

# Faculty of business and law candidature - thesis proposal example

[Business](#)



## **Faculty of business and law Candidature**

FACULTY OF BUSINESS AND LAW Candidature Proposal Project Settlement of

Disputes Caused by Electronic Commerce Contracts: A Study about the

Cooperation Council for the Arab States of the Gulf (GCC) for the award of

Student Name Student ID principal Supervisor Co-Supervisor School / Centre

Date Section 1: Aims and context of Project Over the last decade, the World

has witnessed a phenomenal growth in transnational trade and investment

due to the increasingly, developing and globalize economy. In particular,

there has been an extraordinary growing commercial flow in Gulf countries.

In this concern, it is important to observe that the Gulf has been evolving

from traditional natural resources exploration contracts or raw material

extraction agreements<sup>1</sup> to a more sophisticated trade in goods and services,

as all parties have been exploring new commercial opportunities<sup>2</sup>.

Nowadays, there is a substantial amount of contracts governing these

investments that need to be properly drafted in order to provide inter alia

effective out-of-court methods to resolve any conflict or arguments between

the businesses. Resorting to " Mediation" and/or " Arbitration" as alternative

and efficient methods to settle disputes between contracting parties

presumes that a contract has been negotiated earlier between these parties

and that a substantial flow of trade or a free movement of invested capital

took place the Gulf Cooperation Council (GCC) Member States Moving into

the core of our subject, no doubt that the Arab Countries in general -

including the Countries of the Gulf - are familiar with Arbitration, Conciliation

and Mediation as they have been practicing them since a very long time

especially in their internal matters of trade. The aforementioned means for

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settlement of commercial disputes are deeply rooted in the Arab traditions and long been implemented in practice. The Islamic law or Shari'a includes related express provisions which are based on the teachings of Quran. However, most "ADR practitioners" admit that some disparities exist in the practice of these out-of-court means of resolving disputes between Western countries and Arab countries in general. This is due in a large part to differences in culture, customs, religion and language existing between these two regions. Such variations may have a direct impact either on the process of alternative dispute resolution methods or on opting for a particular method. Consequently, an overview of arbitration practice followed by Mediation practice in the Gulf region will be tackled. Since the United Nations Commission on International Trade Law (UNCITRAL) released their modelled law on e-commerce many nation states have either adopted the model law in its entirety or an amended version. The Gulf Countries through their Cooperation Council (GCC) have not introduced any laws dealing with e-commerce. This study is a proposal to research why and in what form e-commerce laws based on the UNCITRAL Model laws can be introduced into the GCC States. The report presents a legislative and regulatory implementation roadmap specifically related to the e-commerce present in GCC States and also the settlement of disputes that arise in this context. It analyses the key challenges to the successful utilization of e-commerce in this area and recommends approaches to address disputes. With a particular focus on settlement of disputes and legal impediments to e-commerce adoption, the proposal provides an overview of the entire range of issues for which legislative efforts are required and are necessary. Then it breaks down

and analyses the critical elements - e-transactions, e-signatures, e-payments and consumer protection. The overarching research question is: Are there roadblocks as to the introduction of E-commerce into the GCC States and how can they be handled? From the main core of the relevant question, some supplementary questions and issues which will be addressed: Whether the UNCTRAL model law is a useful legislation for the Gulf States? The scope of " e-commerce dispute" will be articulated in the proposal. Does e-commerce require the development of an entirely new area of law in the GCC, or can exist legal doctrines/principles be applied to resolve disputes involving e-commerce contracts? Do we actually need specific laws in the GCC dealing with e-commerce? How GCC law in the area of e-commerce is different from other jurisdictions, for example Australia, United States and the United Kingdom?

section 2: Contribution to knowledge & STATEMENT OF SIGNIFICANCE

2. 1 Contribution to Knowledge (Academic Contribution) E-commerce has become a priority for many corporations since it is seen as a way to overcome many obstacles of the traditional distribution channels in the globalize world of today. To this date, however, and despite the fact that e-commerce is likely to have far-reaching implications for the international market, only a few studies have explored e-commerce growth in the Gulf region from an international perspective. This paper reviews and examines some of the problems that e-commerce faces through looking at internal and external factors for GCC States.

2. 2 Statement of Significance (Practical Contribution) E-commerce offers business organisations significant operational and strategic opportunities. The review in this proposal shows that there is a great potential for e-commerce in the Gulf region that needs

attention from different disciplines and sectors. However, the implementation of effective e-commerce-based business models is not without serious organisational technological challenges<sup>3</sup>. Some of these challenges tend to hinder the implementation of e-commerce in small to medium-sized organisations. The paper discusses the possible factors that may contribute to e-commerce success in the region, including but not limited to government support, trust-related issues, Information and Communications Technology (ICT) infrastructure and Information Technology (IT) skills development. The e-commerce business environment lets executives and businesses hopeful that the internet will fulfil their expectations and become a source of competitive advantage.

SECTION 7:  
REFERENCE LIST

1. The Gulf countries together pump 16 million barrels of oil/day or about 20 percent of world supplies. They are home to some 45% of the world's proven reserves of crude oil and approximately 22% of the world's reserves of natural gas. The European Union currently imports around 50% of its energy needs of which approximately 20% are sourced from the Gulf.
2. The GCC is currently the EU's sixth largest export market and the EU is GCC's first trading partner. In 2007, the EU exports to the GCC were around €50 billion whereas the EU imports from the GCC amounted to around €37 billion. GCC countries currently benefit from preferential access to the EU market under the EU's.
3. Faith-Michael E. Uzoka, Organisational influences on e-commerce adoption in a developing country context using UTAUT, *International Journal of Business Information Systems*, v. 3 n. 3, p. 300-316, February 2008 [doi> 10. 1504/IJBIS. 2008. 017287]