



Arbitration Foundation of Southern Africa

RECOMMENDED AFSA STANDARD CLAUSES

The following standard clauses are recommended by AFSA for inclusion in contracts and for use after a dispute has arisen:

The Foundation recommends the use of the following standard clauses designed widely to encompass disputes arising in connection with contracts:

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 or arbitrators appointed by the Foundation.”

B. ARBITRATION CLAUSE FOR USE AFTER A DISPUTE HAS ARISEN

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

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

(OR) the disputes and differences 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 Foundation.”

C. DISPUTE RESOLUTION (MED-ARB) CLAUSE FOR INCORPORATION IN STANDARD CONTRACTS BEFORE A DISPUTE HAS ARISEN OR FOR AGREEMENT AFTER A DISPUTE HAS ARISEN

“Should any dispute, disagreement or claim arise between the parties (called hereafter “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 to

attempt to resolve the dispute within 7 (seven) days from date of the written invitation. If no such meeting is held, or if the dispute has not been resolved by such negotiation, the parties shall submit the dispute to AFSA administered mediation, 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 Foundation.”

D. ARBITRATION CLAUSE FOR INCORPORATION IN INTERNATIONAL AGREEMENTS BEFORE A DISPUTE HAS ARISEN

“The parties agree to submit any disputes or difference between them arising out of this contract to conciliation and arbitration as provided by the UNCITRAL Conciliation and Arbitration Rules in respect of which the Arbitration Foundation of Southern Africa will act as the appointing authority.”