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# Kluwer Arbitration Blog

## Johannesburg Arbitration Week: Southern Africa to Step into the International Arbitration Spotlight

Pierre Burger (Werksmans Attorneys) · Tuesday, April 2nd, 2024

The [Arbitration Foundation of Southern Africa \(AFSA\)](#) will be hosting the first [Johannesburg Arbitration Week \(JAW\)](#) at the Sandton Convention Centre in Johannesburg, South Africa, from 9 to 11 April 2024. Originally scheduled for March 2020, the event was, of necessity, postponed when COVID-19 swept away all before it. With that aberration now consigned to history, the time is ripe for JAW to proceed.

JAW is a premier event, signifying South Africa's increasing prominence in international arbitration, particularly since implementing the International Arbitration Act in 2017. The event, hosted by AFSA and its founding members, showcases the growing trust in South Africa and the broader [Southern African Development Community \(SADC\)](#) region as key players in international dispute resolution.

JAW is set against the vibrant backdrop of Johannesburg, offering a mix of legal expertise and local culture. The event's agenda includes discussions on the AFSA–SADC Alliance, investment protection, technological advancements in arbitration, and enforcing awards, among other contemporary topics. It will feature a constellation of notable speakers.

Additionally, JAW focuses on the AFSA Alliance's mission to standardise arbitration practices across the SADC region, aiming to improve regional and international trade. The Alliance has seen significant developments, including partnerships and training initiatives in countries like Malawi and Zambia. These efforts underscore the region's commitment to creating a robust legal framework conducive to resolving commercial disputes.

This seminal event not only highlights Africa's arbitration capabilities but also delves into global concerns, such as the China-Africa Joint Arbitration Centre (CAJAC) model and its application in the BRICS countries, reflecting JAW's outward-looking approach to addressing the challenges and opportunities in the rapidly evolving field of international arbitration.

The week also promises comprehensive explorations into the African Continental Free Trade Area, delving into the future of investment protection, technological impacts on arbitration, and ethical standards, contributing significantly to the global arbitration dialogue. The event aims to consolidate South Africa's position as a desirable seat for international arbitration and highlight the AFSA Alliance's efforts to standardise practices across the region.

Attendees can expect engaging sessions on topics such as ‘Integrity in International Arbitration’ and discussions on the Silk Road, BRICS initiatives, and the evolving legal landscape, reflecting JAW’s commitment to addressing foundational and contemporary arbitration issues.

AFSA has in recent years cemented its status as a leading international arbitral institution, particularly within the SADC region and beyond. This ascendancy is underscored by the significant strides made since the enactment of South Africa’s International Arbitration Act in 2017, which incorporated the UNCITRAL Model Law, and the subsequent revisions to the [AFSA International Rules in 2021](#).

The introduction of the International Arbitration Act marked a turning point for AFSA, enhancing its allure as a forum for international dispute resolution. This legislative milestone, coupled with the comprehensive overhaul of the AFSA International Rules to incorporate contemporary practices, has dramatically modernised AFSA’s arbitration framework, aligning it with global standards.

The impact of these developments on AFSA’s caseload has been remarkable. Prior to 2017, AFSA managed a modest tally of international arbitrations. However, post-2017, there has been a marked increase, culminating in a significant caseload growth from 24 cases shortly after the Act’s enactment to an impressive 145 cases today. This growth trajectory underscores the confidence and trust the global legal community places in AFSA’s capacity to manage intricate international disputes.

Analysing the sector-specific trends in arbitration from 2017 to 2023 reveals a dynamic shift in the nature of disputes being addressed. Initially dominated by the ‘Mining and Resources’ sector, reflecting Africa’s rich natural endowments, there has been a notable pivot towards ‘Technology and Communications’ and ‘Financial Services’ in recent years. This transition not only reflects the global digital transformation and financial complexities but also illustrates AFSA’s adaptability to the evolving commercial landscape.

In addition, the post-2021 period has witnessed a discernible shift in preference towards the revised 2021 AFSA International Rules. This adoption rate indicates the legal community’s favourable reception to the modernised rules, reinforcing AFSA’s status and South Africa in particular as a preferred seat for arbitration.

The varied spectrum of industries represented in AFSA’s arbitrations, from traditional sectors to rapidly evolving markets, underscores the breadth of AFSA’s capabilities. This diversity demonstrates AFSA’s readiness to meet the demands of a globalising economy and its role as a versatile platform for dispute resolution across different sectors.

Overall, the trajectory of AFSA International’s caseload growth, coupled with its ability to adapt and respond to global economic and sectoral trends, showcases its evolution into a prominent and respected institution in international arbitration. The strategic enhancements made to its legal framework and arbitration rules reflect a commitment to excellence and adaptability, ensuring that AFSA remains at the forefront of arbitration services, not just in Africa, but on the international stage.

JAW offers South Africa the opportunity to showcase its advanced commercial arbitration standards and practice, legal infrastructure and expertise, arbitration facilities, and business environment, all of which make South Africa a highly desirable venue for international

arbitrations. AFSA and its founding members are committed to providing a world-class dispute resolution hub in South Africa to meet the needs of international business. Highlights from the program include:

- Keynote address by Justice Dikgang Moseneke followed by a message from the Deputy Minister of Justice and Constitutional Development, John Jeffery.
- “*A Regional Game Changer – AFSA–SADC Alliance*”: This session aims to explore the impact of the alliance between the AFSA and the SADC on regional arbitration. Scheduled for the morning of 9 April, it promises to provide a deep dive into regional dynamics and developments.
- The session hosted by 39 Essex and AFSA International Court titled “*Integrity in International Arbitration*” scheduled for 10 April 2024 offers insights into the ethical and integrity-related challenges faced in international arbitration. The discussion aims to delve into the standards, practices, and dilemmas associated with maintaining integrity in the arbitration process, making it a significant highlight for professionals concerned with ethical conduct and transparency in arbitration proceedings. This session underscores JAW’s commitment to addressing foundational issues that affect the credibility and effectiveness of arbitration as a dispute resolution mechanism.
- “*The Silk Road and the BRICS Road: Where Does it Lead?*” scheduled for the morning of 11 April, this plenary session will address the global ramifications of the Silk Road and BRICS initiatives, offering attendees a comprehensive understanding of international trade, investment, and arbitration landscapes influenced by these significant geopolitical strategies.

These sessions provide a diverse glimpse into the array of topics covered, reflecting JAW 2024’s commitment to showcasing arbitration in Africa and facilitating a deep understanding of current global and regional trends in arbitration.

JAW is supported by various esteemed organisations, showcasing the breadth and depth of support for arbitration in the region. These supporting entities span from local arbitration centres and legal associations to international institutions, reflecting the global interest in Johannesburg as a hub for arbitration. Their collaboration emphasises the commitment to enhancing and understanding arbitration practices, contributing significantly to the event’s richness and diversity. For more detailed information, visit the [website](#).

JAW addresses crucial topics such as the impact of the AFSA Alliance, a disruptive development initiated by AFSA, which brings together the Law Societies of the sixteen member states of SADC in order to harmonise and standardise arbitration practice under the AFSA International banner. The AFSA Alliance Charter will be signed at JAW, thus formally inaugurating and introducing the Alliance to the international arbitration community. Other topics include dispute resolution’s role in African trade, the Africanisation of arbitration, the future of investment protection in the SADC region, AI policy challenges, and integrity in international arbitration among others. The event also delves into technology’s influence on arbitration, challenges in award enforcement, and the dynamics of international treaty arbitration from an African perspective. These discussions are set against the backdrop of shifting legal landscapes, ensuring a comprehensive exploration of current arbitration trends and issues. Featuring a lineup of distinguished speakers, the event offers in-depth insights on global and regional arbitration trends. This comprehensive forum is an invaluable opportunity for professionals to enhance their understanding of the arbitration landscape.

With a substantial number of confirmed attendees from the SADC region and beyond, JAW promises lively discussion on the prospects and direction of the AFSA Alliance.

Looking further afield, another key theme of JAW is the adoption of the distinctive CAJAC model for resolving trade and commercial disputes along the African Belt and Road, and in the formation of a BRICS arbitral mechanism. The manner in which the CAJAC model might be applied to a BRICS arbitral mechanism is expected to be a topic of particular interest, especially in light of the recent admission of Egypt, Ethiopia, Iran and the United Arab Emirates to membership of BRICS and the growing need for a uniform dispute resolution mechanism to serve the member states.

With a specifically African focus on the issues and challenges in the fast-changing world of international commercial arbitration, JAW promises to be a seminal event that will hold the interest of practitioners in the region, the continent and globally.

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