

**Report on the Legal and Regulatory Framework for the Knowledge
Economy.
Pre-CODIST-1 Workshop.**

Introduction

The workshop on Legal and Regulatory Framework for the Knowledge Economy was held at ECA in Addis Ababa, Ethiopia on the 28th of April 2009 as one of the Pre First Committee on Development Information Science and Technology (CODIST-1) events.

Attendance

The workshop was attended by over sixty participants who included delegates from member States as well as observers from several non- African states, international, national, regional and sub-regional organisations and institutions.

Opening

The Director for ICT, Science and technology Division, Ms Aida Opoku-Mensah opened the workshop and delivered the welcome address. She informed participants that “the creation of an enabling legal and regulatory environment is critical to the effective implementation of national and sectoral e-strategies in Africa”. This was also echoed in the opening remarks delivered by representatives of the Organisation internationale de la Francophonie (OIF); Internet Society (ISOC) and the United nations Commission on Trade and Development (UNCTAD).

OBJECTIVES

The workshop aimed at building capacities for policy makers, lawyers as well as representatives from law enforcement agencies in the area of cyber legislation through:

- A brief review of the current status of cyber legislation in Africa;
- Examination of key legal and regulatory issues that need to be addressed with the view to providing an enabling environment for a successful transition to the knowledge economy. These issues included e-jurisdiction, liability and dispute settlement, e-commerce and e-taxation, e-signatures and e-payments etc.;
- Review of existing cyber law templates used in and outside Africa such as the United Nations Commission on International Trade Law (UNICTRAL) texts on electronic commerce and electronic signatures;

- Discussion and sharing of experiences on best practices in Africa and other emerging and/or developed economies;
- Review of developments towards the sub-regional and regional harmonisation of legal and regulatory frameworks for the knowledge economy
- The adoption of recommendations on strategic areas where ECA could assist in implementation and improvement of legal and regulatory frameworks in Africa.

During the workshop experts in the field of legal and regulatory issues including electronic commerce and electronic signatures made more enlightening presentations. At this workshop most of the deliberations were through presentations and round table discussions. These experts included people like Angeline Vere, Professor Abdoullah Cisse (Expert cyberdroit et légistique from West Africa), Luca G. Castellani (of the UNCITRAL Secretariat), Judge Dr. Ehab Elsonbaty (a Cyber Law Expert from Egypt), Alimata Ouattara (Juriste droit des affaires, Inspectrice du travail et des lois sociales Présidente (CIL)), and Maître Nafaâ Laribi (from Tunisia).

Most of these presentations focused on the challenges faced in creating an enabling environment for the knowledge economy that offers basic assurances such as security, integrity, authenticity, confidentiality and data protection or privacy. Specifically, in building a solid enabling regulatory framework for electronic transactions as they are increasingly taking place on open platforms, with challenges of lack of technologically advanced telecommunications infrastructure, lack of legal and regulatory frameworks supportive of ICT developments and high illiteracy rate among African countries.

It was emphasised during the presentations that there is need for the electronic marketplace to be governed by a clear set of rules, so that corporations, institutions and individuals could have confidence in doing business electronically, which means that ensuring the safety and reliability of the system will be crucial. There is a need for a comprehensive legal framework that covers cyber crime, e-commerce, e-transactions and e-signatures.

WORKSHOP RECOMMENDATIONS.

The following recommendations were made, on how ECA and its partners could facilitate the establishment and improvements of enabling legal and regulatory frameworks at national and regional levels on the continent:

AWARENESS RAISING

- Organisation of sensitisation workshops on the importance of creating legal and regulatory frameworks for the knowledge economy. Workshops to target all stakeholders such as the judiciary (lawyers, judges and magistrates), the law enforcement agencies and investigators (who include the police and government officials who work in such institutions), the parliamentarians and also heads of governments; and
- Establishment of an evaluation committee to coordinate and follow-up on the implementation of the process of enactment of the cyber legislation after awareness raising workshops are held;

CAPACITY BUILDING

- Support legal practitioners and other stakeholders by building their capacities through thematic trainings on drafting and implementation of cyber laws; on how e-commerce can enhance trade; administration and enforcement of cyber legislation and use of various equipments and tools which are necessary for effective policing; and availability of e-commerce legal frameworks for data and personal privacy protection;
- Development of online courses on cyber laws; and
- Reinforcement of capacity building in institutions involved in development and implementation of legal and regulatory frameworks ;

NETWORKING and PARTNERSHIPS

- Creation of a resource (virtual network) group of lawyers and other ICT specialists in Africa who can assist with the awareness workshop and capacity building initiatives;
- Coordination of partnerships in support of national and Regional Economic Communities (RECs) initiatives aimed at the development of legal and regulatory frameworks in Africa; and
- Ensure the involvement of the legal fraternity and law makers in the stakeholders consultation process for development of national ICT policies.