

AFSA INTERNATIONAL COMMERCIAL ARBITRATION 5-DAY COURSE

SCHEDULE 2026

The course runs over five days, commencing at 09h30 and ending at approximately 17h30 each day.

Please note: Every effort will be made to follow the schedule outlined below; however, the timing and content of sessions may be adjusted as necessary to best deliver the full content and support participants' learning, progress, and engagement throughout the course.

DAY	TOPIC	LECTURE/ ACTIVITY/ ROLEPLAY
DAY 1 8 JUNE 2026		
09H00	MORNING COFFEE / TEA BREAK	
09H30	Opening & Orientation • Introduction to the ICA programme • Objectives of the module • International arbitration in historical and contemporary context • Structure of the sessions	Lecturer: Adv Michel Kuper SC, AFSA Chairman
MODULE 1 Foundations of International Commercial Arbitration		
09H45	SESSION 1 Origins of International Arbitration Topics: • Early dispute settlement mechanisms • Article 86 of the 1793 French Constitution • Early concepts of international dispute settlement • The Alabama Arbitration • Development of interstate arbitration • Historical foundations of neutrality and consent Discussion Focus: • Why arbitration emerged outside domestic court systems	Lecturer: Adv Michel Kuper SC, AFSA Chairman

	• Arbitration as an alternative to political and military conflict • The relationship between sovereignty and dispute settlement Interactive Component: Guided discussion: <i>“Why do parties still seek neutral dispute resolution mechanisms today?”</i>	
11H00	MID-MORNING COFFEE / TEA BREAK	
11H20	SESSION 2 Development of Commercial Arbitration Topics: • History of international commercial dispute settlement • Merchant arbitration traditions • <i>Scott v Avery</i> (1855) • Enforceability of arbitration agreements • Party autonomy and judicial intervention Practical Focus: • Courts vs arbitration • Mandatory jurisdiction vs consensual jurisdiction • Pathological arbitration clauses • Limits of party autonomy Interactive Discussion: • <i>Should courts retain broad supervisory powers over arbitration?</i> • <i>Are some disputes unsuitable for arbitration?</i>	Lecturer: Adv Michel Kuper SC, AFSA Chairman
12H50	LUNCH	

13H50	SESSION 3 Early International Arbitration Frameworks Topics: • Geneva Protocol of 1923 • Geneva Convention 1927 • Recognition and enforcement before the New York Convention • Weaknesses of the Geneva system • Early institutionalisation of arbitration Comparative Focus: • Why enforcement remained difficult • Historical development toward modern enforcement systems Case-Based Discussion: Comparison between the Geneva framework and contemporary practice.	Lecturer: Adv Michel Kuper SC, AFSA Chairman
15H20	MID-AFTERNOON COFFEE / TEA BREAK	
15H40	SESSION 4 The Rise of Modern International Arbitration Topics: • Federal Arbitration Act (USA) • Expansion of commercial arbitration after WWII • Growth of international trade and transnational commerce • Bretton Woods System • GATT and economic liberalisation • Emergence of modern institutional arbitration Discussion Focus: • Relationship between globalisation and arbitration • Why arbitration became central to international commerce • The role of enforceability and neutrality in commercial confidence	Lecturer: Adv Michel Kuper SC, AFSA Chairman

	Interactive Component: Discussion: “Would international commerce function effectively today without arbitration?”	
17H30	Closing Discussion & Questions	

DAY 2 | 9 JUNE 2026

09H00	MORNING COFFEE / TEA	
09H30	SESSION 5 Investment Arbitration & Contemporary Developments Topics: - Washington Convention (1965) commonly referred to as the ICSID Convention (Convention on the Settlement of Investment Disputes between States and Nationals of Other States) - Origins and objectives of investor-state arbitration - Promotion and Protection of Investment Bill - Protection of Investment Act 22 of 2015 - South Africa’s evolving investment protection framework Discussion Focus: - State sovereignty vs investor protection - Criticisms of ISDS - African perspectives on investment arbitration - Contemporary reform debates Socratic Component: - Should developing states continue participating in ISDS systems? - Is investment arbitration compatible with constitutional transformation objectives?	Lecturer: Adv Michel Kuper SC, AFSA Chairman

11H00	MID-MORNING COFFEE / TEA	
11H20	SESSION 6 Arbitration in a Multipolar World Topics: • BRICS dispute resolution initiatives • CAJAC • AFSA-SADC Alliance • Regionalisation of arbitration • Growth of African arbitral institutions • Institutional cooperation and credibility Discussion Focus: • Multipolar development of arbitration • African participation in global arbitration systems • Institutional legitimacy and regional confidence • Future of international arbitration in Africa Closing Discussion: • <i>“What should African arbitration institutions look like in the next 20 years?”</i>	Lecturer: Adv Michel Kuper SC, AFSA Chairman
13H00	LUNCH	
MODULES 2-4 Procedural Framework, Case Management, Evidence, Awards & Enforcement		
14H00	Opening & Orientation • Overview of procedural architecture in international arbitration • Relationship between arbitral procedure, tribunal powers and enforceability • Objectives of the module	Lecturer: Prof David Butler, AFSA Court Member

14H15	SESSION 1 The UNCITRAL Model Law & the South African International Arbitration Act (2017) Topics: • Reasons for adoption of the Model Law • Characteristics and interpretation • South African adaptations and transitional provisions • Balanced powers of courts and tribunals • Chapter 3: Adoption of the New York Convention Discussion Focus: • Harmonisation of international arbitration laws • Judicial support versus judicial intervention • Why the Model Law became globally dominant Practical Focus: • Interaction between tribunals and domestic courts • Procedural flexibility versus legal certainty Interactive Discussion: • <i>“How much court supervision is too much in international arbitration?”</i>	Lecturer: Prof David Butler, AFSA Court Member
15H45	MID-AFTERNOON COFFEE / TEA	
16H05	SESSION 2 AFSA International Arbitration Rules (2021) & The Juridical Seat Topics: • Background and characteristics of the AFSA International Rules • Tribunal powers and conduct of proceedings • Expedited procedure • Emergency arbitrator • Early dismissal	Lecturer: Prof David Butler, AFSA Court Member

	• Administrative secretary • Third-party funding • Interim measures • Multi-party arbitration • The juridical seat of arbitration • Factors influencing the selection of a seat • Legal consequences of seat selection Practical Focus: • Strategic selection of arbitral seat • Institutional versus ad hoc procedure • Procedural efficiency mechanisms Interactive Discussion: • “What makes parties trust one arbitral seat over another?”	
17H30	Closing Discussion & Questions	

DAY 3 | 10 JUNE 2026

09H00	MORNING COFFEE / TEA	
09H30	SESSION 3 Stages of International Arbitration (Part I) Topics: • Preconditions under multi-tiered clauses • Commencement of proceedings • Request for arbitration • Appointment of a three-member tribunal • Challenge of arbitrators • First case management conference • Procedural timetables Practical Focus: • Drafting procedural timetables • Tactical use of procedural objections • Managing tribunal constitution disputes	Lecturer: Prof David Butler, AFSA Court Member

	Socratic Discussion: • “Should procedural efficiency ever override party autonomy?” Practical Exercise: Procedural planning exercise for the commencement of arbitration.	
11H00	MID-MORNING COFFEE / TEA	
11H20	SESSION 4 Stages of International Arbitration (Part II) Topics: • Jurisdictional challenges • Defining issues in dispute • Disclosure and production of documents • Interim measures • Hearings and admissibility of evidence • Tribunal-appointed experts • Default powers • Closure and termination of proceedings Practical Focus: • Evidentiary management • Civil law versus common law disclosure approaches • Due process considerations • Tribunal procedural discretion Interactive Component: Analysis of procedural dilemmas arising during hearings and evidentiary phases. Discussion: • “When does procedural flexibility begin to threaten enforceability?”	Lecturer: Prof David Butler, AFSA Court Member
12H50	LUNCH	

13H50	SESSION 5 Arbitral Awards Topics: • Formal and substantive requirements • Structure and reasoning of awards • Settlement and costs • Corrections, interpretations and additional awards Practical Focus: • Drafting enforceable awards • Common drafting weaknesses • Tribunal reasoning and procedural integrity Interactive Exercise: Review and critique of award excerpts and drafting structures.	Lecturer: Prof David Butler, AFSA Court Member
15H20	MID-AFTERNOON COFFEE / TEA	
15H40	SESSION 6 Challenging, Recognition & Enforcement of Awards Topics: • Model Law grounds for challenge • New York Convention grounds • Recognition and enforcement procedure • Public policy objections • Enforcement strategy and jurisdictional considerations Case Study (Part II): • Challenging or opposing recognition and enforcement of an award • Lessons for practice in South Africa and globally Practical Focus: • Strategic enforcement analysis • Procedural pitfalls affecting enforceability	Lecturer: Prof David Butler, AFSA Court Member

	- Interaction between arbitral tribunals and national courts Final Discussion: <i>“Is enforceability still arbitration’s greatest advantage in international commerce?”</i>	
17H30	Closing Discussion & Questions	

DAY 4 | 11 JUNE 2026

09H00	MORNING COFFEE / TEA	
MODULE 5 Tribunal & Institutional Practice Perspectives		
09H30	SESSION A: Tribunal Perspective Tribunal Constitution, Challenges & Procedural Management Topics: - Tribunal constitution and appointment - Tribunal challenges under Articles 6–9 of the AFSA International Rules - Managing preliminary conferences - Procedural directions and procedural timetables - Tribunal powers and procedural discretion Practical Focus: Real-world application, tribunal decision-making and analysis of practical procedural dilemmas arising during arbitration proceedings - Managing procedural efficiency and due process - Tribunal authority versus party autonomy - Procedural strategy and case management - Practical management of complex proceedings	Lecturer: Des Williams, AFSA Court Member

	Interactive Component: Practical tribunal dilemmas including: • appointment deadlocks; • arbitrator challenge scenarios; • procedural timetable disputes; • non-cooperative parties; and • procedural misconduct issues. Discussion: • “What distinguishes an effective arbitral tribunal from a merely technically competent one?”	
11H00	MID-MORNING COFFEE / TEA	
11H20	SESSION A: Tribunal Perspective Interim Measures, Deliberations & Award Drafting Topics: • Interim measures: when and how tribunals exercise power • Tribunal deliberations and decision-making • Award drafting: structure, reasoning and style • Tribunal conduct, ethics and independence • Arbitrator–party interaction Practical Focus: • Procedural fairness and enforceability • Managing difficult procedural applications • Ethical obligations and impartiality considerations • Drafting enforceable and well-reasoned awards Interactive Component: Analysis of practical, procedural, and ethical dilemmas arising during arbitration proceedings.	Lecturer: Des Williams, AFSA Court Member
13H00	LUNCH	

14H00	SESSION B: Institutional & Secretariat Perspective Commencement, Registration & Institutional Control of Proceedings Topics: • Commencement and registration procedures • Jurisdictional and prima facie institutional screening • Proof of service requirements • Defective Requests for Arbitration and pathological clauses • Tribunal appointments and confirmation procedures • Arbitrator disclosures, independence and conflict management • Secretariat interaction with tribunals and parties • Role of the institution during the constitution of the tribunal • Managing procedural deadlocks and non-cooperative parties • Emergency applications and urgent procedural requests Practical Focus: The practical realities of institutional arbitration from the Secretariat's perspective — how arbitral institutions actually manage proceedings behind the scenes, safeguard procedural integrity, support tribunals, manage risk, and balance efficiency, due process and enforceability in complex international disputes. This segment focuses on the operational, strategic and procedural role of arbitral institutions in modern arbitration practice, with practical insights drawn from AFSA International case administration and comparative institutional experience. • What institutions actually do once a Request for Arbitration is filed • How institutions manage procedural risk before the tribunal is constituted	Lecturer: Adv Svetlana Vasileva, AFSA Secretary General
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	• Institutional safeguarding of due process and enforceability • Managing politically and commercially sensitive disputes • Coordination between parties, tribunals and institutions Interactive Discussion: Real examples and procedural dilemmas, including: • parties refusing to pay deposits; • challenges to arbitrators; • attempts to delay the constitution of tribunals; • defective arbitration agreements; • unilateral appointments; • procedural misconduct; and • urgent interim applications before tribunal constitution. Discussion: • “Where does institutional administration end and procedural influence begin?”	
15H20	MID-AFTERNOON COFFEE / TEA	
15H40	SESSION B: Institutional & Secretariat Perspective Costs, Confidentiality, Technology & Contemporary Institutional Practice Topics: • Deposits and advances on costs • Default and substitute payment procedures • Financial management of proceedings • Confidentiality obligations and publication policies • Award scrutiny and institutional review mechanisms • Institutional case management systems • Digitalisation of arbitration proceedings	Lecturer: Adv Svetlana Vasileva, AFSA Secretary General

	• Online hearings and procedural technology • AI and technology in arbitral administration • Data protection, cybersecurity and confidentiality risks • Comparative institutional innovations • Comparative perspectives: AFSA, ICC, LCIA, HKIAC and SIAC • Institutional responses to delay, inefficiency and procedural abuse • Diversity, appointments and legitimacy in arbitration • Institutional cooperation and development of arbitration in Africa Practical Focus: • Managing complex multi-party and cross-border proceedings • Institutional management of procedural crises • Technology, transparency and efficiency • Maintaining institutional credibility and neutrality • The relationship between arbitral institutions and domestic courts Interactive Discussion: • Institutional versus ad hoc arbitration • Confidentiality versus transparency • Publication of awards • Technology and AI in arbitration • Diversity and legitimacy in arbitral appointments • The future of African arbitral institutions Closing Discussion: • <i>“What should modern arbitral institutions look like in the next decade — administrators, regulators, service providers or guardians of procedural integrity?”</i>	
17H30	Questions & Closing of Session	

DAY 5 12 JUNE 2026		
09H00	MORNING COFFEE / TEA	
09H20	ARBITRATION ADVOCACY MASTERCLASS <u>Welcome</u> – Benny Makola SC <u>Introduction</u> – The Honourable Lady Justice Sharise Weiner <i>Why an Arbitration Advocacy Masterclass?</i>	GENERAL COUNCIL OF THE BAR SOUTH AFRICA
09H30	MASTERCLASS 1 Opening statements - <i>Clear, Concise, Persuasive</i>	Presented by: Nyoko Muvangua Facilitated by: Palesa Mafisa
10H00	Question and Answer Session	
10H15	Demonstration (Opening statement) Participant: Lené Brighton Trainer: Chrisna Bekker Arbitrator: Mpho Rasivetshele <u>Training of two participants from the course</u> Participants to be selected on the day	Trainers: Reghana Tulk and Mpho Rasivetshele
10H45	MID-MORNING COFFEE / TEA	
11H00	MASTERCLASS 2 <i>Witness handling - Control, Credibility, Clarity</i> <i>Examination-in-chief, Cross-examination, Re-examination</i>	Presented by: Christopher Whitcutt SC, Grace Goedhart SC and Naome Manaka. Facilitated by: Ciska Bezuidenhout
12H00	Question and Answer Session	

12H30	Demonstration of witness handling skills Demonstration of examination in chief: Participant: Khanya Dambuza Trainer: Reghana Tulk Arbitrator: Tebogo Manchu SC Demonstration of cross-examination: Participant: Velisa Mei Trainer: Deoni Strydom Arbitrator: Judge Sharise Weiner <u>Training of two participants from the course EIC</u> <u>Training of two participants from the course (XX)</u>	Trainers: Mmusi Seape and Bongani Manentsa Trainers: Benny Makola SC and Deoni Strydom
13H30	LUNCH	
14H30	MASTERCLASS 3 Closing statements/Skeleton Arguments/Costs - <i>Written Precision, Oral Persuasion</i>	Presented by: Tebogo Manchu SC and Ghandi Badela Facilitated by: Thabang Mathopo
15H00	Question and Answer Session	
15H15	Demonstration of closing argument Participant: Gomolemo Motuba Trainer: Ghandi Badela Arbitrator: Chrisna Bekker <u>Training of two participants from the course</u>	Trainers: Mmusi Seape and Bongani Manentsa
15H45	An Arbitrator's Practical Insights and Ethics - <i>"Good Counsel Argue. Great Counsel Guide."</i>	Presented by: André Gautchi SC/Judge Margie Victor
16H15	Thank you, and closing	Ciska Bezuidenhout, Thabang Mathopo and Palesa Mafisa
16H30	END	