

PROCEDURES FOR ARBITRATION AND PROFESSIONAL ETHICS AND DEONTOLOGY OF ARBITRATORS

LEGAL FLASH
ANGOLA
May 2017

PRESIDENTIAL DECREE NO. 290/17, OF 11 MAY

Presidential Decree no. 290/17 ("DP 290/17"), was approved on 11 May 2017, approving the Regulation on Arbitration Procedures ("RPA") and the Code of Ethics and Professional Conduct of Arbitrators ("Code of Ethics and Professional Conduct"), was enacted.

The RPA aims to establish the rules and principles applicable to the roles of arbitration professionals from the Centre for Extrajudicial Dispute Resolution ("CEDR"), which was created in 2014 and, among other things, acts as the center for arbitration and institutional mediation in Angola.

The approval of the RPA and the Code of Ethics and Professional Conduct to govern arbitrations pending before the CEDR evidences a clear attempt to get closed to international regulations regarding the procedural regime applicable in arbitrations held in Angola, aiming at ensuring that the arbitrators act with independence, impartiality, loyalty and good faith, as well as that proceedings are conducted fairly and in an equitable manner.

The RPA also develops and details certain rules already established in broader terms by Law no. 16/03, of 25 July (Law on Voluntary Arbitration).

The two main concerns of the legislator are apparently to optimize arbitration proceedings and to ensure transparency in the workings and operation of the Arbitration Court.

The concern with transparency is clear with respect of the appointment of arbitrators, in that the RPA establishes the principle that the Arbitration Court should have three arbitrators, except if the parties agree on a single arbitrator or on a higher odd number of arbitrators. On the other hand, in order to ensure that proceedings are speedy, the RPA establishes short deadlines for counterparty filings (15 days) and grants the arbitrators the right to freely conduct the arbitration proceedings, contending with the rules of the RPA.

Particularly relevant in terms of transparency of the arbitration proceedings is the Code of Ethics and Professional Conduct applicable to arbitrators, which establishes that the arbitrators should act impartially (which includes the obligation to disclose any potential situations of conflict), independently and confidentially; otherwise arbitrators may be personally liable for breaches. Arbitrators are also prevented from agreeing their fees and expenses or any other remuneration with any of the parties.

The approval of these regulations helps to solidify arbitration as a viable alternative means of dispute resolution to judicial courts in Angola, which is expected to strengthen the confidence of international investors in the Angolan legal system.

CONTACTS



João Robles
jmr@fcblegal.com



Rui Tabarra e Castro
rc@fcblegal.com



Fábio de Jesus Loureiro
fjl@fcblegal.com