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FROM THE EDITOR'S PEN:

Confidentiality viewed from a different perspective



Welcome to *Arbitrarily Speaking!*

We are almost at the end of a most turbulent year. In many respects 2020 has been an *'annus horribilis'* for mankind. The lives and livelihoods of many millions of people around the world were, and still are, under threat by the COVID-19 pandemic. Far too many lives and livelihoods have been lost as a result thereof. Despite this turmoil and uncertainty, we have succeeded in adapting to our changed world, albeit with the use of technology as a vital tool in the quest to continue functioning effectively.

It has long been accepted that the privacy in which dispute resolution proceedings can be conducted is one of its greatest advantages. However, in investment arbitrations and arbitration agreements in which there is a clear public interest element, there is an ever-growing tension between confidentiality, on the one hand, and transparency, on the other. A delicate balance needs to be struck between these two competing requirements.

In this edition of *Arbitrarily Speaking!* Ms Maritza Breitenbach concludes her four-part series of essays devoted to logical reasoning and critical thinking. The inimitable Uncle Oswald provides a helpful reference guide to his letters that appeared in his popular forum during the course of the year, before offering advice on the enforcement of a foreign arbitral award. We also feature an analysis and summary of the impact of fraudulent conduct on the alternative dispute provisions in an arbitration agreement.

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your perspectives on our profession and its changed milieu. We encourage you to

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A CASE IN POINT: RECENT CASE REPORTS

This regular column features interesting and informative case reports and judgments.

In this edition, we are pleased to share an analysis of *Namasthetu Electrical (Pty) Ltd v City of Cape Town and Another* with you. We invite you to add to our growing collection of analyses in the new year

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UNCLE OSWALD'S Q&A FORUM

Having dispensed invaluable advice over the course of the past year, Uncle Oswald was reminded that an overview of the topics he discussed would be of great value to the readers of his forum. He has happily obliged us with a quick reference guide to the pearls of wisdom he doled out in 2020. In this, our final e-periodical of the year, Uncle Oswald furnishes sound advice to Ms Penny Pincher on the steps she ought to take to enforce a foreign arbitral award granted in her favour

Send your questions to our General Manager, Rochelle Appleton, at rochelle@arbitrators.co.za. She will gladly share your questions with Uncle Oswald and ensure you receive his sage advice on your arbitration queries.

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TOOLS OF THE TRADE

How to test and improve the quality of critical thinking and logical reasoning in award writing.

In the fourth and final essay of her series on critical thinking and logical reasoning skills, Ms Breitenbach delves into the application of these crucial competences in the complex process of award writing.

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ALL ABOUT THE AOA

We're a team of devoted specialists who believe in the absolute value of arbitration.

We take great pleasure in introducing you to our board members in our e-periodicals. In this edition, we invite you to become better acquainted with two new board members, namely our editor, Adv Eric Dunn, SC and Adv Kiki Bailey, SC.

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