

Biruk Paulos

The Legal Architecture for E-Commerce in Ethiopia

Lessons from the EU Experiences



Anchor Academic Publishing

disseminate knowledge

Paulos, Biruk: The Legal Architecture for E-Commerce in Ethiopia: Lessons from the EU Experiences, Hamburg, Anchor Academic Publishing 2015

Buch-ISBN: 978-3-95489-446-8

PDF-eBook-ISBN: 978-3-95489-946-3

Druck/Herstellung: Anchor Academic Publishing, Hamburg, 2015

Bibliografische Information der Deutschen Nationalbibliothek:

Die Deutsche Nationalbibliothek verzeichnetet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über <http://dnb.d-nb.de> abrufbar.

Bibliographical Information of the German National Library:

The German National Library lists this publication in the German National Bibliography. Detailed bibliographic data can be found at: <http://dnb.d-nb.de>

All rights reserved. This publication may not be reproduced, stored in a retrieval system or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the publishers.

Das Werk einschließlich aller seiner Teile ist urheberrechtlich geschützt. Jede Verwertung außerhalb der Grenzen des Urheberrechtsgesetzes ist ohne Zustimmung des Verlages unzulässig und strafbar. Dies gilt insbesondere für Vervielfältigungen, Übersetzungen, Mikroverfilmungen und die Einspeicherung und Bearbeitung in elektronischen Systemen.

Die Wiedergabe von Gebrauchsnamen, Handelsnamen, Warenbezeichnungen usw. in diesem Werk berechtigt auch ohne besondere Kennzeichnung nicht zu der Annahme, dass solche Namen im Sinne der Warenzeichen- und Markenschutz-Gesetzgebung als frei zu betrachten wären und daher von jedermann benutzt werden dürften.

Die Informationen in diesem Werk wurden mit Sorgfalt erarbeitet. Dennoch können Fehler nicht vollständig ausgeschlossen werden und die Diplomica Verlag GmbH, die Autoren oder Übersetzer übernehmen keine juristische Verantwortung oder irgendeine Haftung für evtl. verbliebene fehlerhafte Angaben und deren Folgen.

Alle Rechte vorbehalten

© Anchor Academic Publishing, Imprint der Diplomica Verlag GmbH

Hermannstal 119k, 22119 Hamburg

<http://www.diplomica-verlag.de>, Hamburg 2015

Printed in Germany

Acknowledgement

Any good academic work is the result of good advisors coupled with the fervent efforts of the writer. Accordingly, I owe lots of gratitude for some folks who have directly or indirectly helped me in the course of this work.

I am very grateful for Dr.Solomon Abay (PhD), Director of the Institute of Federalism and Legal Studies (IFLS) at Ethiopian Civil Service University (ECSU), for his precious advice and comments on the language, structure and organization of the work, and framing the theme of the work which has helped me a good deal in composing the work in this fashion.

I also would like to thank Tesfaye Abate (Assist. Professor of Laws) who dedicated his precious time thoroughly editing my work. Thank you Sir. Your constructive comments have done a whole lot to my tenacious efforts in this legal work.

Eventually, I owe a lot of thanks and respect for my cherished family for their strong support and words of encouragement throughout my academic life up to this work.

Acronyms

BIS	Bank for International Settlement
CBEC	Cross-Border Electronic Commerce
EFTPOS	Electronic Funds Transfer at Point of Sale
EU	European Union
GATS	General Agreements on Trade in Services
GATT	General Agreements on Tariffs and Trade
ICANN	Internet Corporation for Assigned Names and Numbers
ICT	Information Communication Technology
ITU	International Telecommunications Union
ODR	Online Dispute Resolution
OECD	Organization for Economic Cooperation and Development
TRIPS	Trade Related Aspects of Intellectual Property
UK	The United Kingdom
UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	United Nations Commission on Trade and Development
UNECA	United Nations Economic Commission for Africa
UPU	Universal Postal Union

US The United States

WB World Bank

WCO World Customs Organization

WIPO World Intellectual Property Organization

WTO World Trade Organization

Table of Contents

Chapter 1: Introduction

1.1 Background	1
1.2 The Problem of Unregulated E-Commerce	2
1.3 The Scheming Questions.....	3
1.4 Literature Review.....	4
1.5 The Scope of the Work.....	6
1.6 The Objective.....	7
1.7 The Significance	7
1.8 The Methodology.....	8

Chapter 2: The Concept, Development and Problems of Cross-Border E-Commerce in Ethiopia

2.1 The Definition of Cross-Border E-commerce (CBEC)	10
2.2 The Forms of Cross-Border E-commerce.....	14
2.2.1 The Business-to-Business (B2B) E-Commerce.....	14
2.2.2 The Business-to-Consumer (B2C) E-Commerce.....	14
2.2.3 The Business-to-Government (B2G) E-Commerce.....	14
2.2.4 The Consumer-to-Government (C2G) E-Commerce.....	15
2.2.5 The Consumer-to-Consumer (C2C) E-Commerce.....	15
2.2.6 The Consumer-to-Business (C2B) E-Commerce.....	16

2.2.7 The Government-to-Government (G2G) E-Commerce.....	16
2.2.8 Government-to-Businesses (G2B) E-commerce.....	17
2.2.9 Government-to-Consumer (G2C) E-commerce.....	17
2.3 The Concepts Interplaying with E-Commerce.....	18
2.4 The Distinction between Domestic and Cross-Border E-commerce.....	19
2.5 The Stakeholders in Cross-Border E-Commerce.....	20
2.6 The Development of Cross-Border E-Commerce in Ethiopia.....	21
2.7 The Problems of Cross-Border E-Commerce in Ethiopia.....	23

Chapter 3: The Regulatory Issues and the Capacity of Ethiopia to Regulate Cross-Border E-commerce

3.1 The Regulatory Issues of CBEC in Ethiopia.....	28
3.1.1 The Security of CBEC.....	30
3.1.2 The Taxation of CBEC.....	39
3.1.3 The Technology for E-Commerce.....	42
3.1.4 The E-Payment System.....	43
3.1.5 The E-Commerce Shipment System.....	44
3.1.6 The E-Dispute Settlement System.....	45
3.2 The Capacity of Ethiopia to Regulate CBEC.....	46
3.2.1 The Existence of Institutions Concerned with E-Commerce.....	46

3.2.3 The Patronage from International Organizations.....	49
---	----

Chapter 4: The Lessons to be Drawn from International Experiences and Recommendations

4.1 International Experiences on CBEC	51
4.1.1 The Regulatory Framework.....	51
4.1.2 The Institutional Framework.....	54
4.1.3 The WTO Regime.....	55
4.1.4 The EU Experiences.....	57

Chapter 5: Concluding Remarks and Recommendations

5.1Conclusion.....	65
5.2 Recommendation.....	66