

AFSA GARDEN ROUTE MODEL CLAUSE (MEDIATION)

Dispute Resolution (med-arb).

1. Should any dispute, disagreement or claim arise between the parties (“the dispute”), the parties shall try to resolve the dispute by negotiation. This entails that one party invites the other in writing to a meeting and to attempt to resolve the dispute within 7 (seven) days from the date of the written invitation.
2. If the dispute has not been resolved by such negotiation within 7 (seven) days of the written invitation, the dispute shall be submitted to mediation, which shall be administered by The Arbitration Foundation of Southern Africa (“AFSA”) in terms of the AFSA Mediation Rules by a mediator appointed by the Garden Route Branch of AFSA. Any party to this agreement may refer the dispute to mediation.
3. If the parties are unable to resolve the dispute through mediation, the dispute, if arbitrable by law, shall be finally resolved in accordance with the Rules of The Arbitration Foundation of Southern Africa by an arbitrator or arbitrators appointed by the Garden Route Branch of AFSA.”