

Regulatory Framework for E-commerce Development in the CAREC

Terms of Reference for International Consultant

Appendix 2

Contract No.	
Requesting Unit/s	Knowledge Generation Unit, Human Resource and Finance Unit
Area of Expertise	E-commerce Regulation Expert
Category	International Consultant

A. Background:

Central Asia Regional Economic Cooperation (CAREC) Institute has been established as a knowledge institution for promoting regional economic cooperation. The mission of the CAREC Institute (CI) is to enhance the quality of the CAREC Program through sustainable provision of knowledge products and services for effective regional cooperation needed to achieve CAREC's strategic goals and accelerate economic growth in the CAREC region.¹

The phenomenal growth of electronic commerce worldwide has been a major development in the global economy over the last decade. However, e-commerce market in the Asia-Pacific region remains highly heterogeneous in: (i) economic factors and conditions, (ii) legal and institutional environment, and (iii) social acceptance. Within the CAREC region all member countries except People's Republic of China (PRC), still lag behind in the basic infrastructure for e-commerce, including e-payments, e-logistics and regulatory framework.² For cross-border e-commerce, customs authorities remain concerned with assessments of duties and risks associated with frequent small parcel flows. Many CAREC countries have adopted relevant laws, though based on different models and mostly looking at national objectives. Regulatory and institutional frameworks also vary – 65% of CAREC members provide for the legal recognition of use of electronic means (i.e., e-signatures and e-transactions laws); while 10 CAREC countries have adopted cybercrime laws, only 8 have privacy and data protection law; and only PRC thus far has adopted consumer protection law. The level of implementation of these laws are also uneven which hinder national and international e-commerce.³

¹ Eleven CAREC countries consist of Afghanistan, Azerbaijan, People's Republic of China (PRC), Georgia, Kazakhstan, Kyrgyz Republic, Mongolia, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan.

² See presentation by Jong Woo Kang (ADB) on embracing the ecommerce revolution, at the ADB-CAREC Institute Workshop on *Environmental readiness for e-commerce: economic, legal and institutional factors* in Shanghai, PRC on 6-7 December 2018. Available via <https://www.carecprogram.org/uploads/Session-1-Embracing-the-Ecommerce-Revolution-Jong-Woo-Kang.pdf> (accessed on 4 March 2019).

³ See presentation by Luca Castellani (ADB) on *E-commerce Law in CAREC States: Status and Perspectives* in Tashkent, Uzbekistan, 26 June 2019. Available via <https://www.carecprogram.org/uploads/10-E-Commerce-Law-CAREC-States-Status-Perspectives.pdf>

Regulatory Framework for E-commerce Development in the CAREC

Terms of Reference for International Consultant

B. Objectives and Purpose of the Assignment:

The overall objective of the research project is to examine CAREC countries' legal and regulatory environment for e-commerce and assess their readiness in implementing cross-border e-commerce and its potential to facilitate e-commerce trade in the CAREC region. The general research question is whether a basic legal and regulatory environment exists for the buying and selling of goods and services via the internet (such as e-transactions and e-signatures), while fulfilling the legitimate objectives of consumer protection, data privacy and cybersecurity.

To the extent possible, analytical framework must use existing approaches and tap technical expertise and advice such as that of UNCITRAL and UNCTAD. In particular, the assessment may leverage on the outcomes of the UN Global Survey on Trade Facilitation and Paperless Trade Implementation for nine members of the CAREC Program and guided by UNCTAD's Rapid e-Trade Readiness Assessments and its potential contribution to trade in the CAREC region.

Based on the above, the consultant must provide policy recommendations for policy measures for developing an e-commerce regulatory framework for CAREC countries.

C. Specific Role and Responsibilities

The Consultant shall:

1. Write the paper on "Regulatory Framework for E-commerce development in the CAREC";
2. Coordinate with ADB task manager and CI task manager;
3. Attend the inception video-con and the final conference organized by ADB and CI, and give presentations, if required, at each of these activities; and
4. Contribute to the dissemination of the research findings.

D. Core Competencies:

1. Majored in e-commerce, internet business or closely related field of economics, information technology, international trade, preferably at PhD level or its equivalent.
2. 5 years research experience related to e-commerce, international trade.
3. More than 10 years working experience in the field of e-commerce related positions.
4. Has published at least two (2) publications related to e-commerce in peer-reviewed international academic journals.
5. Working experience in regulatory and international organizations will be an advantage.

Regulatory Framework for E-commerce Development in the CAREC

Terms of Reference for International Consultant

6. Working experience in country consultations regarding e-commerce, international trade, and trade facilitation will be a plus.

E. Total Services in terms of Working Days

This assignment may require maximum of 60 working days of services inclusive of field (i.e., mission) and work from home office.

- (i) Travel and Field Office Work including in CI Office in Urumqi, if required: 10 days maximum.
- (ii) Home Office Work: 50 days maximum.

F. Deliverables

- 1. An original publishable* research paper covering (using Arial 11 point font, one and a half line spacing, in the range of 70-80 pages, A4) with the following timeline: preliminary draft—OCT 31, 2019; final draft—NOV 30, 2019. The paper should include an abstract, keywords and JEL codes, and should be accompanied by excel files for any figures and non-editable tables.
- 2. A policy brief of 2000~3000 words.
- 3. Attendance in workshops and conferences organized by ADB-CI and other sponsors for this activity.
- 4. A blog post of 600-1,000 words on CI's website / Policy Perspective Blog