



School of International Arbitration

Press Release

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Launch of the 2019 International Arbitration Survey Efficiently Resolving International Construction Disputes

The School of International Arbitration at Queen Mary University of London is today announcing the launch of its ninth major empirical international arbitration survey, this year on efficiency in resolving international construction disputes in partnership with leading construction law practice Pinsent Masons LLP.

The Survey will cover cross-border construction disputes in detail. Looking at the causes of disputes, how they may best be resolved pre-arbitration, and how construction disputes may be best arbitrated. The Survey aims to identify why users often perceive the conduct of international construction arbitrations to be inefficient and overly expensive and what may be done about it.

The Survey aims to obtain a good understanding of the views of the international construction community on arbitration and the effective resolution of international construction disputes. All stakeholders are invited to share their perspectives of international construction arbitration whether their experience is as private practitioner, in-house counsel, arbitrator, academic, expert in proceedings, or through work for an arbitral institution.

Loukas Mistelis, Clive M Schmitthoff Professor and Director of the School of International Arbitration at Queen Mary University of London, commented: "The 2019 Survey affords a rare opportunity for those involved in construction arbitration to share their experiences in a non-identifiable form, and suggest improvements in respect of efficiency and better resolution practice(s). Our hope is that we can identify where improvements can be made before a dispute reaches arbitration and in the course of that arbitration."

Mark Roe, partner and Head of international arbitration at Pinsent Masons, said "In our experience, the cost and length of Construction Arbitration deters parties recovering substantial sums that are properly due to them. Justice is often only available for those with deep pockets. Pinsent Masons would like to see greater use of quicker and cheaper alternatives to full blown arbitration, such as DAABs, in combination with faster and cheaper International Construction Arbitrations. This probably requires the adoption of a "Pay Now Argue Later" approach to the enforcement of interim DAAB decisions. This Survey looks to evaluate the industry's appetite for a "Pay Now Argue Later" approach and for radical change to make International Construction Arbitration generally quicker, cheaper and more accessible."

In addition to the questionnaire phase of the survey, individual interviews will be conducted with a selection of willing respondents from mid-June to late-July 2019.

The survey is available online here: <https://survey.opinio.net/s?s=23270>. The survey is open until Friday 26 July 2019.

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