



Media Release

Global survey found International Commercial Mediation to garner the highest satisfaction levels across dispute resolution mechanisms; Mediation and hybrid procedures are also gaining traction for investor-state dispute settlement

SIDRA Survey 2024 Final Report broadened its reach to address diversity; and included sections on intellectual property disputes and technology disputes for the first time

Singapore, 28 August 2024 (Wednesday) – The [Singapore International Dispute Resolution Academy](#) (SIDRA) at [Singapore Management University](#) (SMU) [Yong Pung How School of Law](#) (YPHSL) today launched the **SIDRA International Dispute Resolution Survey** (SIDRA Survey) **2024 Final Report**. The SIDRA Survey is a global study on how users of dispute resolution mechanisms, including businesses and their legal representatives, make decisions about resolving cross-border disputes.

The launch took place at a closed-door event which was graced by Guest-of-Honour, Mr Murali Pillai SC, Minister of State, Ministry of Law and Ministry of Transport.

This is the third iteration of the SIDRA Survey, which kicked off in 2018. It comprises five key questionnaires on international commercial arbitration, international commercial mediation, international commercial litigation, mixed mode (hybrid) dispute resolution and investor-state dispute settlement. For the first time, the Survey has broadened its sections to include intellectual property disputes and technology disputes.

Between January and December 2023, the Survey was distributed internationally in all six official United Nations languages – Arabic, Chinese, English, French, Spanish and Russian – reaching a diverse selection of users. The survey features respondents from 26 countries. Respondents include in-house and external counsel who engage in cross-border commercial dispute resolution.

The 2024 Final Report presents some insightful findings on user satisfaction levels across various dispute resolution mechanisms, indicating a clear preference for mediation over arbitration and litigation. It found that users of International Commercial Mediation experienced the highest level of satisfaction in costs (75%) and speed (83%). In comparison, respondents were less satisfied with International Commercial Arbitration's costs (30%) and speed (42%), as were users of International Commercial Litigation (45% satisfied with costs, 36% satisfied with speed).

The Survey also examined the developments in investor-state dispute settlement, and found that a significant number of respondents considered the use of mediation and mixed mode (hybrid) procedures as a desirable development. The interest in hybrid procedures for investor-state disputes reflects a broader trend towards innovative, adaptable and flexible dispute resolution methods.

Justice Beverley McLachlin of the Singapore International Commercial Court, who penned the Foreword for the SIDRA Survey 2024 Report, wrote: "Everywhere, arbitration and mediation are providing alternative ways of settling cross-border commercial disputes efficiently and effectively. Protocols that provide for enforcement of judgments and awards anywhere in the world now assure that justice will not only be done in tribunals, but on the ground."

She added, “The 2024 SIDRA Survey will assist commercial actors and their advisors in negotiating the increasingly complex world of modern international dispute resolution, and, more broadly, contribute to the literature on the subject deepening our understanding of how to ensure justice in the world of international commerce.”

Nadja Alexander, Professor of Law at YPHSL and Director of SIDRA, said, “The world of international dispute resolution is at a turning point; arbitration, mediation or litigation, international dispute resolution systems are evolving at an unprecedented rate and with increased complexity. In this context, the SIDRA Survey is an invaluable and critical piece of evidence-based report. We are honoured to lead this study - the deep and diverse insights gathered will undoubtedly make a meaningful impact in fostering positive change in the field of international dispute resolution.”

Professor Alexander explained that the Survey is unique in its approach, design and respondent profile. “Not only is it 100% user-centric and experience-based, it also focused on dispute resolution mechanisms for cross-border disputes only – as opposed to domestic ones. Furthermore, no single dispute resolution mechanism is examined in isolation – this is critical given the enhanced interconnectedness of dispute resolution developments, as illustrated by the emergence of hybrid dispute resolution mechanisms and international court referrals to other dispute resolution mechanisms. That the survey was distributed in multiple languages and involved respondents in 26 countries enabled us to glean diverse insights across geographies,” she added.

- End -

Enclosures:

- Please see Annex 1 for a summary of the key findings.
- The full report can be found [here](#).

About Singapore Management University (SMU)

A premier university in Asia, SMU is internationally recognised for its world-class research and distinguished teaching. Established in 2000, SMU’s mission is to generate leading-edge research with global impact and to produce broad-based, creative, and entrepreneurial leaders for the knowledge-based economy. SMU’s education is known for its highly interactive, collaborative, and project-based approach to learning.

Home to over 13,000 students across undergraduate, postgraduate professional and postgraduate research programmes, SMU comprises eight schools: School of Accountancy, Lee Kong Chian School of Business, School of Economics, School of Computing and Information Systems, Yong Pung How School of Law, School of Social Sciences, College of Integrative Studies and College of Graduate Research Studies. SMU offers a wide range of bachelors', masters', and PhD degree programmes in the disciplinary areas associated with its schools, as well as in multidisciplinary combinations of these areas.

SMU emphasises rigorous, high-impact, multi- and interdisciplinary research that addresses Asian issues of global relevance. SMU faculty members collaborate with leading international researchers and universities around the world, as well as with partners in the business community and public sector. SMU’s city campus is a modern facility located in the heart of downtown Singapore, fostering strategic linkages with business, government, and the wider community. www.smu.edu.sg

About Singapore International Dispute Resolution Academy (SIDRA)

SIDRA is a platform for thought leadership in international dispute resolution theory, practice and policy. A research centre at the SMU Yong Pung How School of Law, SIDRA leads the way through projects, publications

and events that promote dynamic and inclusive conversations on how to constructively engage with and resolve differences and disputes at global, regional and national levels.

In particular, SIDRA differentiates itself through its focus on applied research that has practical impact on industry. Specifically, SIDRA is mandated with three research programs: (1) Appropriate Dispute Resolution (ADR) Empirical Research; (2) International Mediation and the Singapore Convention on Mediation; and (3) Next Generation Dispute Resolution. More information about SIDRA can be accessed at sidra.smu.edu.sg

For media enquiries, please contact:

Huang Peiling
Associate Director, Corporate Communications
Office of Corporate Communications and Marketing
Singapore Management University
98453361 | plhuang@smu.edu.sg

Annex 1

Summary of key findings in the SIDRA Survey 2024 Final Report

Key findings include the following:

International Commercial Arbitration

- Direct enforceability and confidentiality continued to be the most important factors for all respondents in choosing to use arbitration as a dispute resolution mechanism.
- With international commercial arbitration taking on a more adversarial character, both Client Users and External Counsels were less satisfied with the preservation of business relationships, indirect costs to client business and costs associated with arbitration. It is possible that Client Users are becoming more cost-sensitive and less tolerant of slow proceedings.
- The top factors respondents considered when deciding whether to use a wholly online platform for arbitration were travel restrictions, lower costs, low dispute value and low complexity of issues.
- More than 70% of respondents understand third-party funding, its implications and how it works but have not used it. Of the respondents who have used third-party funding, 23% have used it for the enforcement of an arbitral award.

International Commercial Mediation

- Cost, speed and impartiality were the top three important factors identified by respondents when deciding to use international commercial mediation to resolve disputes. The majority of the respondents were generally satisfied with these three factors. There were more respondents indicating that they were satisfied with speed compared to the number of respondents indicating that they found it an important factor.
- The majority of the respondents identified dispute resolution experience and good ethics as the top two most important factors when choosing a mediator.
- The majority of the respondents chose an online platform where the costs are lower, where there are travel restrictions and where the dispute value is low. Counsels indicated that they lean more towards an online mediation if they expect experts/witnesses to attend.
- Ethnicity, gender and age were the top three factors that respondents indicated that they would like to see more diversity in. However, the majority of the respondents took a neutral stand about the importance of diversity when choosing a mediator.

International Commercial Litigation

- Finality was the most important factor influencing the respondents' decision to choose international commercial litigation as a dispute resolution mechanism. Other important factors include direct enforceability, impartiality and speed.
- Fewer respondents were satisfied with indirect costs to client business and availability of specialist dispute resolution professionals/neutrals in international commercial litigation.
- More respondents preferred local courts over international commercial courts, such as the London Commercial Court and the Singapore International Commercial Court, to resolve cross-border commercial disputes through litigation.
- The majority of respondents said that they understood the applications of third-party funding in international commercial litigation and how it works but have not used it.

Mixed Mode (Hybrid) Dispute Resolution

- The top factors that contributed to the respondents' choice to use mixed mode (hybrid) dispute resolution were contractual obligations, client's request and opponent's request.

- Respondents were ‘very satisfied’ with the confidentiality, procedural flexibility, flexibility in choice of institutions, venues and dispute resolution professionals, clarity and transparency in rules and procedures, preservation of business relationships, impartiality, transparency, direct enforceability and finality associated with mixed mode (hybrid) dispute resolution.
- With respect to choosing arbitrators or mediators in mixed mode (hybrid) dispute resolution procedures, respondents found the following factors to be ‘absolutely crucial’ or ‘important’: cost, efficiency, arbitrator or mediator from a third-party country, industry/issue-specific knowledge, dispute resolution experience, formal qualifications, language, good ethics and cultural familiarity.

Investor-State Dispute Settlement

- International arbitration continues to be the dispute settlement mechanism of choice of users in resolving investor-state disputes, with majority of the respondents choosing institutional or ad hoc arbitration.
- Clarity and transparency in rules and procedures, followed by direct enforceability and finality were the top considerations in choosing a mechanism for investor-state dispute settlement.
- Respondents indicated that an increased pool of experts as well as the ability to use mediation and mixed mode (hybrid) procedures would improve the dispute resolution procedure for investor-state disputes.
- A majority of the respondents have not used third-party funding in investor-state disputes but understand its applications and how it works.

Intellectual Property Disputes

- Respondents were generally involved in trademark and copyright disputes.
- They were generally involved in IP disputes where they settle before the commencement of formal proceedings (like arbitration and/or litigation) as compared to after the commencement of such proceedings.
- Litigation was the most commonly used and preferred dispute resolution mechanism for IP disputes. Arbitration was one of the least commonly used dispute resolution mechanism and the least preferred by respondents.
- The top three jurisdictions chosen by respondents where IP litigation has been brought to or defended in were Singapore, the United Kingdom and India.

Technology Disputes

- A majority of respondents have been involved in information technology disputes. This was followed by data/system breach disputes.
- The respondents’ most commonly used dispute resolution mechanism to resolve technology disputes was mediation. But their most preferred dispute resolution mechanism to resolve technology disputes was litigation.
- In choosing a dispute resolution mechanism to resolve technology disputes, cost and speed are the most important factors for respondents.
- Most respondents indicated that they somewhat agree with the statement that there is limited diversity in the choice of dispute resolution professionals available to them for technology disputes.
