



JUDICIAL SYSTEM MONITORING PROGRAMME  
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

**Press Release**  
**09 February 2021**  
**National Parliament**

**The National Parliament has made significant progress in terms of legislation and access to justice by producing the Law on a Legal Regime for Voluntary Arbitration**

Committee A of the National Parliament on 03-05 February 2021 held a specific discussion and vote on Draft Law No.11/V/2 on the approval of a Legal Regime for Voluntary Arbitration and preceded to amend the Civil Procedure Code. This discussion and vote was presided over by the President of Committee A, His Excellency MP Joaquim dos Santos “Boraluli”.

The aim of this law is to regulate the execution of voluntary arbitration and confirm the execution of arbitration decisions which will cover internal arbitration, international arbitration and foreign arbitration.

“JSMP believes that the State of Timor-Leste through the National Parliament has achieved significant progress in terms of legislation, access to justice and investment by producing this law on a Legal Regime for Voluntary Arbitration. Through this law we now have a separate and appropriate mechanism that can facilitate and accelerate civil proceedings, and this will also facilitate investment because with the existence of this law investors will feel more secure when investing in Timor-Leste,” said the Executive Director of JSMP, Ana Paula Marçal.

JSMP monitoring to date at the courts has found that judicial actors face problems with civil proceedings because for them civil cases are complex and it takes a lot of time to establish the facts and they don't really have experience in handling civil cases, therefore it makes it difficult for them and civil cases are delayed and there are many cases pending at the courts.<sup>1</sup>

Also, in relation to the provisions of Article 56 of Draft Law No.11/V/2 approving a Legal Regime for Voluntary Arbitration on the timeframe for preferred sentencing, JSMP recommends for the respected MPs from Committee A of the National Parliament to modify the maximum time limit for notifying a final decision from the court of arbitration,

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<sup>1</sup> For more information please refer to the JSMP website: [https://jsmp.tl/wp-content/uploads/RelatoriuKontratuProsesuSIVIL\\_TETUM.pdf](https://jsmp.tl/wp-content/uploads/RelatoriuKontratuProsesuSIVIL_TETUM.pdf)



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as provided for in point 1), from 12 months to 3 (three) months. The time limit of 6 (six) months set out in point 3) can be reduced to a maximum of 30 days, which will ensure speedy, effective and efficient proceedings.

During three days of discussion, Committee A of the National Parliament managed to approve 51 articles from Chapter I on General Provisions comprising Articles 1-7, Chapter II on Arbitration Conventions comprising Articles 8-13, Chapter III on the Constitution of the Arbitration Court comprising Articles 14-21, Chapter IV on Requirements, Duties, Responsibilities and Rights of Arbiters comprising Articles 22-25, Chapter V on the Competence of the Arbitration Court comprising Articles 26-28, Chapter VI on Temporary Measures and Preliminary Orders in Sections I-IV comprising Articles 26-39 and Chapter VII on the Initiation, Conduct and Development of Arbitration Proceedings comprising Articles 40-51.

Also, Committee A managed to approve amendments to Article 671 and Article 694 of Civil Procedure Code and also revoked Article 841 and Article 679 (2) and also approved 3 (three) proposed amendments to Article 2 on the scope of application from the original draft Law No.11/V/2 and Proposal No. 3 to provide full competence to the Supreme Court of Justice to process appeals and confirm arbitration decisions.

According to the schedule of Committee A of the National Parliament the specific discussion and vote of this Draft Law will continue on 10-13 February 2021, in Aileu Municipality.

For more information, please contact:

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