

INTERNATIONAL TRADE LAW AND E-COMMERCE: REGULATORY FRAMEWORKS

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Abstract

The focus of the article is on the fundamentals of e-commerce and international trade law. The definition of the term "e-commerce" and the fundamentals of its technology were established through an analysis of scientific perspectives about the issue being studied. It was created to serve as the foundation for the international authorities responsible for resolving legal disputes about e-commerce and setting priorities for these kinds of activities. The World Labor Organization, the European Union, the United Nations Commission on International Trade Law, the United Nations Economic Commission for the European Union, and the United Nations Centre for Facilitating Trade and E-commerce were among the specialized international organizations whose regulations pertaining to e-commerce received particular scrutiny. The rules of the present Ukrainian law were analyzed, the organizational and legal framework for e-commerce operations was defined, and the process for carrying out digital transactions via communication and data networks has been established.

Keywords: The United Nations, E-Commerce, Law, Communication

Introduction

The World trade Organization ("WTO") has proven crucial in guaranteeing the behavior of the many governments involved in international commerce is governed by equitable trade regulations. Among the dozens of disputes that the WTO's crowning jewel, the Dispute Settlement Body ("DSB"), has reviewed, a startling proportion deal with the intersection of commerce and sustainability (Aguinis et al 2020). According to an analysis of WTO environment-related trade disagreements, responder governments are required to meet a comparatively high bar in order to validate the implementation of environmental or health protection policies (Ajmera, et al 2019). Furthermore, the trade environment has undergone a significant transformation due to advancements in technology and the growth of internet-based commerce, or e-commerce. It's noteworthy to remember that (Amankwah-Amoah et al 2020), according to the United Nations Conference on research from 2022, the total value of both national and global e-commerce in 2019 was valued at \$26.7 trillion USD. Approximately 25% of internet users made purchases across borders in 2020.

The estimated worth of e-commerce is predicted to soar by 2030, with Indian accounting for almost 350 billion US dollars, compared to 45–60 billion USD at the moment. The Agenda 2030 for Sustainability calls for a significant rise in the share of developing nations in global commerce. Consequently, one of the main forces behind the expansion of the world economy will be electronic commerce or digital trade.

But until the problems associated with e-commerce and electronic transactions are resolved, mainly a small number of nations would gain from digital commerce, and nations that are least developed would remain shutting out (Amboset al 2020). The ability to build sophisticated digital networks gives established countries and certain quickly developing economies the ability to transition to electronic interactions for the majority of tasks, especially international trade.

It is additionally important to remember that a significant portion of global trade will be based on e-commerce; therefore it is imperative to reduce the substantial greenhouse gases related to the transportation of products. Encouraging more reliance on electronic records is an efficient way to reduce the amount of paper-based records employed in international trade, particularly e-commerce (Ancarani et al 2019). The concept of distributed ledgers has grown in favor, and the block chain relies trades are becoming more and more common in the global trade industry.

International trade regulations might be compromised by a number of initiatives aimed at lowering the worldwide consumption of certain goods (Baghersad et al 2021). NCD risk factors can be solved, for instance, by prohibiting certain products, requiring appropriate packaging and signage, imposing tariffs on imports, revenue taxes, assistance, licensing, limiting marketing, advertising, or donations, regulating the substance of the product via component publication or limitations, imposing age constraints on revenue or purchases, creating excluded regions (such as regions where cigarettes or alcohol are not allowed), and providing learning (Bader et al 2020).

All of these maneuvers have to have been designed considering the possibility of violating international trade regulations in thoughts (Barkemeyer et al 2020), to varying degrees. Thus, one of the main goals of the following section is to give health professionals and politicians throughout the globe advice on how to best regulate risk factors for no communicable diseases in order to comply with international trade law's criteria while sacrificing public health goals. As experts of international trade law, we strongly think that international trade law need not obstruct sensible medical policy, notwithstanding some troubling instances of recent disputes between international trade law and NCD risk factor legislation (especially when paired with cigarettes) (Bloomberg. et al 2018).

The conventional methods for carrying out trade and commerce have always been put to the test by technological advancement, which has also made trade and commerce simpler by giving people access to a greater choice of goods and amenities, in addition to quicker and simpler methods to communicate (Buckley et al 2020). While it has at times been thought to have an adverse effect on embraced standards and procedures, enterprise, legislatures, and tribunals have over time created regulations and procedures that take consideration of advances in technology. Technological development has always posed an important obstacle to existing regulatory frameworks (Buckley et al 2019).

Literature Review

The Model Law on electronic commerce, which was approved by the United Nations Commission on International Trade Law (UNCITRAL) in 1996, is the outcome of extensive research in the topic which began in the latter part of the 1980s (Buckley et al 2017). The requirement for an array of tenets that would serve as an essential legal foundation for electronic commerce—one that

would help it as opposed to restrict it—was identified from the outset of that era's exploration work on digital commerce (Busch et al 2019).

It proved evident that the oversight of conventional methods and procedures were fundamentally affected by digital commerce (Byrne et al 2018), especially in instances in which regulations applied to evidence and form of legal activities in the setting of both local and foreign company interactions. In addition, data that was meant to have legal importance would be shared or maintained in a progressively borderless manner in e-commerce, as opposed to staying attached to a paper support that is customarily detachable from such data (Casadei et al 2021).

Although it is sometimes stated that whole new laws are necessary to solve some of these difficulties (Cuervo-Cazurra et al 2020), a difference may be made between instances where e-commerce would not significantly alter the interpretation of existing laws versus situations that require for new methods and changes.

Although it was evident that the contracts among each party to an electronic commerce connection might, in particular, deal with the legal concerns surrounding communication via the internet, the United Nations Convention on came to the conclusion that the legal frameworks that are currently offered to consumers of digital trade were frequently inadequate and indistinguishable making them unsuitable for use internationally because they heavily depended on local legal frameworks (De Marchi, V et al 2020).

Furthermore, it had been frequently impossible to sufficiently govern other people's rights and duties within an agreement framework, nor to tackle the obligatory standards in national legislation pertaining to composed autographs, records in writing, and additional necessities regarding the structure of legal actions (Epede et al 2022). A number of indicators pointed to the need for global solutions as opposed to those relying on state-specific regulatory frameworks. These featured the lack of national regulations pertaining to electronic trade, the international character of e-commerce, and its disdain for conventional territorial barriers (Fredericks et al 2019). The length of time required for the development of company procedures that could be regarded as really worldwide also indicated a requirement for a resolution that could be reached in a reasonably short amount of period (Geref et al 2018).

Studying how international trade protectionist affects global organization and adaptable reconfigurations of operations within value chains has drawn more attention recently (Geref et al 2021). Global learning and the quick spread of concepts via the transfer of information technology and human resources have been made possible by the organization of worldwide economic operations under GVCs (McWilliam et al 2020). This has resulted in lower expenses for production, greater levels of specialization, and products and services that are more creative. In light of this, our work combines the fields of IB and GVCs to better understand how international trade protectionism affects the global reconfiguration of GVCs, therefore expanding our knowledge of significant worldwide phenomena (Meyer et al 2020).

Statement of the Problems

- The rapidly expanding e-commerce industry and unparalleled globalization characterize the changing face of international trade. But there are a lot of obstacles in the way of

international trade law because of this monetary union. The incoherence and ambiguity of international rules is a major problem that impedes the efficient operation of international trade. Companies face uncertainty due to differences in legal requirements, ways to resolve disputes, and the adaptation of traditional trade rules to digital operations. These differences may also limit the expansion of international trade.

- Furthermore, the lack of a uniform strategy to new challenges, such as online safety, e-contracts, and the safeguarding of property rights in the age of technology, worsens the complications encountered by enterprises engaged in international commerce. The objective of this research is to conduct a critical analysis of all of these obstacles, pinpoint any deficiencies in the current legal structure, and suggest ways to improve the efficiency of international trade law in meeting the needs of a modern, digitally-driven, globalized industry.

Research Questions

1. Exactly how many international organizations or projects are attempting to standardize the legal frameworks regulating e-commerce in global trade?
2. What procedures may be put in place to settle disputes about sovereignty in international e-commerce transactions?
3. How do international trade rules defend consumers' rights when they conduct cross-border e-commerce?

Research Methodology

For a number of explanations, the trade protectionist that the US started offers a great factual context for our research. First off, the United States continues to be among the major participants in the International Trade Organization and has historically been a leading advocate of free trade. On the other hand, Mr. Trump accused Chinese along with other trading partners of stealing American jobs throughout his campaign for president in 2016. Consequently, due to the growing emphasis on deregulation, the illusion of open trade has collapsed in the United States. A number of tariffs have been applied as part of the "America First" strategy in an effort to close the trade deficit and shift out of free-trade pacts and towards bilateral agreements on trade. In the investigation of US trade protectionist policies, this setting is perfect (Reuters et al 2018).

Results & Discussion

This article provides a thorough examination of the current international framework controlling digital trade and makes the case for its potential adaptation to the demands of the contemporary digital economy (Goodman et al 2019). While numerous facets of e-commerce and international trade law have already been the subject of extensive research, this article adds to the body of knowledge by assessing the function and applicability of WTO agreements—more in particular, the General Convention on Trade in Assistance (GATS)—in the context of the modern digital economy. It does this by concentrating on the GATS's shortcomings to tackle current policy issues in digital trade, including possible disputes between the General Agreement on Trade and the trade agreements' developing technological trade rule (Grundke et al 2019).

The article first answers these worries before outlining potential topics and frameworks for international trade system change that might aid in the development of the electronic economy. Although those topics are outside the purview of this article, e-commerce is also connected to other fields including investing, internet access, and trademark laws (Hass et al 2020).

The Trade Defense Regime titled "The United States First"

During the long history of international commerce, protectionist has been common, especially in the United States of America. The Smoot Hawley Act was put into effect by the United States government in 1930 in an effort to boost income by safeguarding US workers and industries and imposing higher import duties. This had exacerbated the downturn and sparked a wave of worldwide reprisals. For instance, the US's economic output (GDP) fell by 45% in 1933 when compared with 1929, and trade's share of the Economy decreased from 11% to 6.6% (see fig 2) (Liu, 2018).



Fig1. It's a demanding and exhausting voyage to get to Staten Island from Venezuela, especially on foot. Giovanni travelled thousands of kilometers and at approximately one month to get to the southern border of the United States.

Furthermore, the general consensus that trade benefited multinational enterprises (MNEs) at the expense of smaller businesses and the growing economic disparity have contributed to the disintegration of international trade accords (Nippa et al 2019). As a result, a regime was established that enhanced the benefits in bilateral trade discussions by tipping the rules in favor of American interests and relied on the unparalleled strength of the American economy when pursuing favorable trade accords (Goodman, 2019). In this endeavor, President Donald Trump withdrew the US from the Trans-Pacific Partnership (TPP), fearing that it could harm the US economy and undermine its autonomy. The Trans-Pacific Partnership (TPP) stated evaluates for reducing tariffs and non-tariff barriers to trade as well as determining an investor-state dispute resolution (ISDS) process.



Fig2. US trade with China since 1985. Source: Based on authors' calculations from U.S. Census data

In addition, the management of trade agreements shielded US businesses from Chinese competition. For instance, to defend the misuse of America's technical capabilities by China, President Trump terminated the US\$117 billion joint partnership arrangement among Snapdragon and the Singapore-based Mediatek firm (Rappeport et al., 2018; Swanson et al., 2018). The San Diego-based company Qualcomm is regarded as a market leader in the contemporary, 5G fast speeds wireless network technological advances, which is essential for the growth of businesses like artificially intelligent and autonomous automobiles (Swanson et al., 2018).

Unbalanced Trade

The GVC interruption connecting the US and China proved very expensive and resulted in major declines across both nations' economies. Import duties on Chinese items valued at US\$370 billion resulted in a significant decline in Chinese imports. The US's imports from China have decreased more than any other year since the recessionary year of 2009 (see fig 3). Indeed, shipping may have caused the presented statistics to exaggerate the actual pace of reduction (Naderi et al., 2020).

Table 1: US and China tariff war

Timeframe	US tariffs	Chinese tariffs
January 2018	Announced tariffs on solar panels and washing machines	—
March 2018	25% tariffs on steel imports and 10% charge on aluminum	—
April 2018	—	Retaliatory tariffs on goods ranging from steel pipes to pork
May 2018	Tariff plans 'on hold' after talks	
July 2018	25% tariffs on US\$34 billion (list 1)	Retaliatory tariffs of 25% against US\$34

August 2018	25% tariffs on US\$16 billion (list 2)	Retaliatory tariffs of 25% against US\$16 billion
September 2018	10% tariffs on US\$200 billion (list 3) at 10%	Custom duties on US\$60 billion
December 2018	Suspension of tariffs from 10 to 25% on US\$200 billion	Suspension of tariffs on US made cars and car parts for three months from January 1
May 2019	25% tariffs (up from 10%) on US\$200 billion	Retaliatory tariffs against US\$60 billion
September 2019	15% tariffs on US\$125 billion (list 4a)	Retaliatory tariffs against US\$75 billion
February 2020	7.5% tariffs (reduced from 15%) on US\$120 billion (list 4a)	Retaliatory tariffs cut to half imposed on September 2019 against US\$75 billion
May 2020	—	Tariff exemption covering 79 US products
July 2020	Tariff exemption for imports appearing on list 4a	—

But as alternatives were bought from other nations, the decline in American imports from China only made the nation less dependent on China. Southeast Asia's biggest victor was the country of Vietnam, and its exports to the US increased by 29% (US\$67.9 billion) in 2019 (United States Commerce the Representatives, 2020). This resulted from US MNEs moving their production operations from China to Vietnamese. An example is Mario Co., which shifted its manufacturing to Vietnamese to prevent the potential effect of American taxes on Chinese-made gadgets (Inagaki, 2019).

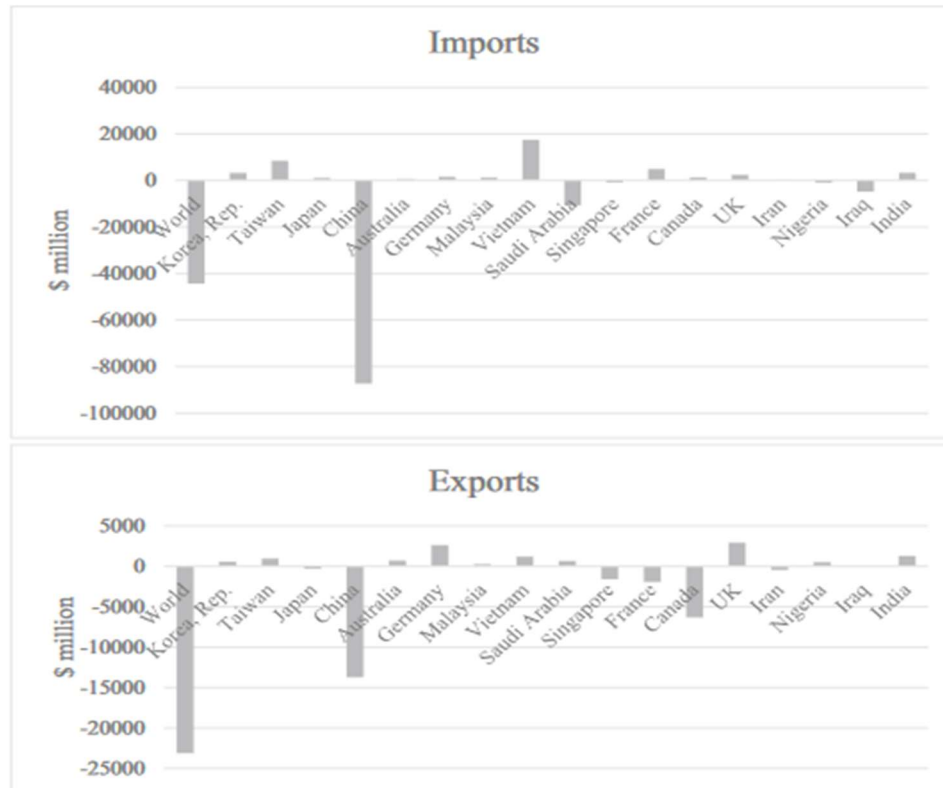


Fig3; US trade: 2018 and 2019 comparison Source: Based on authors' estimations from IMF - Direction of Trade Statistics.

Like to this, Foxconn placed US\$270 million to establish FuKang Innovation Co Ltd as an additional company in the country (Lee, 2020). The subsidiary was meant to put together Apple gadgets, such as Apple iPads and Apple computers, in response to the company's desire to diversify its manufacturing operations and lessen the effects of the trade war (Vega, 2020), as well as to manufacture television sets for customers, such as Sony Corporation of Japan (Lee, 2020). Between 2018 and 2019, there had been a US\$23.12 million drop in global trade from the US. Because of higher steel and aluminum tariffs, revenue from exports from China as well as Canada decreased by US\$13.71 billion and the United States\$6.31 billion, which is correspondingly (Busch, 2019; Swanson & Eavis, 2020).

E-commerce's effects on international occupations and trade

Electronic trade presents significant prospects for both industrialized and developing nations. The growth of e-commerce is probably going to affect employment opportunities and international trade in a variety of ways (Noland et al 2018). The procedure of starting and carrying out commerce may be made much simpler, quicker, and cheaper by using electronic devices and the World Wide Web. When intelligence must be gathered beyond national lines, it becomes an expensive endeavor. These expenses may even be so exorbitant as to constitute a significant trade barrier (Higgins et al 2018).

It is also quite expensive to locate the correct vendor, define the specifications and standards of the item, negotiate a price, schedule delivery, and advertise the goods. Many of these events may

take place without both parties being physically adjacent to one another thanks to e-commerce sites and apps (Huang et al 2019). The World Wide Web will probably encourage commerce in this way, just like removing additional trade constraints would. Consequently, there will probably be a rise in the overall amount of international commerce.

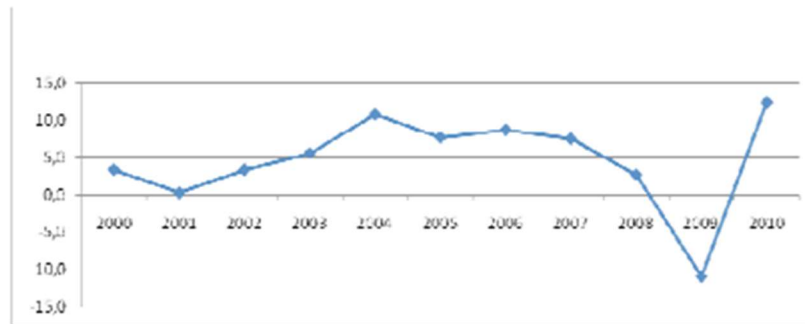


Fig 4; World Trade Volume, 2000-2010, annul percent change. (Source: IMF, WEO, 2006/2011).

Trade in solutions will be significantly impacted by e-commerce as well. The potential of e-commerce along with data technology to convert non-tradable services into goods that can be traded is the most significant development in the trade of goods. E-commerce can be used to trade goods and services that were traditionally non-tradable, such as transportation, supervision of quality, hiring and firing, calculating, management of inventories, development and research, and accountancy (Huawei et al 2019). All that's necessary is that there be adequate interaction between the customer and seller in terms of cost, speed, and reliability. E-commerce will play a bigger role in international trade in a variety of offerings, including legal, financial, communications, and customized technology (Huawei et al 2020).

Research on the practical adoption of the web has revealed a correlation between surfing habits and openness to trade, even after adjusting for any confounding variables. One study, for instance, discovered that individuals of emerging nations with increased trade openness had a higher proportion of online users (PYMNTS et al 2019). Further research has also shown a correlation between several measures of openness and other indicators of investment in information and communication technologies and use. For instance, a study that examined the factors influencing the usage of IT in 54 African nations discovered that more open societies tend to utilize IT more frequently (see fig 5).

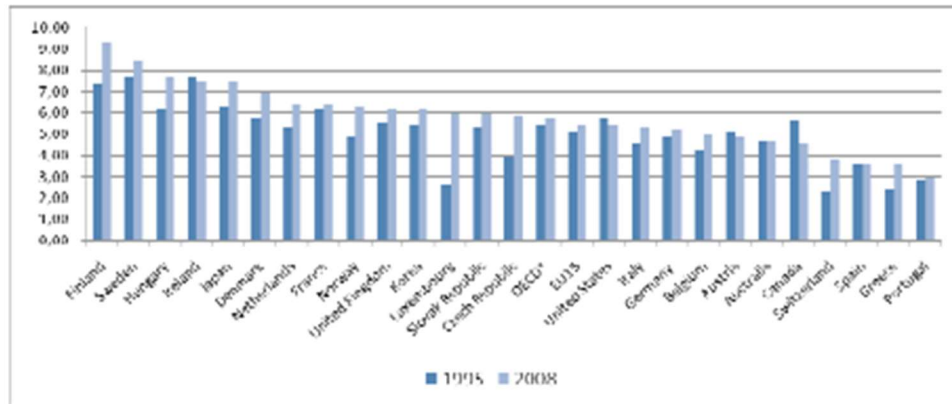


Fig 5; Share of ICT employment in business sector employment

Countries that are developing with a sizable pool of highly qualified laborers who can operate at the cutting edge of technological advancements are the most positioned to gain from e-commerce via export growth (Qian et al 2018). This is best shown by the example of India, which is already reaping significant benefits through e-exports. The percentage of ICT employment in the business sector is displayed in the following table. The figure indicates that in many nations, the proportion of ICT employees in the business industry has grown.

Conclusion

According to the authors, new regulatory barriers shouldn't be put in place by any countries to impede the advancement, creativity, and growth of DLT applications for e-commerce. Rather, as long as the regulatory frameworks in place are adequate to settle any potential conflicts, nations should continue to utilize and modify them. Nonetheless, in order to overcome regulatory obstacles and achieve the operability and widespread acceptance of regulatory standards that may be benefited from international trade agreements, nations adhere to the concepts of marketplace transparency, inclusiveness, connectivity, and adaptability. To put it succinctly, the desire for regulation and the necessity for innovation should be balanced by avoiding excessive oversight and evaluating present laws.

Using the internet will encourage international trade in a similar way to the removal of existing trade restrictions. E-commerce will thus contribute to a rise in the amount of global trade. The nations that allow imports from economies with high incomes stand to gain from the transfer of knowledge. Trade in services can be significantly impacted by e-commerce as well. Furthermore, it is anticipated that electronic commerce would both directly and indirectly result in the loss of employment and the creation of new ones.

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