

AFSA GARDEN ROUTE MODEL CLAUSES

A. Arbitration clause for incorporation in standard contracts or for use before a dispute has arisen.

“Any dispute arising from or in connection with this Contract shall be finally resolved in accordance with the Rules of The Arbitration Foundation of Southern Africa by an arbitrator appointed by the Garden Route Branch of the Foundation.”

B. Arbitration clause for use after a dispute has arisen.

“We,
A, B of _____
and
X, Y of _____
hereby agree to refer:

(a) all disputes and differences between us arising out of or
in connection with a contract between us dated _____

OR

(b) the disputes and differences as set out in the Schedule to this Agreement

for final resolution in accordance with the Rules of The Arbitration Foundation of Southern Africa by an arbitrator or arbitrators appointed by the Garden Route Branch of the Foundation.”

C. Dispute resolution (med-arb) clause for incorporation in standard contracts before a dispute has arisen.

“Should any dispute, disagreement or claim arise between the parties (“the dispute”) concerning this agreement, the parties shall try to resolve the dispute by negotiation. This entails that the 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. If the dispute has not been resolved by such negotiation, the parties shall submit the dispute to The Arbitration Foundation of Southern Africa (“AFSA”) for administered mediation by a mediator appointed by the Garden Route Branch of AFSA upon the terms set by the AFSA Secretariat. Failing such a resolution, the dispute, if arbitrable in 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.”

D. Arbitration clause for incorporation in standard contracts with international counterparts or for use before a dispute has arisen with an international counterpart.

“Any dispute arising from or in connection with this Contract shall be finally resolved in accordance with the Rules of The Arbitration Foundation of

Southern Africa applicable to international arbitration by an arbitrator appointed by the Foundation. In the event that the parties do not agree to the seat, the Foundation will select the seat of the arbitration.”