance E-Commerce as a tool for development in the FICs well as the region.

1.3 In their opening remarks the representative of the WTO, Mr Tim Yeend expressed their gratitude to the Pacific Islands Forum Secretariat (PIFS), UNCTAD and government of Fiji for the organisation of the workshop in collaboration with the WTO, acknowledged the positive sign of high level representation and encouraged Members to engage constructively given the complexity of E-Commerce. Ms Cecile Barayre, the

representative of UNCTAD stated that it was the first time UNCTAD was working with the Pacific in the area of E-Commerce. She stressed the fact that E-Commerce needs to be more inclusive and no nations should be left behind. The CEO of Fiji Commerce Commission, Mr Joel Abraham acknowledged the growing importance of E-Commerce and Fiji government's response to developing appropriate policy and laws. Mr. Shiu Raj, Director Policy at PIFS welcomed the support of WTO and UNCTAD for their financing and technical support in collaboration with PIFS to host the E-Commerce Regional Workshop. He highlighted that the workshop will shape Members views on how to participate in WTO discussions ahead of MC11 and to enable countries to identify regional and national E-Commerce opportunities and challenges, and address them as appropriate.

## **2.0 Issues Discussed**

### **Session 1: A Short Background on E-Commerce in the WTO and in the Pacific**

2.1 The Workshop considered three presentations on the historical development of E-Commerce discussions in the WTO, the development of E-Commerce and ICT in the Pacific presented by the WTO, the Pacific Islands Forum Secretariat and the University of the South Pacific (USP).

2.2 The Workshop noted that in the WTO E-Commerce is being discussed in the Working Party on E-Commerce established in 1998 to clarify its scope in recognition of the significant impact it had on the nature of trade; and because of its cross-cutting effect it had also impacted other negotiations on Trade in Goods, Trade in Services, TRIPS and Development. These discussions focus on market access, data protection, electronic signatures, consumer protection, security, and facilitation of E-Commerce trade, the development aspects of E-Commerce and others. The Workshop noted that E-Commerce was already taking place in the region and the main users banks through online and mobile transactions, airlines via online payments, tourism, tourism-related and media sectors. Lack of data to capture these online businesses and training on E-Commerce was limited and which needed to take into account various advancements. The Workshop also noted that ICT was one of the five priorities of the Framework on Pacific Regionalism (FPR) adopted by Forum Leaders in 2015 and that the challenge for the Pacific countries was to address accessibility and affordability of E-Commerce to ensure that E-Commerce is a tool for inclusive development for FICs.

### **Session 2: Global trends and Developments in E-Commerce, and Policy Implications for the Pacific**

2.3 This Session provided an overview of global trends and developments in E-Commerce including the contribution of E-Commerce to global trade, developments E-Commerce in different regions, and the contributing factors that influence the development and growth of E-Commerce in goods and services. Presentations were made by UNCTAD, ITU, ADB and the World Bank.

2.4 The presentations highlighted that many developing countries were starting to sell and buy goods and services online at the domestic level, whilst some are also engaging in cross-border trade. The absence of data however regarding the volume of those transactions was stressed. FICs have the potential to benefit from E-Commerce if transaction cost, lack of infrastructures, limited purchasing powers, and accessible and affordable internet connection, inefficient facilitation of online and mobile payment solutions and other challenges are adequately addressed by the governments. These required improvements to policies, starting with the definition of comprehensive E-Commerce strategies, legal and regulatory environment, E-Commerce infrastructures and necessary skills and knowledge on how to use the E-Commerce.

2.5 On ICT infrastructure, the Session highlighted that many FICs have linked to or are linking to submarine cables to expand internet access and speed that offer greater opportunities for E-Commerce, however, utilisation of E-Commerce to take advantage of the opportunities created by falling ICT access costs remains low and promotion is required to increase utilisation. Satellite was an alternative adopted by some FICs to extend internet access to the rural areas and outer islands which cannot be reached by cable networks. The Session noted that E-Commerce could be facilitated by credit cards, as well as available online payment solutions and other forms of e-payment like mobile wallets but in the absence of this, use of cash on delivery was used commonly as a stepping stone to graduate into other means of payment. The Session also highlighted tax evasion as one of the main challenge for FICs policy makers, as more people were using Facebook to sell and buy online avoiding payment of government taxes.

2.6 The session highlighted that increased ICT connectivity, new online market places and electronic means of payment favoured the exponential growth of E-Commerce globally. Pacific firms were still using emails to interact with consumers/suppliers as many do not have websites, which would have significant impact on their visibility to global consumers. The session also noted that E-Commerce could lower trade costs for goods and services, thus addressing the isolation issue of the FICs. More effort was needed to encourage individuals/businesses to participate in E-Commerce particularly on services trade and underscored the success story of the contribution of E-Commerce towards services sector through the travel and tourism exports. Further, it was noted that FICs needed to create a conducive environment for E-Commerce to enhance the benefits of E-Commerce to their economies.

### **Session 3: Contribution of and challenges for E-Commerce in the Pacific region**

2.7 The presenters from the South Pacific Tourism Organisation, Real Impact, eBay and Computer Networks at EASE discussed at this Session the opportunities to further the development of E-Commerce in the Pacific region, the challenges facing the region and examined how E-Commerce could be used to enhance trade, growth and development in the Pacific.

2.8 The Workshop was informed of the use of E-Commerce in promoting businesses in the region in particular its use as a powerful development tool to opening up vast market opportunities and linking buyers and sellers across the region. This included regional e-marketing programs as key component for Micro, Small, Medium, and Enterprises (MSMEs) as well as connecting informal sector in creative industries through E-Commerce solutions and harnessing high impact design chain transformational systems via e-Retail.

2.9 The ICT development in the region is known to be uneven and in its infancy vis-a-vis limited connectivity, high costs of infrastructure and services coupled with the scattered geographic spread of the Pacific region are the major challenges facing businesses and in particular MSMEs. The utilisation of E-Commerce provides for enhanced trade by addressing the shifts in demand of consumers and allowing for international competition.

#### **Session 4: Payment Solutions**

2.10 This Session discussed regional and national challenges involved with providing mobile banking and payment solutions for online customers by the ITU, ANZ Bank and Bank South Pacific.

2.11 The Session highlighted the growing importance of mobile banking and online payment platforms as well as the challenges in operating in this area in the region with the emphasis on the use of digital financial services in targeting the poor and unbanked through digital financial inclusion, digital financial services and mobile financial services. The Workshop noted the use of digital financial services as a means of addressing Sustainable Development Goals (SDGs), leading to job creation, innovation and entrepreneurship. Furthermore, the Workshop was informed of services provided in the region in terms of mobile banking, EFTPOS, internet banking, ATMs and the various forms of payment options available including credit cards, debit cards and other scheme cards. The challenges experienced by financial institutions included the duplicated functions of the modes of payment methods, low market penetration due to the distribution models, inefficient distribution networks and inconsistent internet coverage, basic merchant electronic payment facilities, non-compliance of Europay, Master Card and Visas (EMVs), and increased fraud cases across the region. Investments are taking place in advanced security systems to bridge the current gaps of cybercrime, fraud prevention and management.

#### **Session 5: E-Commerce readiness assessments – eTrade for All and Questionnaires on connectivity as part of the 6<sup>th</sup> Global Review of Aid for Trade –preliminary analysis – main challenges for the region, E-trade indicators for the Pacific**

2.12 This session considered the results from eTrade for all survey for both public and private sectors carried out in preparation for the workshop. The survey covered all seven policy areas addressed by the eTradeForAll initiative (E-Commerce strategies, legal and regulatory frameworks, logistics, ICT infrastructure and services, MSMEs skills and knowledge, payment options and access to finance in the Pacific island countries. From the answers provided by 10 countries, the UNCTAD representatives focused on the lack of

robust legal framework and the absence of national E-Commerce strategies. The eTradeForAll initiative launched during UNCTAD 14 was introduced, in particular the newly launched [etradeforall.org](http://etradeforall.org) platform, as a one window on E-Commerce where information on the seven policy areas is available for all.

2.13 The Workshop was informed of the findings of the UNCTAD e-Trade Readiness Assessments carried out in Cambodia and Bhutan. Participants learnt that Samoa and Solomon Islands were soon to benefit from UNCTAD's eTrade Readiness Assessments. UNCTAD invited other FICs to evaluate the need to take stock of their eTrade readiness and to approach UNCTAD if they needed help in doing so (with priority for LDCs).

2.14 Success stories in the region on the use of E-Commerce will be featured in the forthcoming Aid-for-Trade Review in Geneva, using the questionnaire gathered by the WTO and OECD earlier this year. The session was also informed of e-trade indicators for the Pacific and highlighted the state of e-commerce legislation in the areas of e-transactions, privacy, the protection of consumer online and cybercrime. PIFS emphasized that e-Trade Readiness assessments were demand-driven, with a focus on LDCs, and that it was up to countries to make requests if they wanted support. PIFS is available to assist and facilitate.

### **Session 6: Pacific Countries' Experiences**

2.15 This Session considered presentations from 14 FICs on their respective national policies, laws and legislations and ICT infrastructure, relating to E-Commerce as well as the status of implementation of these policies, laws and the current or proposed regulations and infrastructure that would support the development and promotion of E-Commerce at the national level. The presentations also included the challenges faced by the Members. The key issues highlighted by members were as follows:

*National policies and laws* - The majority of FICs have no specific E-Commerce policies or laws, however, a few countries do have a range of policies and strategies of which E-Commerce is a part of including within their Trade Policy Frameworks.

*ICT infrastructure* - Connectivity via satellite and submarine cables exist in a number of FICs, however, inter-connection and access, tariff rules and licensing are areas where governments are paying close attention noting the high internet costs making it unaffordable for some countries. Overall ICT infrastructure including internet development is at varying stages or uneven across the region. The Workshop was informed that many FIC governments have transformed their systems to online platforms such as e-Government, making their services accessible to the public.

*Opportunities and Challenges* - The rural-urban divide, geographic spread, isolated islands, low populations, low e-literacy and lack of human capacity were highlighted as some of the challenges. These present opportunities for the development of specific strategies to address these issues. Concerns were also expressed on how to address cross border issues such as standards and quality of products/services, intellectual property violations (eg music) which

call for regional solutions. The tourism industry appeared to be a leader in E-Commerce through online booking platforms, whilst other sectors rely on social media platforms to sell their products. Most countries noted the importance of E-Commerce, and many highlighted existing work on ICT reform.

### **Session 7: Prospects for E-Commerce in the run up to MC-11**

2.16 This session considered a presentation on the proposals recently submitted by WTO Members on specific topics in E-Commerce and possible next steps.

2.17 Noting the absence of a regional position on E-Commerce Members were encouraged to consider priority areas which could be pursued by the WTO to help shape the agenda for the WTO 11th Ministerial Conference. Country presentations were considered a first step in this direction which highlighted the gaps that exist in a range of areas including policy, regulations, physical and digital infrastructure, transport and logistics which suggest that the digital divide and development dimension should be addressed as a matter of priority.

### **Session 8: Legal and Regulatory Framework – Building Trust**

2.18 This Session discussed legal issues pertinent to the digital economy, such as security and data protection issues, consumer protection, that need to accompany E-Commerce policies. The state of E-Commerce legislation in the region was presented, the E-Commerce chapter of the Trans-Pacific Partnership (TPP) agreement was also presented.

2.19 The session highlighted the key legislative reforms which are necessary for E-Commerce to thrive, especially regarding e-transactions, consumer protection, privacy/data protection and cybercrime. The use of legal instruments available at the global and regional levels in preparation of domestic legislation was advised as useful for members especially to favour compatibility in the context of cross-border E-Commerce. Furthermore, disruptions which are likely to occur for electronic payments, including e-wallets and payment solutions from retailers (Tesco, Starbucks), not just mobile operators and banks. Discussions were also made on the different approaches to E-Commerce in FTAs, including TPP such as having an integrated approach where laws take into account both physical and online spaces. While PACER Plus doesn't have an E-Commerce chapter, the representative of the Melanesian Spearhead Group (MSG) Secretariat highlighted that the MSG Free Trade Agreement (FTA) has a comprehensive chapter on E-Commerce.

### **Session 9: E-Commerce and MSMEs – Opportunities for Development**

2.20 This Session focussed on how E-Commerce could help MSMEs broaden their consumer and sales base and what is required in terms of ICT infrastructure, technical skills, payment solutions and logistics.

2.21 The Session discussed how online platform is opening opportunities at scale for small remote retailers through e-platform-enabled trade. MSMEs who engage in E-

Commerce would benefit from a range of policies that address affordable internet access; customs import duty exemption thresholds and ensures availability of online, cross-border payment solutions. Governments recognize the challenges MSMEs face in-trade systems and are often faced with their inability to comply with customs regulations and procedures, standards and testing requirements. Government's role extends beyond creating an enabling environment by ensuring easier access to government services particularly in areas such as reduction in regulatory compliance which burdens MSMEs. Small business operators find on-line portals to government information and one-stop websites that offer tools for business very useful.

### **Session 10: E-Commerce Facilitation - Transport and Logistics Challenges in the Pacific**

2.22 This session focussed on the facilitation of E-Commerce trade through shipping and air transport of goods in addition to warehousing and logistic services, many of which rely on the internet and E-Commerce.

2.23 This session focused on the facilitation of E-Commerce trade through shipping and air transport of goods in addition to warehousing and logistic services, many of which rely on the internet and E-Commerce. The WTO's Trade Facilitation Agreement (TFA) was also discussed as well as challenges with goods clearance and delivery of services in the region. Furthermore, the Workshop highlighted the difficulties encountered in terms of freighting good from the region to the rest of the world including the lengthy timeframe and high costs involved which necessitated the importance of collating the right data, diagnosing the challenges and prioritising aid-for-trade interventions.

2.24 The Workshop was informed on cross-border E-Commerce and paperless trade relating to small shipments and the significance of understanding the procedures for trade. According to the UN Global Survey 2017, the Pacific region has room for improvement on E-Commerce and especially harmonising legal frameworks. Other work in the region included customs procedures harmonisation to further trade facilitation in the region in terms of customs leadership, law enforcement and boarder security, trade management and facilitation, revenue mobilisation and institutional strengthening. It was also important to facilitate a customs-business partnerships so that border agencies have access to data on shipments in order to facilitate trade in a risk-based manner. The Workshop highlighted how implementation of the WTO Trade Facilitation Agreement along with other international guidelines like the WCO Immediate Release Guidelines, would result in simplified procedures to enable E-Commerce this included the opportunities for streamlining trade through automation of the border management environment, and the application of de minimis thresholds. The importance of transparency and educating new traders was further emphasized.

## **Session 11: E-Commerce as a provider and processor of services – the Tourism sector**

2.25 This Session considered a short introduction by the WTO based on its recent Secretariat study on "Challenges and Opportunities Small Economies face when linking into Global Value Chains in Goods and Services Trade" followed by a presentation by the South Pacific Tourism Organisation, the USP and the PIFS.

2.26 It was highlighted that tourism accounted on average for almost nine percent (9%) of gross domestic product across thirty small economies, three times as much as the world average at three percent (3%) and the importance of international linkages in the value chain at the national levels to close the gaps on the leakages. The importance of backward linkages to other sectors in the economy as well as avoiding leakages in the supply chain. The use of e-marketing, digital tourism marketing and web development in the region was being promoted with emphasis on raising awareness of the added value of E-Commerce for MSMEs. Other issues highlighted included the lack of an enabling environment for the public sector to encourage continuity of private sector E-Commerce development work as well as the Pacific's cultural differences that inform social interaction, norms and beliefs and values.

## **Session 12: Roundtable – Assistance for E-Commerce Development by Partners**

2.27 This Session considered presentations by development partners on the types of assistance that they provide on E-Commerce that would be useful for the Pacific Island countries. Presentations were made by the (UNCTAD, WTO, ADB, World Bank, UNESCAP, ITU, Australia, New Zealand and PIFS and Private Sector) representatives.

2.28 This Session provided a good snapshot of available assistance for the FICs to match their national and regional needs for the development of E-Commerce. The Session provided a very useful exchange with experts on the kind of regional and international assistance that were available to address infrastructure requirements, capacity building, E-Commerce policies and legislation and skills development, etc. Australia and New Zealand provided update on the regional and bilateral assistance they were providing to the FICs, and referenced to the new assistance package provided under PACER Plus that could assist Members in building the capacity of E-Commerce.

2.29 Participants suggested a regional roadmap or framework that would be identifying gaps and matching capabilities for support on E-Commerce to the countries. The roadmap would assist the Members to continue discussions on E-Commerce in future. Participants also highlighted the need for effective coordination among the stakeholders at the national level that are dealing with E-Commerce that would require assistance from the development partners.

## **Session 13: Pacific Considerations for E-Commerce: The Way Forward Partners**

### **3.0 Summary of key Issues for the Pacific and Recommendations**

3.1 E-Commerce could contribute positively to the development of the FICs and in addressing the structural difficulties of isolation, smallness and fragmentation faced by FICs by lowering trade costs and in enhancing trade opportunities in particular on services.

3.2 E-Commerce was receiving increased interest in the WTO and it is important that FICs actively engage in the discussions in Geneva to shape the agenda for the WTO Eleventh Ministerial Conference (MC11) and beyond, including ensuring that there are mechanisms to address capacity gaps.

3.3 FICs are at different stages of development on E-Commerce. The volume of E-Commerce in the FICs was still low and more effort was needed to build confidence and trust to use E-Commerce but some positive experience domestically showed that E-Commerce was cheaper and faster than conventional trade and noted that MSMEs and women participation is increasing.

3.4 The main challenges facing FICs range from absence of policies and laws or the need to consolidate policies and laws which are under various sectorial policies into a coherent E-Commerce policy and legislative framework; e-payment solutions including developing alternatives for credit cards, ICT physical and digital infrastructure, transport and logistics, E-Commerce awareness and knowledge building and managing the risks arising mainly from cross-border ecommerce.

3.5 E-Commerce was not part of the national ICT policy or strategy in many FICs which may need to be reassessed to enable E-Commerce to be addressed properly and coherently. A co-ordinated approach and a lead agency/Ministry are required at the national level to drive the development of E-Commerce. The UNCTAD E-trade Readiness Assessment ([etradeforall.org](http://etradeforall.org)) was seen as an important first step in initiating a coherent and co-ordinated E-Commerce policy development in the FICs.

3.6 A regional framework on E-Commerce to accompany the regional priority on ICT endorsed by Forum Leaders in 2015 was recognised as important in complementing and supporting E-Commerce development at the national level. Regional solutions were also proposed to respond to cross-border E-Commerce issues (e.g disputes), in competition and regulatory issues, Intellectual Property issues particularly for the Small Island States.

3.7 Expertise and resources were available from international partners and including specialised agencies to support FICs on E-Commerce but it was important to ensure that the assistance provided practical national and regional solutions tailored to the unique situation of the FICs. Such assistance where necessary should be extended to all FICs.

3.8. The workshop was very useful in building and deepening the understanding of participants on E-Commerce.

#### 4.0 Recommendations:

As a next step, the following recommendations are proposed:

- a) That FICs consider participating in the UNCTAD E-Trade Readiness Assessment as first step to developing a coherent national E-Commerce policy, within a timeframe of 12 months;
- b) The FICs may where necessary, request future WTO national and/or regional technical assistance;
- c) FICs wishing to secure assistance from international, regional and sub-regional partners may make direct approaches or channel their requests through PIFS;
- d) PIFS explore the development of a regional roadmap on E-Commerce including addressing the data gap in consultation with Development Partners to guide FICs in the development of E-Commerce at the national level;
- e) PIFS explore the possibility of a follow-up workshop;
- f) As a tool for measuring E-Commerce progress in FICs data gaps be collected and compiled<sup>1</sup>; and
- g) That the development of E-Commerce be one of the regional priorities for Aid for Trade (AfT) assistance;

#### 5.0 Conclusion

5.1 The participants considered the Regional Workshop as a useful contribution to assisting their governments develop a coherent and coordinated approach to E-Commerce and requested regional and international partners to remain engaged with the region in developing ecommerce as a tool for inclusive and sustainable development. The PIFS expressed its appreciation to the participants for their active and constructive engagement and to its partners the WTO and UNCTAD for their technical and financial support towards this important Workshop as well as to the regional and international partners and organisations for sharing their expertise and experience, and the private sector for sharing their experiences and challenges.

*Pacific Islands Forum Secretariat, Nadi, Fiji*  
*22 June 2017*

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- a. <sup>1</sup>Number of land line phones
  - b. Number of mobile phones
  - c. Number of smart phones
  - d. Number of households with internet access
  - e. Population using the internet
  - f. Number of web sites
  - g. Number of online stores
  - h. Payment transactions by type credit card, debit card, etc.

**WTO/UNCTAD/PIFS REGIONAL WORKSHOP ON E-COMMERCE**

*"PROMOTING E-COMMERCE IN THE PACIFIC – RECENT DEVELOPMENTS,  
POLICIES AND LAWS"*

SHERATON FIJI RESORT, DENARAU ISLAND SOUTH, IN NADI, FIJI.

20 – 22 JUNE 2017

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