



# ASSOCIATION OF ARBITRATORS (Southern Africa) NPC

## Arbitrarily Speaking

Issue 1 of 2026

*Welcome reader,*

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### MESSAGE FROM THE CHAIRPERSON

To all members of the Association of Arbitrators (Southern Africa) NPC and to all faithful readers of and contributors to our e-periodical/newsletter, *Arbitrarily Speaking*, I wish every one of you, on behalf of the board of directors and the staff members of the Association, a successful, productive, peaceful and enjoyable 2026.

During 2026 we intend to preserve the rich, almost 50-year-old, heritage of the Association and to present you with innovations which we hope would add value to your membership. We envisage, amongst others, a substantial upgrading of the Eyvind Finsen Room with state-of-the-art audio-visual and associated equipment to enhance our members' remote and in-person arbitration-, adjudication-, and mediation hearing experiences and our lecture- and workshop presentations. The George Quail Memorial Library will receive ongoing upgrading. The already top-notch administration of the Association's day to day operations will continue to receive attention.

An important innovation is the revised format and frequency in which you will, from now on, receive *Arbitrarily Speaking*.

After many years of exemplary service to the Association, *inter alia* as director on the board and as editor of *Arbitrarily Speaking*, Eric Dunn SC has decided to make certain lifestyle adjustments. One of these adjustments included his retirement as director and as editor of *Arbitrarily Speaking*. I wish to sincerely thank you, Eric, for initially reviving *Arbitrarily Speaking* and subsequently creating a publication of which we are all proud to be

associated with. Creating this was only possible because of your endless patience, tireless dedication, vast experience, and your decency as human being. We all thank you and wish you a well-deserved, relaxed 2026.



*“Whereas Eric’s editorship of *Arbitrarily Speaking* was on an informal, voluntary, part-time basis, the appointment of our new editor, John Stupart, is a formal and official appointment.”*

Whereas Eric’s editorship of *Arbitrarily Speaking* was on an informal, voluntary, part-time basis, the appointment of our new editor, John Stupart, is a formal and official appointment. My interactions with John so far indicate that we will have a long, pleasant, and mutually beneficial relationship, and that he has what it takes to build on the legacy left by Eric.

John, welcome to the family! You have our full support.

**John Stupart**, an award winning researcher, journalist and editor, hardly needs introduction. He is known to many of us *inter alia* as the Newsletter Head for the *Daily Maverick* and the *African Defence Review*, positions which he has held for more than a decade. His impressive academic qualifications include a Master’s degree in War Studies from King’s College, London, a Master’s degree in International Relations, an Honours degree in International Relations, and a BA degree in Political Science and Philosophy.

This edition of *Arbitrarily Speaking* is the first under John’s editorship. We hope you enjoy it.

## NEW YEAR, NEW FORMAT

You would notice that *Arbitrarily Speaking* is now presented to you in what we believe to be a reader- and inbox-friendly format. The intention is to present you with monthly editions of *Arbitrarily Speaking*.

A publication is only as good as its contents. Our readers are therefore invited and encouraged to participate by sending ADR-related contributions or suggestions for publication-consideration to John. You may do so in any convenient format including voice notes, text messages and the like. Please also feel free to participate by sending in your comments on the format and/or contents of articles and contributions published in *Arbitrarily Speaking*. Should you come across relevant ADR-related contents in other publications, locally or internationally, please send those to John.



**Tjaart van der Walt SC**  
Chairperson  
Association of Arbitrators (Southern Africa) NPC

[Submit Your Content  
HERE](#)

## IN CASE YOU MISSED IT

The tail end of 2025 whizzed by at a rate of knots and, if the first two weeks of 2026 are indication, so will this year. We have a plethora of events on the books for the year ahead, but in case you missed the past few months’ worth, you’d do well to have a look at our recent gatherings below.

### DEMYSTIFYING AI: PRACTICAL TOOLS, PROMPTS AND BEST PRACTICES FOR PROFESSIONALS

Artificial Intelligence (AI) is transforming the way professionals work – from law and engineering to construction and

consulting. Yet, many still wonder: What's hype and what's practical? In this webinar, we cut through the noise and give you a clear, practical introduction to Generative AI (GenAI) and Large Language Models (LLMs).

[View HERE](#)

## CONSTRUCTION CONUNDRUMS

The session canvassed several critical developments in construction law, ranging from the practicalities of consultants' fee claims and prolongation cost quantification to the procedural evolution of expeditious hearings. The discussion further examined the shifting landscape of dispute resolution by evaluating the industry's readiness for AI-assisted decision-making, while providing a technical analysis of contractual boundaries regarding the Engineer's right to issue rejection notices under clause 7.5 of the FIDIC Red Book

[View HERE](#)

## THE AOA'S AI GUIDELINES AND THE USE OF AI IN ADR

This interactive webinar included:

- An overview of the AoA's [AI Guidelines](#) – understand the framework for ADR professionals;
- The limits and ethical boundaries of AI usage for ADR – recognise practical limits and confidentiality obligations when using AI;
- Confidentiality concerns and AI compliance – learn how to ethically and effectively integrate AI into ADR workflows;
- Effective prompting techniques when using AI tools – enhance your competence and accuracy, saving you time;
- Recent judiciary commentary on AI's role in ADR – gain awareness of recent judicial perspectives.

[View HERE](#)

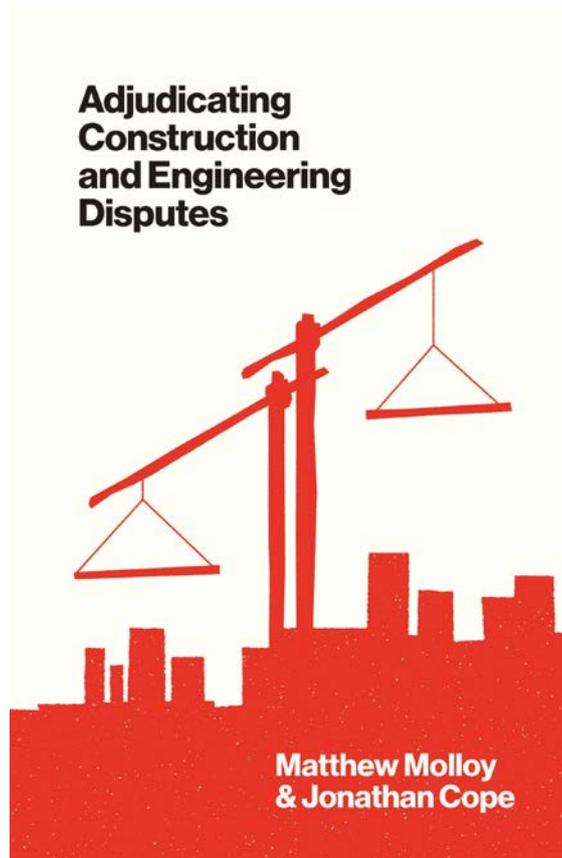
[Click HERE  
to View Past Events](#)

## ANALYSIS OF A RECENT ARBITRATOR'S AWARD

### ON A CONTRACT PRICE ADJUSTMENT DISPUTE ARISING FROM A JBCC PRINCIPAL BUILDING AGREEMENT

A recent arbitral award by an eminent Fellow of the Association of Arbitrators (Southern Africa) NPC (the Association) considered interesting arguments regarding contract price adjustment (CPA) under the JBCC form of agreement, finding that although the CPA provisions of the JBCC were not applicable due to the contract data wording chosen by the parties, the contractor's fluctuations in material, labour and fuel costs were nonetheless claimable as loss and expense.

[Click HERE  
to Continue Reading](#)



For professionals navigating the high-pressure environment of construction dispute resolution, *Adjudicating Construction and Engineering Disputes* offers a distinct and valuable vantage point: that of the decision-maker. Unlike standard texts that focus on law and practice from the user's perspective, authors Matthew Molloy and Jonathan Cope - both Chartered Arbitrators with over 1,500 appointments combined - provide a comprehensive "cradle to grave" guide tailored specifically for the adjudicator.

“

*“This book will become the definitive guide for adjudicators not only in the UK but in all jurisdictions that adopt this method of dispute resolution. It is practical yet rigorous, concise yet comprehensive. The appendices are likely to be of great assistance. We are lucky that Jonathan Cope and Matthew Molloy have shared their extraordinary expertise and insightful advice with us.”*

**Professor Renato Nazzini PhD FCI Arb**

The text serves as a rigorous practical resource, addressing the complex procedural challenges and potential pitfalls inherent in managing disputes from initial enquiry through to the final decision.

The guide's relevance extends well beyond the UK, offering transferable insights for international jurisdictions where adjudication legislation or contractual provisions apply. Endorsed by industry leaders like Julian Bailey and the RICS's John Fletcher for its blend of "*practical wisdom*" and accessible rigor, the book is positioned as a definitive tool for both neophyte decision-makers and experienced practitioners. Published by London Publishing Partnership in October 2024, this £50.00 hardback is essential reading for those seeking to master the nuances of impartial dispute resolution.

[Click HERE](#)  
[for Details and Ordering Information](#)

## ARBITRATION EDUCATION STATION

Since its inception, the Association has promoted the greater use of arbitration as a means of effectively resolving disputes. The Association is able to appoint competent and experienced arbitrators, as well as other specialists, in alternative dispute resolution (ADR). To support these core activities, the Association has a proud history of providing excellent training and tutelage by a team of dedicated specialists.

The Association's arbitration courses for 2026 are currently open for registration. Prospective students have until 28 February 2026 to register. For more information, please click the following:

[Click HERE  
for General Information](#)

[Click HERE  
for the Accelerated Fellowship Course for  
Advocates and Attorneys](#)

[Click HERE  
for the Certificate Course in Arbitration](#)

[Click HERE  
for the Fellowship Admission Course](#)

[Click HERE  
for the Specialisation in  
Construction Law Course](#)

## COURT-ANNEXED MEDIATION

2025 was a busy year for the Association on the mediation front.

During April 2025, the Gauteng Judge President issued (and subsequently amended and revised) his **Mandatory Mediation Directive and Protocol** (the D&P). In terms of the D&P, mediation is now a mandatory requirement for all civil actions in the Pretoria- and Johannesburg Divisions of the High Court.

In terms of the D&P, the Association is a listed Recognised Mediation Organisation (RMO). This placed certain obligations on the Association. The Association is affiliated with ADRP-SA as required by the D&P. The Association's 5-day/40-hour mediation training course presented in partnership with the Society of Mediators (UK) has been accredited by DiSAC as required by the D&P.

As RMO, the Association has since trained and certified in excess of 100 qualified court-annexed mediators. The details of the Association's certified court-annexed mediators are available on our **Court-Annexed Mediators Panel**.

A word of caution to prevent disappointment. This is an intense course which requires your full-time availability for all five days, occasionally also after hours. There will not be time for anything else. Interested candidates are advised to pro-actively clear their diaries for the duration of the course.

**Tjaart van der Walt SC**  
Chairperson

### 5-DAY ONLINE FOUNDATION MEDIATION COURSE

Join the Association of Arbitrators (Southern Africa) NPC (the Association), in partnership with the leading London mediation training charity The Society of Mediators (UK) (the Society), to receive foundational mediation training accredited by the Civil Mediation Council (UK) and the Chartered Institute of Arbitrators (UK).

The Society's Faculty – led by Jonathan Dingle FRSA and Andrea Barnes – trained a large number of mediators in recent years in a series of courses in Sandton and online, and has worked across Africa

[Click HERE](#)  
[Register to Attend](#)

## UNCLE OSWALD'S Q&A FORUM

In this edition, Uncle Oswald advises his old friend Fearless Frikkie on an interesting interpretational issue concerning the identification of the selected nominating body in terms of a JBCC Series 2000 construction contract.

[Click HERE](#)  
[to Continue Reading](#)

**Arbitrarily Speaking is the official newsletter of the Association of Arbitrators (Southern Africa) NPC.**

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in any format convenient to you,  
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