

ITU-EC-RWANDA PROJECT FOR THE HARMONISATION OF POLICIES IN SUB-SAHARA AFRICA (HIPSSA) July 2013

National Assessment Report On Electronic
Transactions

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Key Objectives of the provisions on electronic transactions

- Facilitate the use of electronic means of communication to enter into and execute legal acts;
- Facilitate interactions with government and administrative bodies.
- Enhance communication to introduce simplicity and flexibility for new business opportunities.
- Promote regional integration.



Part I: Sources of Electronic Transaction Provisions

- Law 18/2010 of 12/05/2010 (Law 18/2010) relating to Electronic messages, Electronic Signatures and Electronic Transactions;
- 2011 Draft Law governing ICT (Bill);
- 2008 Draft EAC Legal Framework for Cyber laws (EAC);
- 2012 SADC Model Law on Electronic Transactions (SADC);
- 2005 UN Convention on the Use of Electronic Communications in Electronic Contracts (UN Convention).



Part II: Comparative Analysis of legal instruments on electronic transactions

- Formation and Validity of Contracts: art.72, 73 and 75 of Law 18/2010; art 198 and 199 of ICT Bill; rec.6 of EAC and s10(1) and (2) of SADC.
- Variation by Agreement: art. 200 of ICT Bill; rec.3 of EAC and s11 of SADC.
- Time of Transaction: art.18(a) and (b) of Law 18/2010; art.201 and 202 of ICT Bill; rec.9 of EAC and s12, 13 and 15 of SADC.
- Place of Transaction: art.18(c) of Law 18/2010; art.203 of ICT Bill; rec.9 of EAC and s14 of SADC.



Part III: Recommendations

- At the commencement of the law: rec.10 of EAC
- On the conditions of formation and validity of contracts: art.8(2) of the UN Convention; art.75 of Law 18/2010 and s10(2) of SADC.
- On the variation by agreement: rec.3 of EAC.
- On the time of transaction: s15 of SADC.
- On the place of transaction: art.6(4) and (5) of the UN Convention.



Part IV: Conclusion

- Acknowledgement and commendation of ICT Bill drafters for the harmonization of Rwandan legislation on electronic transactions with regional best practice.

