

ARBITRATION LITIGATION AND ITS ALTERNATIVES

- Litigation** – a form of adjudication where the dispute is resolved by the binding, although sometimes appealable, judgment of the court.
- Arbitration** – arbitration is a consensual dispute resolution process which depends entirely upon the agreement of the parties to arbitrate. Parties have the right to agree to arbitrate, and to do so in the manner that they see fit (party autonomy).
- Mediation** – mediation is a flexible and confidential process which is private, in the interests of settlement, and is conducted by a neutral independent mediator.
- Expert determination** – the expert's duty is not to hear and determine a dispute but rather to decide the questions submitted to him by agreement between the parties. The expert is expected to resolve the issue by honest judgment and skill without a judicial enquiry.
- ARBITRATION-** Popular method of dispute resolution
South Africa has lagged behind in the development of international arbitration.
-Not previously regarded as user friendly and supportive.
-Arbitration Act 1965 is outdated.
- Definition -** Procedure whereby the parties refer a dispute to a third party, the arbitrator, for a final decision, after the arbitrator had first impartially received & considered evidence & submissions from the parties. The Arbitrator therefore makes a decision.

Arbitration: what is it?

Not mediation

Section 21(a) of the Arbitration Act No. 42 of 1965 prohibits a reference to arbitration of any matrimonial cause or any matter incidental to such cause

When to arbitrate

- Speedy resolution is required
- Where certain expertise is required
- Remain confidential

Beyond Arbitration Designing Alternatives To Securities Litigation

Jessica J Manson



Beyond Arbitration Designing Alternatives To Securities Litigation:

Immerse yourself in heartwarming tales of love and emotion with its touching creation, **Beyond Arbitration Designing Alternatives To Securities Litigation** . This emotionally charged ebook, available for download in a PDF format (*), is a celebration of love in all its forms. Download now and let the warmth of these stories envelop your heart.

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