



Looking to Africa: Shining a Spotlight on African Arbitrators, Institutions and Counsel

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Our Africa Campaign 2020 concluded on December 8, 2020 with a delightful webinar about arbitration in Angola. Ambassadors **Aécio Oliveira** and **Maria Camila Hoyos** hosted the event, which featured two of the most experienced Angolan arbitration practitioners: **António Caxito Marques**, Partner of Dentons Lead, and **Itweva Nogueira**, Executive Director of the UK-Angola Chamber of Commerce and Partner of IN - Sociedade de Advogados.

António Caxito started by remarking that Angola counts with a young legal framework, which has been crafted in the last 20 years. He proceeded to explain that the introduction of arbitration in Angola – in contrast with most traditional jurisdictions – coincides with the development of a system of procedures and the Judiciary itself. Caxito highlighted that, in this context, international economic agents investing in Angola would rather have their disputes resolved before an arbitral tribunal seated overseas. This drove local practitioners and the Judiciary to quickly familiarize themselves with international arbitration practice, contributing to the rise of the practice in Angola.

As an experienced arbitrator and counsel, Caxito observed that today, extensive use of arbitration in relation to international investments in Angola has not yet led to a significant increase in the number of arbitrations in Angola. He attributed this to two main factors: first, limited space within the market has been dedicated to local practitioners, even those with several years of experience; and second, there has been some resistance among local economic agents to relying on domestic arbitration in Angola, given that the market is often driven by international arbitration standards. He observed that, even where a dispute is confined to Angolan parties under Angolan law, most arbitration tribunals are seated overseas and feature foreign arbitrators.

Itweva Nogueira endorsed Caxito's opinions and added: in cases with Angolan parties under Angolan law, there should be no reason not to have a domestic arbitration before Angolan arbitrators. She also sees new opportunities for Angola now. While the country has historically benefited from investments in the O&G and mining sectors, the decrease in the price of oil and the economic impacts caused by COVID-19 may lead investors to other promising sectors, such as agriculture and livestock. The attraction of international investments in other sectors is expected to further develop the use of commercial and investment arbitration in the country.

Maria Camila intervened to observe that Angola is one of the African countries that has been most successful in its endeavors to advance arbitration practice. She pointed out that Latin American countries experienced similar obstacles in the last decade, but they now provide strong examples of how the development of domestic arbitration can assist local economic agents. She then



addressed a question to the panelists: does a generalization of arbitration in the African continent ultimately overlook the particularities of each country?

Itweva agreed that it did. She emphasized that, even among arbitrators with strong experience in disputes in Africa, there is often a lack of knowledge about the particularities of each country. She pointed out that international practitioners have often been preferred because they are known in the market, but this prevents local practitioners from gaining more experience in the field.

Caxito strongly agreed, although he is optimistic about the development of arbitration in Angola. He remarked that arbitration has been a hot topic in the country over the last few years, and that Angola is on the right track to continue developing the practice locally. He estimated that soon enough – perhaps in 10 years – arbitral tribunals will regularly be seated within Angolan borders and involve local practitioners. However, he reiterated that this result depends on two main elements: first, local economic agents must change their mindsets and give a vote of confidence to local practitioners; second, the Angolan legal community must continue to take steps to develop and secure the provision of reliable and experienced arbitration advice and practitioners in Angola.

Arbitrator Intelligence is grateful to our speakers and moderators for their interesting insights and observations.