



The Arbitration Foundation of Southern Africa
NPC



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA
Denkleiers • Leading Minds • Dikgopolo tša Dihlateli

AFSA STAND-ALONE SPECIALIST MODULES

**MEDIATION / ARBITRATION / LABOUR
ARBITRATION / INTERNATIONAL COMMERCIAL
ARBITRATION / ARBITRATION IN THE
CONSTRUCTION INDUSTRY**

ISSUED IN COLLABORATION WITH THE
UNIVERSITY OF PRETORIA



OVERVIEW

The stand-alone specialist modules offer you an opportunity to develop or enhance your skills in South Africa's rapidly expanding fields of arbitration and mediation.

The specialist modules are a joint venture between the University of Pretoria and AFSA, presented by South Africa's leading practitioners.

These modules reflect all current advances in the field and are the most authoritative and up-to-date dispute resolution programmes offered in South Africa.

Assessments are conducted through role plays, writing mock agreements, orders, reports and awards and examinations/assignments.

To accommodate candidates, participants, and attendees, these modules are presented over a few days at a time between May and November.



STAND-ALONE SPECIALIST MODULES

Five stand-alone specialist modules are available:

- **Mediation**
- **Arbitration**
- **Labour Arbitration**
- **International Commercial Arbitration**
- **Arbitration in the Construction Industry**



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MEDIATION



Duration: 5 days (Monday - Friday)

Date: **Johannesburg** 12 - 16 May 2025
Pretoria 7 - 11 July 2025

This module includes:

- **Understanding Principles and Process of Mediation**
Explore the foundational concepts of mediation, including its core values, stages, and procedural flow. This module offers a step-by-step understanding of how mediation works, setting the groundwork for effective practice.
- **Role, Function and Ethical Duties of the Mediator**
Gain insight into the responsibilities and boundaries of the mediator's role. This session highlights the importance of neutrality, confidentiality, and ethical decision-making in facilitating fair and respectful resolution processes.
- **Developing the Communication Skills of the Mediator**
Enhance your ability to communicate with clarity, empathy, and control. Learn practical techniques for active listening, reframing, managing difficult conversations, and building rapport with parties in conflict.
- **Working Through Diversity, Assumptions, Prejudices and Biases in Mediation**
Examine how identity, culture, and unconscious bias influence conflict dynamics. This module equips mediators to recognise and navigate these factors with sensitivity, promoting inclusion and fairness in mediation settings.
- **Building the Mediator's Toolkit for Practice**
Acquire practical tools and strategies for real-world mediation. From managing impasses and drafting agreements to selecting appropriate interventions, this session focuses on the skills and resources mediators need to confidently lead dispute resolution processes.



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ARBITRATION



Duration: 4 days (Monday - Thursday)

Date: **Johannesburg** 19 - 22 May 2025
Pretoria 14 - 17 July 2025

This module includes:

- **The Arbitration Act**
Gain a thorough understanding of the Arbitration Act and its legal framework. This module explores the statutory provisions that govern arbitration in South Africa, focusing on the rights, obligations, and enforceability of arbitral proceedings and awards.
- **Arbitration Agreements**
Learn how to draft, interpret, and assess arbitration agreements. This session covers essential elements, common pitfalls, and the legal implications of arbitration clauses in commercial contracts, ensuring parties are bound to a valid and enforceable dispute resolution process.
- **The Arbitration Procedure from Commencement to Award**
Follow the full arbitration process from the filing of a notice to the delivery of a final award. This module provides a practical overview of each stage – including preliminary meetings, pleadings, evidence, hearings, and award – with emphasis on procedural fairness, efficiency, and best practices.
- **The Duties of the Arbitrator**
Understand the critical responsibilities of an arbitrator in managing the process with impartiality and integrity. This session highlights key duties such as disclosure, independence, case management, and decision-making, with reference to ethical and professional standards.



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LABOUR ARBITRATION



Duration: 5 days (Monday - Friday)

Date: Johannesburg 4 - 8 August 2025

Pretoria 18 - 22 August 2025

This module includes:

- **The Labour Dispute Resolution System**
An overview of South Africa's labour dispute resolution framework, including the roles of the CCMA, Bargaining Councils, and private arbitration forums. This module outlines the legislative context, institutional structures, and processes available to resolve employment-related disputes.
- **Disputes and Related Processes**
Examine the different types of disputes that arise in the workplace – including dismissals, unfair labour practices, and disputes of right or interest – and the appropriate resolution mechanisms such as conciliation, mediation, and arbitration.
- **The Law concerning Typical Issues for Mediation/Conciliation**
Explore the legal principles that underpin common issues dealt with in mediation and conciliation, such as unfair dismissal, workplace conflict, and conditions of employment. This session equips participants to understand and apply the law while fostering collaborative problem-solving.
- **The Law concerning Typical Issues for Arbitration**
Focus on the substantive and procedural legal rules relevant to arbitration of labour disputes. Topics include evidence, burden of proof, legal remedies, and award writing – with emphasis on fairness, compliance, and enforceability in labour arbitration settings.

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INTERNATIONAL COMMERCIAL ARBITRATION



Duration: 5 days (Monday - Friday)

Date: **Johannesburg** 15 - 19 September 2025
Pretoria 29 Sept - 3 Oct 2025

This module includes:

- **The New York Convention and the Model Law**
Understand the cornerstone instruments of international arbitration. This session examines the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards and UNCITRAL's Model Law, highlighting their global influence on the enforceability and conduct of international arbitration.
- **The International Arbitration Act**
Explore South Africa's International Arbitration Act No. 15 of 2017, which incorporates the Model Law into domestic legislation. This module unpacks the Act's application, scope, and alignment with global best practices, enhancing South Africa's position as a preferred seat for international arbitration.
- **AFSA International Arbitration Rules**
Familiarise yourself with the AFSA International Rules, designed to provide a modern, efficient, and Africa-relevant framework for resolving cross-border disputes. This session covers the structure, process, and innovations embedded in AFSA's international arbitration system.
- **Practice and Procedure in International Arbitrations**
Gain practical insight into the conduct of international arbitrations – from the appointment of arbitrators and procedural timelines to evidentiary rules and award enforcement. This module also explores the strategic and cultural considerations that distinguish international practice.
- **International Arbitration Initiatives: China-Africa, BRICS and SADC**
Discover emerging regional developments and institutional collaborations. This session highlights initiatives and opportunities in international arbitration arising from China-Africa relations, the BRICS alliance, and the Southern African Development Community (SADC).
- **Essential Aspects of International Commercial Dispute Resolutions (Cross-Border Disputes)**
Learn how international arbitration resolves disputes arising from cross-border transactions, including those involving international sales, joint ventures, franchising, and licensing. This module addresses legal complexities and practical solutions relevant to global commerce.
- **The History and Development of International Arbitration**
Trace the evolution of international arbitration, from early trade-based dispute resolution to the development of global institutions and conventions. This historical overview provides context on how international tribunals have shaped modern commercial arbitration.
- **Introduction for Legal Practitioners and Advisors in International Trade and Investment**
Designed for legal professionals and commercial advisors, this session introduces key considerations when advising clients involved in foreign investment, international joint ventures, trade agreements, and franchise arrangements. Participants will gain the tools to navigate international legal risk and dispute resolution effectively.

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ARBITRATION IN THE CONSTRUCTION INDUSTRY



Duration: 5 days (Monday - Friday)

Date: Johannesburg 20 - 24 October 2025

Pretoria 3 - 7 November 2025

This module includes:

- **FIDIC**

A focus on the FIDIC suite of contracts, widely used in international construction projects. This session examines the standard forms, allocation of risk, dispute mechanisms, and how FIDIC contracts interface with arbitration processes.

- **JBCC**

A deep dive into the JBCC (Joint Building Contracts Committee) standard forms widely used in South African construction.

- **Pertinent Terms:** Key clauses that often give rise to disputes, including those dealing with extensions of time, payment certificates, and breach.

- **The Function of the Principal Agent (PA):** The role, authority, and obligations of the PA, and how their decisions may impact or be challenged in arbitration.

- **NEC**

Understanding the New Engineering Contract and its innovative approach to project management and dispute resolution.

- **Pertinent Terms:** Emphasis on early warning mechanisms, compensation events, and time and cost management.

- **The Concept of Partnering:** Exploring NEC's emphasis on collaboration, risk-sharing, and proactive dispute avoidance strategies.

- **Claims for Delay, Disruption, and Additional Payment**

Practical guidance on the legal and evidentiary requirements for pursuing claims arising from project delays, disruptions to planned workflows, and claims for additional compensation.

- **CPA (Construction Project Agreement)**

Examination of the CPA and its function in formalising roles, responsibilities, and expectations in major construction projects, and its implications for dispute resolution.

- **Claims Preparation**

A practical guide to assembling a strong, credible claim, including the use of contractual entitlements, project documentation, expert input, and the structuring of claims for arbitration.

- **Record Keeping**

Best practices in maintaining accurate, contemporaneous records to support or defend claims. This session highlights the importance of documentation in evidentiary submissions during arbitration.

- **Global Claims**

An exploration of global or total cost claims—where delays and costs are attributed to multiple causes without precise allocation. The session examines their validity and treatment in arbitration.

- **Disruption**

An in-depth look at claims relating to the disturbance of planned work sequences, their quantification, and evidentiary requirements to establish entitlement to compensation.

- **Variations**

Understanding contractual provisions governing changes in the scope of works. This includes instruction protocols, pricing of variations, and their impact on time and cost claims.

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ENTRY REQUIREMENTS

Bachelor of Laws (LLB)

APPLICATIONS

Applications are subject to a vetting process.

Closing date for applications: Johannesburg 16 April 2025 and Pretoria 14 May 2025

COURSE FEES

R15 000 excl. VAT (R17 250 incl. VAT)

CONDITIONS

- The number of applicants is limited and acceptance of suitable candidates will be on a first-come, first-served basis. In the application form.
- The course fee includes all course notes, lunches, refreshments and parking but excludes accommodation and travel costs.
- In the case of insufficient applications, AFSA reserves the right to cancel the course as such or a module. In this event, applicants will be informed and all fees will be refunded immediately. In the application form.
- Unforeseen circumstances may necessitate the appointment of presenters other than from the ones advertised.
- The course is presented in English.
- A written examination and/or project is to be completed.
- The Johannesburg course will take place at AFSA, 1st Floor, Grindrod Tower, 8A Protea Place, Sandton.
- The Pretoria course will take place at AFSA, Groenkloof Chambers, 205 Florence Ribiero Ave, Groenkloof Ext 11.
- Cancellations accepted up to 1 month prior to commencement of course or module, but subject to a 10% administration fee. No refunds or cancellations will be allowed if cancelled less than two weeks before the date of commencement of the course. Replacement delegates are acceptable.
- Delegates are required to be in attendance for the full hours.

CLICK HERE TO APPLY.

For further information, please contact Selina Tshabalala

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