



PERMANENT MISSION OF NIGERIA TO THE UNITED NATIONS

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STATEMENT

BY

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AT THE

**SIXTY-SEVENTH SESSION OF THE UNITED NATIONS
GENERAL ASSEMBLY**

ON

**THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW
(UNCITRAL)
(AGENDA: ITEM 77)**

NEW YORK, OCTOBER 15, 2012

Mr. Chairman,

Nigeria welcomes the report of the 45th Session of the United Nations Commission on International Trade Law (UNCITRAL) and thank the Commission for its work. The report provides a useful guide to the concrete progress made by the Commission in its previous session. In the report of the 44th Session of UNCITRAL, my delegation identifies with the Secretariat's concern that activities undertaken by other bodies in the field of international trade without adequate coordination with the Commission might lead to undesirable duplication of effort and would not be in keeping with aim of promoting efficiency, consistency and coherence in the unification and harmonization of International Trade Law.

2. Public Procurement constitutes a significant portion of public expenditure in most States, hence the draft of UNCITRAL's resolution 49/54 of 9 December 1994 recommending the use of UNCITRAL's Model Law on Procurement of goods, construction and service. The Model Law has therefore, become the benchmark in procurement law reform, as it sets out procedures aimed at achieving competition, transparency, fairness, economy and efficiency in procurement processes.

3. It will afford the international community to look at the rule of law from the perspective of commercial law, i.e to increase knowledge about the impact of UNCITRAL and commercial law reform on the promotion of the rule of law and also to facilitate progress in achieving effective integration of UNCITRAL's instruments, tools and expertise in the UN's Joint rule of law activities.

4. With the introduction of e-commerce, electronic transaction, online dispute resolution etc, as model laws on Public Procurement, Nigeria will continue to give support to the development of the law.

Nigeria commends the Commission's finalization and adoption of UNCITRAL Model Law on Public Procurement and Cross-Border Insolvency: the Judicial Perspective are quite commendable. Efforts should however, be geared towards an elaborate preparation of legal standards on transparency in treaty-based Investor-State arbitration, online dispute resolution for cross-border electronic transaction and electronic commerce as they affect developing countries in particular, but without prejudice to other Stakeholders.

5. The Guide to Enactment of the UNCITRAL Model Law on Public Procurement, as contained in document A/CN.9/WG.I/WP.79 and Add.1-19, as amended by Working Group I (Procurement) at its twenty-first session and further amended by the Commission during its forty-fifth session, and in document A/CN.9/754 and Add.1-3, as amended by the Commission during its forty-fifth session, would serve as an important instrument in helping to sharpen and promote the implementation of the Model Law on Public Procurement within our own legal framework in Nigeria.

6. Nigeria also welcomes the progress made by the other Working Groups during their various sessions. In particular, the goal of the ongoing negotiations for an online dispute resolution mechanism should be aimed at supporting in earnest, medium-sized businesses in developing economies. Nigeria has always called for access to foreign markets for smaller enterprises in developing States and as such we support the work of Working Group III in this regard. We believe that the development of online dispute resolution, subject to final arbitration, would promote greater equality between developed and developing nations and improve access to foreign markets for the latter.

7. We look forward to further progress being made in this area, especially with regard to how the ODR Rules adequately address the needs of developing countries, in particular with respect to the issue of arbitration. Micro businesses and SMEs in developing country

economies like Nigeria remains engines of economic growth and job creation. The need for an enabling environment where micro and small businesses are able to effectively reach international markets through electronic commerce is the development of legal foundations such as the UNCITRAL online dispute resolution procedural rules.

8. Nigeria thank the Commission for its continued efforts in its mandate to modernize and harmonize the legal framework for international trade law, especially in the sub-regional and regional levels, aimed at strengthening the economies of developing countries such as ours. we cherish the need for flexibility that would strengthen those trading links, and Nigeria reaffirms its commitment to the goals of UNCITRAL.

9. The efforts being made by the Commission towards expanding, through its Secretariat, its technical cooperation and assistance program is desirable especially as the Secretariat seeks partnership with States and non- state actors to increase awareness about the work of the Commission. Nigeria would encourage the United Nations Development Programme (UNDP) and other bodies responsible for development assistance, such as the World Bank and other regional development banks etc, to support the technical cooperation and assistance programme for the promotion of the rule of law at the national and International levels, and for the implementation of the United Nations development agenda, including the achievement of the Millennium Development Goals.

10. I thank you Mr. Chairman.