

1. Arbitration Agreement

- 1.1 Any dispute arising from or in connection with the Contract, including any dispute regarding the validity, enforceability or interpretation of this contract or of the arbitration agreement contained in this clause, shall (must) be finally resolved in an arbitration administered by the Arbitration Foundation of Southern Africa (AFSA) in accordance with its Rules for Commercial Arbitrations or, by agreement between the parties, its Rules for Expedited Arbitrations, by an arbitrator or arbitrators, appointed by agreement between the parties from AFSA's panel of arbitrators.
- 1.2 If the parties are unable to agree on the appointment of an arbitrator from AFSA's panel of arbitrators, the AFSA Secretariat shall (must) appoint an arbitrator from its panel to conduct the arbitration in accordance with its rules referred to in subclause 1.1 above.
- 1.3 The parties specifically agree that the arbitration agreement contained in this clause shall survive the cancellation or termination of the Contract.

1. Dispute Resolution Agreement

- 1.1 Should any dispute arise from or in connection with the Contract, including any dispute regarding the validity, enforceability or interpretation of the Contract, the parties shall (must) try to resolve the dispute by negotiation. This entails that one party inviting the other in writing to a meeting aimed at resolving the dispute with in 10 (ten) days from the date of the written invitation, or such further period agreed to in writing between the parties.
- 1.2 If the dispute has not been resolved by such negotiation, the parties shall (must) submit the dispute to the Arbitration Foundation of Southern Africa (“AFSA”) for administered mediation in accordance with its Mediation Rules by a mediator appointed by agreement between the parties from AFSA’s panel of commercial mediators.
- 1.3 If the parties are unable to agree on the appointment of a mediator from AFSA’s panel of commercial mediators within 10 (ten) days from the expiry of the ten-day period provided for in subclause 1.1 above, the AFSA Secretariat shall (must) appoint a mediator from its panel of commercial mediators to conduct the mediation in accordance with its Mediation Rules.
- 1.4 If the parties are unable to resolve the dispute by such mediation, the dispute, including any dispute regarding the validity, enforceability or interpretation of the dispute resolution agreement contained in this clause, the dispute shall be finally resolved in an arbitration administered by AFSA in accordance with its Rules for Commercial Arbitrations or, by agreement between the parties, its Rules for Expedited Arbitrations, by an arbitrator or arbitrators appointed by agreement between the parties from AFSA’s panel of arbitrators.

- 1.5 If the parties are unable to agree on the appointment of an arbitrator from AFSA's panel of arbitrators, the AFSA Secretariat shall (must) appoint an arbitrator from its panel to conduct the arbitration in accordance with its rules referred to in subclause 1.4 above.
- 1.6 The parties specifically agree that the dispute resolution agreement contained in this clause shall survive the cancellation or termination of this Contract.