



REPUBLIC OF ZAMBIA



Permanent Mission of Zambia to the United Nations, 237 East 52nd Street, New York, NY 10022
Tex: (212) 888-5770 Fax: (212) 888-5213 E-mail: zambia@un.int

Please Check Against Delivery

STATEMENT

BY

**MR. MUKI M. BENAS PHIRI
FIRST SECRETARY (LEGAL)
PERMANENT MISSION OF THE
REPUBLIC OF ZAMBIA TO THE UNITED NATIONS**

BEFORE THE SIXTH COMMITTEE

DURING THE

75TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

UNDER AGENDA ITEM 78

**“REPORT OF THE UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW (UNCITRAL) ON THE WORK OF
ITS 53RD SESSION”**

New York
November 10, 2020

Chairperson,

Zambia wishes to acknowledge the tremendous work of the United Nations Commission on International Trade Law (UNCITRAL) during its 53rd session as summarised in its report A/75/17.

We note with interest, that the COVID-19 pandemic has further highlighted the pivotal role UNCITRAL plays in the development of international trade law and the modernisation and harmonisation of rules on international business. More so now that Member States continue grappling with the ravaging impact of the pandemic on global health, and the consequent massive social and economic crisis that inevitably follows.

The unprecedented interventions that States have had to adopt to mitigate the effects of the novel coronavirus pandemic are, unfortunately, not just a transient setback or a trifling obstacle on the pathway to global economic development. Rather, the pandemic is likely to continue disrupting international trade and economic activity for the foreseeable future.

Intriguingly, history has steadfastly tutored us, that *'crises drive innovation'*. Thus, whilst the pandemic has proven a major setback, it has also provided an opportunity for novelty. We are, therefore, gratified that despite the above setbacks, UNCITRAL remained determined to wade across the torrents. We, therefore, wish to congratulate the Commission for its innovativeness and for having organised alternative arrangements, which allowed for progress to be made on the working papers. This includes the series of online panels held during the session under review, as well as webinars, in which important discussions could be held, despite the pandemic.

We urge the Commission not to relent, but instead continue developing instruments and other legislative tools that will assist States in modernising and strengthening their legal frameworks, and improve their resilience amidst the severe economic shocks, occasioned by the pandemic.

Chairperson,

Allow me to focus on the benefits Member States could potentially gain from the UNCITRAL Model Laws on Electronic Commerce, the UNCITRAL Model Law on Electronic Signatures, and the UNCITRAL Model Law on Electronic

Transferable Records. These are valuable instruments, which if carefully implemented, will mitigate the disruption of international trade and business due to the COVID-19 pandemic, particularly because business transactions may easily take place through the transmittal and use of electronic documents.

Thus, the Zambian Government, in its quest to achieve a “diversified and inclusive economy”, in line with the Seventh National Development Plan (7NDP), has engaged in various initiatives, which are supported by various pieces of legislation that provide for the conduct and use of electronic communications in a safe, secure, and effective environment. Key among them is the Electronic Communications and Transactions Act No. 21 of 2009 (“the ECT Act”), which provides a comprehensive legal framework for the communication of data messages, accreditation, recognition of authentication service providers, protection of critical databases and the regulation of domain names. You may wish to note, that the sections of the Act dealing with electronic transactions and signatures are essentially an enactment or domestication of the UNCITRAL Model Law on Electronic Commerce, as well as the UNCITRAL Model Law on Electronic Signatures.

However, because of the continued evolution of e-commerce and e-governance, the ECT Act is undergoing further updating. This will be done via following three pieces of legislation: (1) the Data Protection Bill; (2) the Cyber Crime and Security Bill; and, (3) the e-Commerce and e-Transactions Act which are currently undergoing review through a consultative process with the participation of all relevant stakeholders:

Zambia has invested heavily in e-commerce and has made tremendous strides towards digital transformation. Progress is particularly significant in the areas of digital infrastructure, digital financial services, and digital platforms. The country now has a state-of-the-art data centre for public and commercial use. All provincial centres are linked to the fibre backbone, and efforts are currently underway to build capacity in digital skills and digital entrepreneurship.

Furthermore, in July 2020, the Government of Zambia, launched the Pilot Phase of the Digital Initiatives, a project supported by the UN System that seeks to assist the country embrace the ‘new normal’, and robustly combat

the coronavirus pandemic. The Digital Initiatives will play a catalytic role for the acceleration of e-governance initiatives in the medium to long-term, with lasting impacts beyond the delivery of the public service.

Zambia's ambitious goals of attaining inclusive economic growth and conducive governance targets are not a pipedream. With the devastation the COVID-19 pandemic is causing, Zambia's resources are undoubtedly rather limited. Be that as it may, I wish to re-echo a critical point raised by H.E. Mr. Edgar Chagwa Lungu, President of the Republic of Zambia, in a speech to the National Assembly in September 2019, where he acknowledged that Zambia's fiscal space is limited, and, therefore, there is need to "achieve economic stability, sustainable growth and development, [driven by] the spirit of '*doing more with less.*'"

I thank you.