The realities of globalisation and regionalisation have led, in recent years, to a drive to develop Singapore as a leading centre for dispute resolution and legal services in Asia. In this regard, the Singapore Academy of Law’s International Promotion of Singapore Law Committee (“SAL’s IPSL Committee”) recently commissioned an independent study on governing law and jurisdictional choices in cross-border transactions by surveying 500 commercial law practitioners and in-house counsel who deal with cross-border transactions in Singapore and the region.

The survey has revealed that nearly three in four respondents indicated that their cross-border business in Asia has increased in recent years. The survey has also indicated an awareness of choosing Singapore law as governing law for cross-border transactions. Those respondents who indicated a preference for choosing Singapore law as a governing law in cross-border transactions cited Singapore’s established legal system and the certainty of law as important factors for their preference.

The Survey findings have revealed opportunities for Singapore to advance its standing as a global legal jurisdiction with a well-regarded body of law. The Committee will be taking these findings into account as they explore further opportunities for Singapore law to increase its presence internationally.
SECTION 1 | Profile of Survey Participants

**Respondent Profile**

Overall, the base of 500 participants is divided as follows:
- 62% Practicing Lawyers
- 34% In-house Counsel
- 4% Public Sector Legal Professionals
- 2% Other Legal Professionals

**Level of Experience**

Overall, the base of 500 participants is divided as follows:
- 40% +20 years
- 38% 11-20 years
- 22% 1-10 years

SECTION 2 | Asian Business Environment

**Cross-border business in Asia**

Overall, legal professionals indicate that cross-border business in Asia has increased for them in recent years.

SECTION 3 | Trends in Dispute Resolution

**Dispute method resolution preferred**

Arbitration is generally favoured by respondents.

**Dispute resolution method preferred by industry sector**

When broken down by industry sectors, there is also a clear preference for arbitration. Preference for litigation is highest in Banking and Finance in comparison to other sectors.
Factors influencing choice of dispute resolution method

<table>
<thead>
<tr>
<th></th>
<th>ARBITRATION</th>
<th>LITIGATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enforceability</td>
<td>46%</td>
<td>43%</td>
</tr>
<tr>
<td>Confidentiality</td>
<td>17%</td>
<td></td>
</tr>
<tr>
<td>Fairness</td>
<td>12%</td>
<td>21%</td>
</tr>
<tr>
<td>Speed</td>
<td>8%</td>
<td>17%</td>
</tr>
<tr>
<td>Cost</td>
<td>5%</td>
<td>6%</td>
</tr>
<tr>
<td>Avenues for appeal</td>
<td>3%</td>
<td></td>
</tr>
</tbody>
</table>

Preferred venue for dispute resolution

- Singapore: 52%
- Hong Kong: 22%
- Home Country: 12%
- United Kingdom: 7%
- United States: 1%

Singapore emerged as a preferred dispute resolution venue.

Familiarity with Singapore’s dispute resolution institutions

<table>
<thead>
<tr>
<th>Institution</th>
<th>Base: 500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Singapore International Arbitration Centre (SIAC)</td>
<td>82%</td>
</tr>
<tr>
<td>Singapore International Mediation Centre (SIMC)</td>
<td>36%</td>
</tr>
<tr>
<td>Singapore International Commercial Court (SICC)</td>
<td>29%</td>
</tr>
</tbody>
</table>

- Singapore based lawyers: 90%
- Internationally based lawyers: 72%
- In-house counsel: 88%

SECTION 4 | Governing Law Preferences

Preference for governing law

- Yes, I have a preferred governing law: 52%
- No, I do not have any preference for governing laws: 46%
- Yes, I have a preferred governing law, governing law varies from contract to contract: 2%

Preferred governing law

- English Law: 48%
- Singapore Law: 25%
- Other laws (Mostly dependent on home jurisdiction): 12%
- New York Law: 7%
- Hong Kong Law: 3%

English law is a preferred choice of governing law. Respondents indicated an awareness of choosing Singapore law as governing law for cross-border contracts.
### KEY TAKEAWAYS

<table>
<thead>
<tr>
<th>Top three reasons for choosing Singapore as venue for dispute resolution</th>
<th>Top three reasons for choosing Singapore law as governing law in cross-border contracts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PROXIMITY</strong></td>
<td><strong>FAMILIARITY</strong></td>
</tr>
<tr>
<td><strong>EFFICIENCY</strong></td>
<td><strong>CERTAINTY OF LAW</strong></td>
</tr>
<tr>
<td><strong>NEUTRALITY/FAIRNESS</strong></td>
<td><strong>PROXIMITY</strong></td>
</tr>
</tbody>
</table>

Moving forward, SAL’s IPSL committee would focus its efforts on:

- Developing areas of industry specialisation through collaboration with regulatory authorities and industry bodies
- Increasing the familiarity of Singapore law through legal articles and academic literature
- Providing greater emphasis on publicity outreach with practical insights into benefits of adopting Singapore law as governing law in cross-border contracts

SAL’s IPSL committee wishes to thank all respondents who participated in the study.

This document intends to summarise key survey findings for ease of understanding. Should you need more information/clarification, please email us at enquiries@sal.sg or call 6332 4388.