

REPUBLIC OF CAPE VERDE

DRAFT LEGISLATION ON

ON

ARBITRATION CENTERS

Project
of
Decree-Law n.º ---/--

In the diffusion of the voluntary arbitration mechanisms there will be one of the avenues to unblock the activities of the courts; additionally, there is the circumstance of the comparative experiences revealing that this alternative means of the judicial justice possesses virtuosities of realization of equally certain and dignified justice.

It so happens that to disseminate these solutions, the existence of institutionalized and permanently operational centers shall contribute

Thus, in developing article 43 of Law No. ____/____, de ____ de ____, the Government decrees, under the terms of paragraph ____ of article ____ of the Constitution, the following:

Article 1

Formulating the request

1 – The entities that, in the ambit of Law No. _____, propose to promote, with an institutionalized character, to perform voluntary arbitration, must request authorization to the Ministry of Justice to create the respective centers.

2 – In the request referred to in the preceding number the interested entities must justify fully their pretensions, delimiting the objects of the arbitrations they propose to perform.

Article 2.º

Review

In reviewing the requests formulated under the terms of the preceding article, the Ministry of Justice must take into account the representativity of the requesting entity and his/her credibility to prosecute the activity he/she proposes to carry out, in order to verify that all conditions that assure an adequate execution of such activity are met.

Article 3.º

Decision

The dispatch proffered on the request must be fundamented, specifying on a case by case basis, the specialized or generalized character of the arbitrations the requesting entity proposes perform.

Article 4.º

List of authorized entities

1- A Ordinance from the Ministry of Justice shall contain a list of the entities authorized to perform institutionalized voluntary arbitration, with a mention, for each one, of the general or specialized character of the latter.

2- The list referred to in the preceding number shall be updated annually.

Article 5.º

Revocation of an authorization

- 1- The authorization granted under the terms of this law may be revoked if some fact occurs that demonstrates that the entity in question ceased to possess the technical conditions and credibility to perform the institutionalized voluntary arbitrations.
- 2- The duly fundamented revocation dispatch published in the Official Bulletin.

Júlio Lopes Correia

Armindo Cipriano Maurício

Manuel Monteiro da Veiga

Maria Madalena de Brito Neves

Filomena de Fátima Ribeiro Vieira Martins

Sidónio Fontes Lima Monteiro

João Pereira Silva

Ilídio Alexandre da Cruz

João Pinto Serra

Promulgated on ____/____/2004.

Publish it.

The President of the Republic,

Pedro Verona Rodrigues Pires

Referended on ____/____/2004.