

Combating Electronic Commerce Fraud: The Impact of ICC's (International Chamber of commerce) Global Efforts

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Abstract:

This research presents the role of the International Chamber of Commerce (ICC) in combating electronic commerce fraud, with increasing prevalence of E-commerce transactions, it also faces challenges such as fraud, The ICC, is a well-known non-governmental International body, and plays a crucial role in international cooperation.

We adopt analytical approach as a research methodology to clarify the role of I.C.C as an effective organization in preventing fraud in electronic commerce in international trade.

This study illustrates the effectiveness of the ICC efforts to prevent electronic commerce frauds all the way through guidelines, policies, partnerships, and international cooperation in increasing awareness and establishing a legal framework to prevent E-commerce frauds.

The study recommends combating E-commerce fraud by creating legal rules nationally and internationally to regulate electronic transactions, In order to combat fraud on a worldwide scale, it highlights the significance of legislative interventions and requests for increased international cooperation.

Keywords: (E-Commerce, International Chamber of Commerce (ICC), Fraud).

Chapter one

1-Introduction:

In this era, human life is characterized by the practice of many activities related to information technology, which is differentiated by the speed and abundance of information. One of the results of this development is the appearance of new terms that transcend physical and geographical boundaries and eliminate all restrictions that limit the freedom of human beings to conduct their businesses, among these new terms is the term "Electronic Commerce," which has become circulating in the common use of individuals¹.

In order to regulate the rules of trade across societies, traders relied on commercial customs and were able to fully comprehend them. Over time it became clear that it was difficult to rely on the norms of international trade in the development and regulation of trade movements. This made traders look for an organization that guarantees rights and clarifies obligations, which led to the emergence of international trade law

Electronic commerce began three decades ago from the last century. E-commerce includes all commercial transactions, such as buying and selling goods and services. Economic analysts consider it a new engine for economic development, as it is an effective and quick way to conclude deals, products, and services and promote them. Fraud is considered one of the challenging issues for businesses all over the world, regardless of the company's country of operation or industry size and sector. In particular, in E-commerce activities, the issue is bigger. In this research, we will focus on the role of the International Chamber of Commerce in eliminating E-commerce frauds as the biggest business organization which contains the most multinational corporations and also big and small companies around the world

¹ - Yusif Hasan Yusif, التجارة الإلكترونية وأبعادها القانونية الدولية, (E-commerce and its international legal dimensions), Cairo ,2011,P. 7

Fraud considered one of the challenging issues for business all over the world, regardless the company's country of operation or industry size and sector, in particular in E-commerce activities the issue is bigger, we will try through this research focus on the role of I.C.C in eliminating E-commerce frauds as the biggest business organization which contains the most multinational corporations also big and small companies around the world.

1.2 Objectives of the study.

The main objectives for choose this title is: first the issue is new and it is rising even in developing countries, second few studies exist regarding this issue, which also make the research harder as there are not enough resources to get knowledge from them, moreover there is a lack of written materials on this subject in Iraq and Kurdistan libraries, whether in Kurdish or in Arabic, this shortage in this subject is exactly what makes this study of great importance at this present time, Third one is to explain how the I.C.C is doing its role to combating E-Commerce frauds.

Subjective and personal reasons are due to my tendency to this type of topics related to international commercial law and international trade, also desire and interest of the researcher to study this subject specifically and try to disclose the rules regarding this issue, and to develop solutions to the legal problems and questions raised by the subject of the research

1.3 Research Methodology

This research is based on descriptive, analytic approach; we will try to analyze the texts and rules of I.C.C related to the subject of the study, such as the rules of I.C.C regarding the electronic commerce frauds, also the role of I.C.C as an International organization which contains a huge number of members of companies and organizations, and how this organization is working through its institutions to eradicate or fewer fraud issues in E-commerce in international trade.

1.4 Research questions

In the scope of this research we will try to answer the question regarding this issue:

-To what extent the role of international chamber of commerce is effective for combating electronic commerce frauds in international trade?

1.5 Research problems.

It is recognized that commercial fraud is a dangerous social and economic scourge, as commercial fraud in E-commerce has become part of the globalization, therefore through this study we will discuss the issue of E-commerce frauds in international trade and does an international chamber of commerce has enough rules and guidelines to face this problem or we need more legal actions to protect traders from E-commerce fraud.

1.6 Research plan.

This study has been divided into three chapters, Chapter one is mainly a general introduction about the basis of the study, chapter two presents the legal framework of international chamber of commerce , chapter three we will discuss the role of International chamber of commerce in three sections ,section one the role of I.C.C in setting rules and guidelines, section two the role of International chamber of commerce in dispute settlements through international arbitration, section three and the last section we will discuss the role of I.C.C in combating electronic commerce frauds and how to prevent the e-commerce frauds according to the I.C.C rules.

Chapter Two

2. The Legal Framework of International Chamber of Commerce

The ICC, despite being a non-governmental organization, is considered as one of the most important organizations in the world in the field of international trade and this is

because of its great role of the organization in developing cooperation in international trade. We will talk about it in two sections:

2.1 Historical Background of International Chamber of Commerce

After European and American chambers of commerce had established transnational connections, They held international business meetings, such as the Congrès internationaux du commerce et de l'industrie, which were often linked to World Fairs in Paris, Brussels, and Ostende, Starting in 1905, the International Congresses of Chambers of Commerce and Commercial and Industrial Associations gathered delegates from about 50 countries every two years. Louis Canon-Légrand, a Belgian industrialist, presided over an international permanent committee that prepared the congresses. However, despite efforts by their part-time secretary Emil Jottrand, the International Congresses lacked continuity, before World War One, there were plans to improve the organization, but the war disrupted those plans²

After diverse economic contacts during the First World War the American chamber of commerce invited business delegations from the four major countries. The winners of World War I (Belgium, France, Italy, and the United Kingdom, but neither Japan, and Russia did not attend international trade conference in Atlantic city in October 1919, The president of the standard oil company headed the conference organization committee he said "As our generals and our armies met in the fields from France, Flanders and Italy, to prevent the destruction of the world, and so was this meeting of the industrial, financial and economic leaders of the Allied Countries and the United States in one meeting Purpose – to restore world trade to a normal basis" The bankers, industrialists, and merchants decided to create a new permanent organization that would combine commercial and economic forces among the countries of the world, so the

²- Thomas David, "A world parliament of business", Business history 10, (2022), p.03.

international chamber of commerce was established in Paris in June 1920³ after the leaders from Allied countries representing the business sector, agreed to establish this organization to be concerned with international trade affairs.

The I.C.C organization is an independent organization that does not belong to any of the countries in performing its activities, in regard to its establishment we must not forget the role of its first president (Etienne Clementel), a former minister of commerce in the French government, whose efforts represented the first impetus for its launch. He is also credited with founding the International Court of Arbitration in 1923 as one of the most important bodies of the Chamber.⁴

2.2 The Legal Personality of International Chamber of Commerce

Since the establishment of the United Nations, the number of international non-governmental organizations has increased dramatically due to recognition to the text of Article (31) of the charter of the United Nations; that opened the way for these organizations to participate, It is preoccupied with granting it consultative status, As a result of this great interest in international non-governmental organizations on the part of states; led to the interest of these organizations in many issues and fields⁵.

The International chamber of commerce is aims from the first moment of its establishment, to adopt the task of defending the international business sector in various regions of the world, and face the actions and decisions taken by the governments of the countries which has international dimensions and repercussions on the business sector, due to the requirements of globalization and what is characterized by the overlap and interdependence of national economies, which will mainly affect the position of

³ - Iman Mamoon Ahmed, *الالكتروني واثباته أبرام العقد* (draft and proof of electronic contracts), Alexandria, 2008, p.48

⁴ - Adil Habal, "The role of I.C.C in promoting international trade", (Master thesis, Kasdi Merbah University, 2019), p.7

⁵ - Samir Yousif, *The role of non-governmental organizations*, (Master thesis, Middle east University, 2019), p.15

companies and their strategy, as the chamber accepted this challenge it carried upon itself to defend the interests of thousands of member companies from all over the world, with a high degree of efficiency and competence, as the only body entrusted with this role⁶.

In order to achieve this goal, the chamber established direct communication channels with the governments through its national committees which are deployed in these countries. Moreover the chamber, through its general secretariat in Paris, communicate with intergovernmental organizations and constantly informs them of the business sector's point of view on issues by communicating with those that have a direct impact on the sector of International business and trade, in this regard, they are linked by mutually supportive relationships with many international organizations specialized in the field of economics and commerce, the most important of which are the united nations conference on trade and development, the International Monetary Fund, the world trade organization and the world intellectual property organization (WIPO). This cooperation aims to develop knowledge to enrich the international trade system with rules that contribute to the protection and support of dispute resolution methods in the field of intellectual property, and international trade contracts in which international companies are associated to it⁷

The International Chamber of Commerce brings together thousands of companies of different sizes distributed in more than 130 countries around the world, Companies

⁶ - Amal Almurshdi, دور غرفة التجارة الدولية (The role of International chamber of Commerce),(<https://www.mohamah.net/law/%D8%A3%D9%87%D9%85%D9%8A%D8%A9-%D8%AF%D9%88%D8%B1-%D8%BA%D8%B1%D9%81%D8%A9-%D8%A7%D9%84%D8%AA%D8%AC%D8%A7%D8%B1%D8%A9-%D8%A7%D9%84%D8%AF%D9%88%D9%84%D9%8A%D8%A9/>) last access 25 July 2022

⁷ - Mubarak Tofeq, rules of international trade,(Master thesis, Buhran University,2010),p.65,last acces 01-08-2023 , <http://www.univ-bejaia.dz/xmlui/bitstream/handle/123456789/22408/%D9%86%D8%AD%D9%88%20%D8%AA%D9%88%D8%AD%D9%8A%D8%AF%20%D8%A7%D9%84%D8%A3%D8%AD%D9%83%D8%A7%D9%85%20%D8%A7%D9%84%D9%85%D9%86%D8%B8%D9%85%D8%A9%20%D9%84%D9%82%D9%88%D8%A7%D8%B9%D8%AF%20%D8%A7%D9%84%D8%AA%D8%AC%D8%A7%D8%B1%D8%A9%20%D8%A7%D9%84%D8%AF%D9%88%D9%84%D9%8A%D8%A9.pdf?sequence=1&isAllowed=y>

formulate rules and policies that encourage trade and investment at the international level. These companies rely on the Chamber's prestigious position and experience to communicate their views to governments and intergovernmental bodies that affect their decisions in the financial conditions of companies and their operations around the world. It is noteworthy that the commercial terms used in different countries of the world, may be interpreted differently from one country to another, due to the divergence of legal systems, which prompted the international trading community to desire to standardize these terms used in international trade. Hence, the real role of the International Chamber of Commerce emerges through setting the rules of incoterms related to international commercial sales.⁸

Chapter Three

3-The Role of International Chamber of Commerce in International trade.

The International Chamber of Commerce is the voice rising in defense of global business as a force for economic growth, job creation and security, agreed that national economies are closely intertwined these days, government decisions have much stronger international dimensions and consequences than they were in the past. The International Chamber of Commerce as the only truly global business organization responds to this challenge, by insisting on presenting and expressing business perspectives. The Chamber's activities cover a broad spectrum that includes, among others activities, arbitration and dispute settlement, the defense of free trade and the market economy, self-regulation of business enterprises, the fight against corruption or the fight against commercial crime. The Chamber maintains direct means of communication with various governments around the world through its National Committees , the general secretariat provides business perspectives to

⁸ - Bltaeb Nasera, International efforts to standardize international trade, (Master thesis, Qasdi Merbah University, 2019) p.47, last acces 05-08-2023, <https://dspace.univ-ouargla.dz/jspui/bitstream/123456789/16326/1/D1827.pdf>

intergovernmental bodies on issues directly affecting trade and business operations⁹We will present efforts of International chamber of commerce in international trade in three sections as following:

3.1 The Role of I.C.C in Setting International Rules and Guidelines

It is worth noting that the development of international trade rules has become the focus of attention of many international organizations, whether governmental or non-governmental because they are rules that represent the top concern of the international community, and to protect the parties from the application of national laws and the conflicts they raise, these international and professional bodies were concerned with codifying and unifying these rules in order to set objective rules applicable to international sales, also their presence contributed to enriching these rules and strengthening their effectiveness¹⁰

The Chamber has developed many rules that are applied internationally, similar to the unified rules and practices for documentary credits, such as those issued in 1933, and its last edition known as 500 VCP it was applied in January 1994, as banks all over the world adopted these rules in financing worth of billions of dollars of global trade every year ,and unified rules for deducting commercial papers guaranteeing international trade finance (URF 800) (in addition to drafting laws to combat counterfeiting , piracy and targeting value-added taxes (extraordinary) that imposed due to the growth of cross-border trade, thus avoid small companies from high expenses for its preparation that it cannot afford, as well as the organization of electronic commerce through a model law on which the national legislation depends, which suffers from a legislative blank in this

⁹ -Federation of Egyptian chamber of commerce, *The history of international chamber of commerce*([access 05-12-2022](http://www.fedcoc.org.eg/c4088/%d8%aa%d8%a7%d8%b1%d9%8a%d8%ae-%d9%88%d9%86%d8%b4%d8%a7%d8%a9-%d8%ba%d8%b1%d9%81%d8%a9-%d8%a7%d9%84%d8%aa%d8%ac%d8%a7%d8%b1%d8%a9-%d8%a7%d9%84%d8%af%d9%88%d9%84%d9%8a%))

¹⁰ - Talib Musa, القانون التجاري الدولي (International commercial law), Amman ,2007,p. 35

field (and although these rules are voluntary, thousands of commercial transactions per day adhere to them as part of the organized trade¹¹

In addition to the rules set by the International Chamber of Commerce in the field of international trade, rules governing Letter of credit and International commercial terms (Incoterms) are considered among the most important rules and standards because of their role in the development of international trade.

Incoterms

While the commercial terms used in different countries of the world may be interpreted differently from one country to another due to the disparity of legal systems, the business community handled the need to standardize these terms, and the chamber presumed this role within what is known as the Incoterms, or (unified international commercial terms), (which are rules developed from the reality of the international commercial customs or the prevailing commercial customs in a particular country, it is famous for a certain type of different commercial activities, and there are approximately 1,500 English terms that have been translated into many languages¹²

Incoterms are a set of international trade rules issued by the International chamber of commerce is called International commercial terms, which are equivalent to the terms of delivery of goods. International Commercial terms are also known as: "International rules and laws for the interpretation of commercial terms and concepts and established by the International chamber of commerce or it is an expression of the international commercial terms used in international sales, because they are consumed in commercial legal formulas which are known at the international level. International trade terms are also defined as follows: "Distributing the costs and risks of transporting goods

¹¹ - Wsam Neamat, تطور وظائف المنظمات الدولية غير الحكومية (Evolution of the functions of international non-governmental organizations), Alexandria, 2014, p. 35

¹² - Mahmood Samir, العقود التجارية الدولية (International commercial contracts), Cairo, 2002, p. 26

to avoid not using the terms of agreement on the sales contract to be referred to as a common language to facilitate international trade¹³

The Incoterm rules also aim to define the obligations of the parties in international trade contracts, as well as to develop and amend these rules in the light of what is being done according to the prevailing custom in international commercial transactions, because they are rules that do not come from a void, but rather from the reality of the international commercial custom or the prevailing commercial custom in a particular country. Among the forms of sales that are processed by the Incoterms rules is that these sales share some of the obligations of both parties and differ in others, so that talking about each sale separately becomes a repetition of these rules¹⁴

-Letter of credit

The letter of credit appeared to meet the needs of international trade since the first world war, and then it was taken over it is developing by establishing unified international rules and norms for letter of credit by the international chamber of commerce to reduce the problems arising from the diversity and different trade customs in many countries all over the world. The letter of credit has been governed for a long time by the customs of trade and they played an important role in developing legal rules that regulate international commercial transactions between dealers, The letter of credit is the most widely used legal financing tool to guarantee the payment of exported goods and imported services, it is issued by the importer's bank through the exporter's bank, and the credit specifies the terms and conditions that must be implemented before payments are made¹⁵.

¹³ - Muhammed abdoufatah, عقود البيع البحري الدولي (international maritime sales contracts), Alexandria, 2007,p.45

¹⁴ - Mahmood Samir, International commercial contracts. p. 31

¹⁵ - Mazn Abdulaziz, الاعتماد المستندي والتجارة الالكترونية (letter of credit and electronic commerce), Beirut ,2006,p.15,last accessed 15-08-2023 at http://dspace.univ-bouira.dz:8080/jspui/bitstream/123456789/1619/1/mergedPDF_4.pdf

The letter of credit is a process whereby the bank and for the purpose of importing goods promise to pay a certain amount in a specific time to a third party, source in return for delivering exactly matching documents and required by the Buyer and attesting to the value of the goods for their conformity and consignment . It can be defined as a multi-party agreement with the bank, according to the instructions and request of the importer(the buyer) so that he pays the invoice amount to the exporter (the seller) in exchange for presenting a set of documents to be issued at a specific time as soon as he benefits from the procedures of letter of credit terms and conditions. It is one of the preferred means for the seller (exporter) more than for the importer (The buyer)as it is a tool designed to protect the seller.¹⁶

The letters of credit issued by the International chamber of commerce are rules that have been developed by the banking committee of the International chamber of commerce, These rules and norms define the obligations and provisions of the parties to the accreditation and in order to encourage work with credits to pay for the value of international trade exchanges, which leads to the success of international trade as it continues to grow, the letter of credit rules are characterized by easiness and simplicity of understanding of the obligations of the dealers ,as a result it contributes to avoiding cases of disagreement and ambiguity in interpreting the obligations of both parties¹⁷

3.2 The Role of International Chamber of Commerce in Dispute Settlements through International Arbitration

Arbitration is considered as a judicial system that differs from the judiciary of the state, as humanity has known arbitration in the past it designated for a special status in the present, and it is more likely it will continue to recognize it with the same status in the future, Arbitration in one sentence is a valid system for all ages whenever humanity in

¹⁶ - Sadiq Sham, (The legal system of letter of credit as a mechanism for settling the price of trade contracts, Algerian journal of maritime law,01,2019,p. 120,last accessed 25-08-2023, <https://www.asjp.cerist.dz/en/PresentationRevue/553>

¹⁷ - Mazn Abdulazizi,(letter of credit and electronic commerce),p. 17

general abandons or an era from the times that passed through the recourse to arbitration as a means of resolving disputes arising between individuals. Arbitration lives at the height of its development, especially commercial arbitration, as it is no longer just an exceptional system to compete with the justice that the state performs, or even a companion system that is close to it, but it has recently become an alternative system to the state's judiciary

International commercial arbitration can be defined as an agreement of a certain legal relationship, whether contractual or non-contractual, regarding the disputes that have already arisen between them or that are likely to arise in the future will be settled by persons chosen as arbitrators¹⁸, Article 37 of the Hague Convention on the peaceful settlement of international disputes defines international arbitration that: The settlement of disputes between states by judges they choose is on the basis of respect for the law and that resorting to arbitration entails an obligation to submit in good faith to the issued decision¹⁹Hence, international commercial arbitration is a tool for resolving disputes between entities by taking an alternative path to international judiciary in which the parties have the freedom to choose arbitrators and procedures with the obligation to implement the decisions issued by the arbitration body for the parties of the dispute.

The advantages of arbitration are ,it maintains relations between the two parties, and it is not a violent arbitrary way, it grew closer to understanding between the two parties, each of them believed that his understanding of the contract was correct, therefore the steps he made in executing the contract are correct, so there is no objection to agreeing with the other party, on presenting their positions to the arbitrator who they choose, and after adjudication in the place, often the relations between the two parties often continue

¹⁸ - Atf Shahab,International arbitration agreement, Cairo, 2002,p. 7

¹⁹ -Hague convention for the peaceful settlement of international arbitration,(1907),Article 37

on the basis decided by the arbitration, unlike disputes that presents to the normal adjudication, which often ends with cutting of relations between the two parties²⁰

The Chamber contributes to the resolution of disputes related to businesses between companies through its body which created it for arbitration in this field, and this body helps in settling these disputes agreeably without the need to resort to the judiciary to avoid complications and expenses related to litigation before the courts, and in this regard it relies on its own rules which is applied if the parties refer to it in their contracts ,The demand for arbitration under the laws of the International court of arbitration of the Chamber is increasing quickly, since 1999, receiving more than 500 cases per year²¹

3.3 The Role of International Chamber of Commerce in Preventing Electronic Commerce Frauds.

E-commerce raises many legal issues due to the potential for crimes such as forgery, theft, and fraud committed by one or more of the parties involved. What we care about in this research is international (non-criminal) legal regulation of electronic commerce which refers to the international decisions made by organizations such as the United Nations, the World Trade Organization, international chamber of commerce and the European Union²².

However in most practical jurisdictions, acts that establish fraud tend to be a criminal offence. Fraud also tends to be a civil wrong. A person who is betrayed by fraud is a victim of a crime. This person is also the victim of a civil offense. The victim can report the crime to law enforcement authorities with a view to bringing the perpetrator to justice

²⁰ - Justice Academy, Arbitration system, (<https://justice-academy.com/search-in-arbitration-its-advantages-and-disadvanges/>), last access 23-12-2022

²¹ - Baaloudj Asma, غرفة التجارة الدولية في ميزان القانون والاجتهاد القضائي الجزائريين (The International Chamber of Commerce in the balance of Algerian law and jurisprudence), Sawt alqanoon Journal ,No. 03,2021,p.234

²² - Rashed Azzam, Obstacles of electronic commerce, (<https://www.vardot.com/ar/ideas/blog/top-e-commerce-challenges/>), last access 16-01-2023

and obtaining compensation. The victim can also take legal action in the civil courts to seek compensation. Since the victim is the same person, regardless of whether the process initiated is criminal or civil, the two processes must take place in harmony, unfortunately, they don't seem to do so at the moment²³.

E-commerce has become an integral part of the global economy, providing consumers with more convenience and increasing access to products and services from all over the world. However, with this growth, the risks of fraud and other illegal activities have also increased, exposing consumers to potential harms. To combat these risks, legal systems and international organizations, including the International Chamber of Commerce, have played a crucial role in developing legal measures to protect consumers and traders in electronic transactions. The ICC has settled a framework of best practices in e-commerce, which includes guidelines for online dispute solution, electronic signatures, and data protection. Furthermore, ICC has functioned with governments and other stakeholders to implement legal measures and regulations to prevent fraud in e-commerce and protect consumers, by promoting transparency, fairness, and ethical business practices, ICC has helped build trust in e-commerce and ensure consumer safety in electronic transactions²⁴

In order to prevent and combat e-commerce fraud, the International Chamber of Commerce uses a variety of strategies, including rules, guidelines, policies, procedures for resolving disputes, and partnerships, we will discuss them as following:

²³ - Stephen Baker, The interaction of criminal and civil process in fraud cases, https://www.iccfraudnet.org/reports/ICC_FraudNet_Global_Annual_Report_2022.pdf, p.17, last access 16-01-2023

²⁴ - Maryam Muahmmmed, the challenges towards electronic commerce, (master thesis, Zian Achour University, 2020), <http://dspace.univ-djelfa.dz:8080/xmlui/bitstream/handle/123456789/4091/%d9%85%d8%ad%d9%85%d8%af%d9%8a%20%d9%85%d8%b1%d9%8a%d9%85.pdf?sequence=1&isAllowed=y>, p.25

-Guidelines

In order to prevent and address e-commerce fraud, the ICC has created a set of regulations and best practices, to help avoid fraud, for instance the ICC's e-commerce regulations, set standardized terms and conditions for online sales contracts and a framework for electronic transactions to prevent electronic frauds, Also The ICC has been passively elaborated in best practices to prevent e-commerce fraud, One of ICC's most significant initiatives in combating e-commerce fraud is the establishment of the ICC Fraud Network it was found in 2004 by International chamber of commerce. Fraud Network is accepted as a global network of fraud and asset recovery.²⁵

Another ICC initiative is the establishment of the Committee on Commercial Law and Practice (CLP). The CLP aims to provide guidance and advice to businesses and governments on issues of business law and practice, including e-commerce. The CLP develops various model laws and standards designed to facilitate the growth and development of electronic commerce while preventing fraud and other illegal activities.²⁶

-Policies

The ICC also supports policies aimed at reducing and combating e-commerce fraud. To address e-commerce fraud and promote a safe and secure e-commerce environment, the International Chamber of Commerce proposes, for example, the introduction of a global cyber security framework. The ICC in one of its policies regarding combating fraud and crime on the internet states” ICC would like to express business’s continued support and encouragement for enforcement of criminal law against fraudulent and otherwise illegal behavior on the Internet. Business is investing significant resources to

²⁵ -ICC Fraud network,about us, <https://www.iccfraudnet.org/what-is-fraudnet,last> access 16-01-2023

²⁶ - International chamber of commerce, Policy commissions (ICC Global Commercial Law and Practice Commission), <https://iccwbo.org/leadership/#leadershipCLP> ,(Last access 16-01-2023)

assist law enforcement in reducing cybercrime, because it is in the interest of business as well as the consumer to make cyberspace a safe place to shop”

The ICC through Cyber security policy cooperates with governments and companies throughout the world, to create a shared understanding of what constitutes a strong cyber security policy and to exchange best practices that promote a more secure Internet for users and businesses, We believe it is crucial for businesses and governments to share a common understanding of how to conceptualize cyber security risks, targets, impacts, and responses, including national and international laws and norms. Our history spans more than 100 years of developing globally recognized applicable rules by bringing together experts and practitioners. Although governments and corporations have different responsibilities when it comes to cyber security, This is why the ICC's Working Group on Cyber security created an ICC Policy Primer on Cyber security, underlining important problems and difficulties that industry and society must address in order to improve Internet security and combat the wide spectrum of cyber security threats that are constantly evolving²⁷.

-Partnerships.

The ICC works with various organizations, including law enforcement authorities, governments, and trade associations, to combat e-commerce fraud, and works in conjunction with customs officials in accordance with a memorandum of understanding with the World Customs Organization.

Scams are continuously evolving, the ICC's performance in this situation is admirable. It has offered incredibly effective services that not only identify but also thwart commercial crimes, saving its members billions of dollars in potential fraud and theft. Its efforts against commercial fraud are global in scope.

²⁷ - ICC,Digital Economy(Cyber), <https://iccwbo.org/global-insights/digital-economy/cyber/#anchor-icc-basis>,last access 16-0-2023

Through its contacts and representations, it responds quickly to alarms received anywhere in the world. The most intriguing aspect of CCS is that it takes action without waiting for orders from the relevant authorities or law enforcement organizations. ICC's operating reach and response time are faster than those of any other organization in this field of endeavor and are unimpeded by regional red tape²⁸.

The role of CCS as part of ICC is very effective and tries to combat and prevent fraud and financial crimes around the globe, in 2009 The CCS held International Financial Crime Forum held in Malta, The event was organized by ICC Commercial Crime Services (CCS) in conjunction with the Malta Financial Services Authority (MFSA) and Malta Financial Intelligence Analysis Unit (FIAU).

In addition to a number of representatives from Maltese banks and financial institutions, there were over 70 delegations from Europe, the Middle East, Asia, and Africa present. To share their knowledge and skills on many aspects of financial crime and its prevention, experts were sought out from all over the world.

A senior bank representative spoke on the topic of detecting fraud and putting the proper safeguards in place with regard to prevention. He described the procedure they used to screen potential clients, adding that 10% of the 158,000 potential clients examined the previous year were determined to call for concern. One such person was Allen Stanford, who was just charged 8\$ billion of fraud²⁹.

There were more discussions in the regard of fraud and financial crimes³⁰, However what's interesting to me and I see it very effective to combat and prevent fraud and

²⁸ ICC commercial crime services, About CCS, [https://www.icc-ccs.org/icc-commercial-crime-services-ccs#:~:text=ICC%20Commercial%20Crime%20Services%20\(CCS\)%20is%20the%20anti%2Dcrime,all%20for%20of%20commercial%20crime,last%20access%2017-01-2023](https://www.icc-ccs.org/icc-commercial-crime-services-ccs#:~:text=ICC%20Commercial%20Crime%20Services%20(CCS)%20is%20the%20anti%2Dcrime,all%20for%20of%20commercial%20crime,last%20access%2017-01-2023)

²⁹ - ICC Commercial Crime Services (CCS), Malta Forum highlights fight against international fraud and financial crime, <https://iccwbo.org/news-publications/news/malta-forum-highlights-fight-against-international-fraud-and-financial-crime/>, Last access, 18-01-2023

³⁰ - for more visit <https://iccwbo.org/news-publications/news/malta-forum-highlights-fight-against-international-fraud-and-financial-crime/>, last access 17-01-2023

financial crimes was the concept that was discussed by Miami lawyer Ed Davis, from Astigarraga Davis, the idea of employing public-private partnerships to fight corruption and fraud. Public sector representatives or prosecutors for the victim government, agency, or instrumentality, private sector lead coordinating counsel, private and public sector investigators, forensic accountants, and counsel in the relevant jurisdictions, according to Mr. Davis, should be included in such a team. The underlying assumption is that employing private sector asset recovery teams, directed by the victim, in coordination with public sector agencies, will provide tangible recoveries and serve as a key element in deterring public corruption and fraud. Mr. Davis provided examples of how this framework has been effective in cases of bribery, corruption, and covert payments.

- **Dispute Resolution Mechanisms:**

The ICC provides arbitration and mediation as well as other dispute resolution services for online transactions. One of the top organizations for resolving international business disputes, particularly those involving e-commerce, is the ICC International Court of Arbitration (ICC Court). The ICC Court offers a unique process for resolving e-commerce disputes that is catered to the requirements of online transactions.

Even though its membership is officially limited to 130 nations, it has settled thousands of cases (over 10,000) from more than 170 countries since its creation. The dispute resolution process was created especially to deal with disagreements resulting from global corporate transactions. The ICC's "Rules of Arbitration" constitute the official document, and the parties to the dispute must adhere to its procedures³¹

To summarize developing rules and norms, offering dispute resolution services, working with other organizations, and promoting laws that enable a secure and reliable e-

³¹ - International chamber of commerce, dispute resolution, <https://iccwbo.org/dispute-resolution/>, last access 17-01-2023

commerce environment are all part of the ICC's involvement in preventing e-commerce frauds.

Conclusion and Recommendations:

Electronic commerce has become a reality and an expanding reality that cannot be overlooked, especially in the world of Cyberspace, regardless of the challenges and obstacles in front of it, whether legal or technical, which is like any modern system encountered by many of the problems, E-commerce covers all commercial transactions in the internet, buying and selling goods and services through the internet.

The International Chamber of Commerce (ICC) is a key player non-governmental organization in developing cooperation in international trade. It was established in Paris in 1920.it comprises of representatives from thousands of businesses and economic entities from over 130 different countries.

Despite the progress in communication tools and advanced devices, fraud still exists, especially with the rise of e-commerce. E-commerce fraud occurs through the use of computers, the issue of commercial fraud on the internet has gained great importance in recent times due to the widespread use of the internet in all areas of life. The article also highlights the challenges in combating electronic fraud and the difficulties involved in identifying the perpetrators.

Through this research we presented the role of I.C.C as an international organization in setting uniform legal rules for international trade, settle down disputes through arbitration and mediation and issue electronic commerce legal rules and guidelines, also cooperation to face obstacles in international trade specially in case of electronic frauds, we can conclude the role of ICC as international organization as an effective institution

Through this research I suggest to focus on the creation of sophisticated legal frameworks that regulate the use of contemporary communication tools and gadgets,

particularly computer and the Internet. Through legislation intervening, both domestically and internationally, to stop electronic fraud activity that involves the use of communication technologies. I also recommend more researches and studies regarding the issue of electronic commerce frauds.

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