

# São Tomé e Príncipe accedes to the international arbitration treaties

## Accession to the New York Convention...

In November of 2012 São Tomé e Príncipe deposited its instrument of accession to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958, commonly known as the New York Convention. With its accession, São Tomé e Príncipe has become the 148th state party to the New York Convention. The New York Convention has entered into force for Sao Tome and Principe as per 18 February 2013.

The New York Convention is considered one of the most important instruments of international arbitration. The New York Convention applies to the recognition and enforcement of arbitral awards made in the territory of a state other than the state where the recognition and enforcement is sought. This means that São Tomé e Príncipe's courts must now give effect to arbitration agreements and recognize and enforce awards made in other states, subject to specific limited exceptions listed in article V of the New York Convention. Foreign arbitral award can be enforced in São Tomé e Príncipe in accordance with domestic procedures. These are set out in the Civil Procedures Code of São Tomé e Príncipe.

Article I of the New York Convention stipulates that when signing or ratifying the New York Convention, a state may on the basis of reciprocity declare that it will apply the New York Convention only to arbitral awards made in another contracting state. It may also declare that it will only apply the New York Convention to differences arising out of legal relationships which are considered as commercial under the national law of the state making that declaration. São Tomé e Príncipe has not made any reservation or declaration when it signed the New York Convention, which means that arbitral awards made in any jurisdiction will henceforth be recognized and can be enforced in São Tomé e Príncipe. Arbitral awards rendered in São Tomé e Príncipe are enforceable in the 147 other New York Convention member states. A [full list of these states](http://www.newyorkconvention.org) can be found on [www.newyorkconvention.org](http://www.newyorkconvention.org).

## ...and to the ICSID Convention

On 20 May 2013, São Tomé e Príncipe deposited with the World Bank an Instrument of Ratification of the Convention on the Settlement of Investments Disputes between States and Nationals of Other States, which it had signed on 1 October 1999. This treaty is known as the ICSID Convention or Washington Convention.

The International Centre for Settlement of Investments Disputes (ICSID) was established under the ICSID Convention in 1965 in Washington. Currently, 149 States have signed and ratified the ICSID Convention. A [full list the contracting states](http://icsid.worldbank.org) and other signatories to the Convention can be found on [icsid.worldbank.org](http://icsid.worldbank.org).

ICSID is an independent organisation that forms part of the World Bank Group. Its main task is to provide facilities for the conciliation and arbitration of international investment disputes. To this effect, it provides for procedural rules.

The ICSID Convention will enter into force for São Tomé e Príncipe on 19 June 2013. As of that date, disputes arising from investments made by Sao Tomean nationals in another ICSID contracting state or investments made by a national from another ICSID contracting state in São Tomé e Príncipe may be brought before an ICSID tribunal, provided that both the investor and the state have agreed to resolve that particular dispute through ICSID arbitration. States can also

## Contacts

### Juliette Luycks

+31 20 711 9116

[juliette.luycks@cliffordchance.com](mailto:juliette.luycks@cliffordchance.com)

### Pieter van Welzen

+31 20 711 9154

[pieter.vanwelzen@cliffordchance.com](mailto:pieter.vanwelzen@cliffordchance.com)

consent on a generic basis for investment disputes to be resolved through international arbitration under the ICSID Arbitration Rules (or otherwise), for instance in bilateral investment treaties, such as [the bilateral investment treaty between Portugal and São Tomé e Príncipe](#).

ICSID does not decide on the disputes itself. The disputes are decided by tribunals consisting of independent and impartial arbiters. The arbitral award rendered by an ICSID tribunal is binding on the parties and every contracting state must recognise and enforce such award as if it were a final judgment from its domestic courts.

---

This publication does not necessarily deal with every important topic or cover every aspect of the topics with which it deals. It is not designed to provide legal or other advice.

Clifford Chance, Droogbak 1A, 1013 GE Amsterdam, PO Box 251, 1000 AG Amsterdam

© Clifford Chance 2013

Clifford Chance LLP is a limited liability partnership registered in England and Wales under number OC323571. Registered office: 10 Upper Bank Street, London, E14 5JJ. We use the word 'partner' to refer to a member of Clifford Chance LLP, or an employee or consultant with equivalent standing and qualifications. Clifford Chance LLP is registered in the Netherlands with the commercial register of the Chambers of Commerce under number 34360401. For our (notarial) third party account details, please see [www.cliffordchance.com/locations/netherlands/netherlands\\_regulatory.html](http://www.cliffordchance.com/locations/netherlands/netherlands_regulatory.html)

[www.cliffordchance.com](http://www.cliffordchance.com)

---

Abu Dhabi ■ Amsterdam ■ Bangkok ■ Barcelona ■ Beijing ■ Brussels ■ Bucharest ■ Casablanca ■ Doha ■ Dubai ■ Düsseldorf ■ Frankfurt ■ Hong Kong ■ Istanbul ■ Kyiv ■ London ■ Luxembourg ■ Madrid ■ Milan ■ Moscow ■ Munich ■ New York ■ Paris ■ Perth ■ Prague ■ Riyadh\* ■ Rome ■ São Paulo ■ Seoul ■ Shanghai ■ Singapore ■ Sydney ■ Tokyo ■ Warsaw ■ Washington, D.C.

\*Clifford Chance has a co-operation agreement with Al-Jadaan & Partners Law Firm in Riyadh.