

**Cross-Cultural Dispute Resolution Project
IT Questionnaire (PHASE II)**

**International Trade Version 5 (Admin.Final.Text)
Canada**

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Project Purpose: This questionnaire was prepared as part of a research project concerning cross-cultural dispute resolution in Asia and North America. This project will benefit scholarly understanding of perspectives on dispute resolution, and the factors that affect such perspectives. The information provided in responses to the questionnaire will be used only for this research project.

Procedures: Each question should be answered truthfully based on the personal knowledge of the respondent. Completion of the questionnaire is expected to require 30 minutes, although additional time may be used if the respondent so desires. Participation in this project is voluntary, and any respondent may withdraw from the project at any time. If the questionnaire is completed, it will be assumed that consent has been given. The identity of the respondents is not requested and if supplied will be kept strictly confidential. Confidentiality will be maintained through the confidential nature of the questionnaire and by the researcher keeping all completed questionnaires under lock and key.

Phase II Surveys: Rate Scale Descriptions

Agreement:

From 1-2-3-4-5

Strongly agree / agree / don't know / disagree / strongly disagree

Frequency:

From 1-2-3-4-5

Very frequent / somewhat frequent / don't know / somewhat infrequent / very infrequent

Importance:

From 1-2-3-4-5

Very important / important / don't know / unimportant / completely unimportant

Likelihood:

From 1-2-3-4-5

Highly likely / somewhat likely / don't know / somewhat unlikely / not likely at all

Always:

From 1-2-3-4-5

Almost always / often / don't know / not often / almost never

Usefulness:

From 1-2-3-4-5

Very useful / somewhat useful / don't know / somewhat not useful / not useful

Effectiveness:

From 1-2-3-4-5

Very effective / somewhat effective / don't know / somewhat effective / very ineffective

Appropriateness:

From 1-2-3-4-5

Highly appropriate / somewhat appropriate / don't know / somewhat inappropriate / highly inappropriate

Preference:

From 1-2-3-4-5

Highly preferred / somewhat preferred / don't know / somewhat not preferred / not preferred at all

I. Background Information

1. Age: (please click one box)

- a. _____ 15-25
- b. _____ 26-35
- c. _____ 36-45
- d. _____ 46-55
- e. _____ 56-65
- f. _____ 65 +

2. Sex: (please choose from the drop-down menu)

____F

3. Education Level: (please type your response in the box)

Degree(s): _____

Specialization:

Law _____ _____

Economics _____ _____

Trade _____ _____

Other (please specify) _____

Education on dispute resolution _____

Education abroad (please specify country and institution) _____.

4. Occupation:

Business (specify): _____

Government (specify): _____

Academic (specify): _____

Other (specify): _____

5. How long have you lived in Canada ____ (duration in years)?

6. How many members of your family live outside of Canada?

7. Foreign languages (specify): _____

8. How much time do you spend watching Foreign-language television news each week?
(please click ONE box)

Half hour: One Hour: 1-5 hours: More than 5 hours:

9. How much time do you spend reading Foreign-language newspapers/magazines each week?
(please click ONE box)

Half hour: One Hour: 1-5 hours: More than 5 hours:

10. How many times have you traveled outside North America? (please click ONE box)

Never: Once: 2-5 times: More than 5 times:

11. How much time have you spent outside North America? (please click ONE box)

Less than 1 month: 1-6 months Up to 1 year: More than 1 year:

II. Experience With Disputes

The term “dispute” need not be limited to disputes that have formally gone to court or arbitration. As used in the project, “dispute can include disagreement, controversy, etc.

Please explain the circumstance of the most recent international trade related dispute you have experienced. (please TYPE your answer in the box)

12. When did it occur?

13. Describe the parties?

14. What were the issues in the dispute?

15. What was the monetary value of the dispute?

16. How was the dispute resolved?

17. What rules were applied to dispute?

III. General Opinions

Interviewer Note: Problems = questions, issues, etc.

18. What kinds of problems are most often the subject of disputes in international trade and investment? (*Please rate each item: 1 = most frequent; 5 = least frequent by choosing a number from 1 to 5 from each drop down menu*)

0__ Commercial relations.

0__ Government regulations.

0__ Environmental rights.

0__ Labor related rights.

0__ Political relations.

0__ Other (please specify) _____

19. What are the most effective methods for resolving international trade and investment disputes? (*Please rate each item: 1 = most effective, 5 = least effective by choosing a number from 1 to 5 from each drop down menu*)

0__ Negotiation.

0__ Conciliation/Mediation.

0__ Arbitration.

0__ Court litigation.

0__ Other (please specify) _____.

20. The tribunal in a dispute resolution proceeding is usually chosen based on: *(Please rate each item: 1 = Strongly Agree to 5=Strongly Disagree by choosing a number from 1 to 5 from each drop down menu)*

	<u>Arbitration</u>	<u>Mediation</u>
Professional expertise.	_ 0 ___ rate 1-5	0 _____ rate 1-5
Personal character.	_ 0 _____ rate 1-5	0 _____ rate 1-5
Reputation.	_ 0 _____ rate 1-5	0 _____ rate 1-5
Institutional affiliation.	_ 0 _____ rate 1-5	0 _____ rate 1-5
Lottery.	_ 0 _____ rate 1-5	0 _____ rate 1-5
<input type="checkbox"/> Other	_ 0 _____ rate 1-5	0 _____ rate 1-5
(Please specify) _____		

21. International trade and investment disputes are resolved most often according to: *(Please rate each item: 1 = most frequent, 5 = least frequent by choosing a number from 1 to 5 from each drop down menu)*

- 0__ International law and regulations.
- 0__ International practices and customs.
- 0__ National laws and regulations.
- 0__ National practices and customs.
- 0__ Political decisions.

22. International law and regulations help to resolve international trade and investment and investment disputes because they: (Please rate each item: 1 = strongly agree, 5 = strongly disagree *by choosing a number from 1 to 5 from each drop down menu*)

0__ Clarify the rights of the parties to the dispute.

0__ Ensure the fairness of the process.

0__ Increase enforcement of dispute resolution decisions.

0__ Prevent political intrusion in the case by outside parties.

0__ Ensure justice is achieved.

0__ Other. Specify: ____

23. International practices and customs help to resolve international trade and investment and investment disputes because they: (*Rate each item: 1 = strongly agree; 5=strongly disagree by choosing a number from 1 to 5 from each drop down menu*)

Practices and customs = habitual, regular, standard activities and principles.

0__ Clarify the rights of the parties to the dispute.

0__ Ensure the fairness of the process.

0__ Increase enforcement of dispute resolution decisions.

0__ Prevent political intrusion in the case by outside parties.

0__ Ensure justice is achieved.

0__ Other. Specify: __

24. National laws and regulations help to resolve international trade and investment and investment disputes because they: (Rate each item: 1 = strongly agree; 5 =strongly disagree by choosing a number from 1 to 5 from each drop down menu)

0__ Clarify the rights of the parties to the dispute.

0__ Ensure the fairness of the process.

0__ Increase enforcement of dispute resolution decisions.

0__ Prevent political intrusion in the case by outside parties.

0__ Ensure justice is achieved.

0__ Other. Specify: ____ _____.

25. National practices and customs help to resolve international trade and investment and investment disputes because they: (Please rate each item: 1 = strongly agree; 5 = strongly disagree by choosing a number from 1 to 5 from each drop down menu)

Practices and customs = habitual, regular, standard activities and principles.

0__ Clarify the rights of the parties to the dispute.

0__ Ensure the fairness of the process.

0__ Increase enforcement of dispute resolution decisions.

0__ Prevent political intrusion in the case by outside parties.

0__ Ensure justice is achieved.

0__ Other. Specify: ____ _____.

26. *Please rate your agreement with the following statement: The rules of international laws on international trade and investments are generally reflected in your country's domestic laws. (please click ONE box)*

Strongly Agree 1——2——3——4——5— Strongly Disagree

27. *In international trade and investment disputes, how important are the following rules? (Please rate each item: 1 = very important; 5 = not important by choosing a number from 1 to 5 from each drop down menu)*

0__ NY Convention on Recognition and Enforcement of Foreign Arbitral Awards.

0__ Vienna Convention on Contracts for the International Sale of Goods.

0__ WTO Dispute Settlement Understanding (DSU)

0__ Washington Convention on Settlement of Investment Disputes (ICSID)

0__ National law on contracts.

0__ National law on dispute resolution.

28. *In international disputes over intellectual property rights, how important are the following rules? (Please rate each item: 1 = very important; 5 = not important by choosing a number from 1 to 5 from each drop down menu)*

0__ NY Convention on Recognition and Enforcement of Foreign Arbitral Awards

0__ WTO Dispute Settlement Understanding (DSU)

0__ National law on contracts

0__ National law on dispute resolution.

0__ (WTO Agreement on Trade-Related Intellectual Property (TRIPs)

29. *Please rate your agreement with the following statement:* Our national laws and regulations governing intellectual property are basically the same as international laws and regulations. (please click ONE box)

Strongly Agree 1——2——3——4——5— Strongly Disagree

30. What is likely to happen when international and national laws and regulations are in conflict with international laws and regulations in international trade disputes? (*Please rate each item: 1 = highly likely; 5 = not likely at all by choosing a number from 1 to 5 from each drop down menu*)

0___ Priority is given to international laws and regulations.

0___ Priority is given to national laws and regulations.

0___ The parties choose which laws and regulations will apply.

0___ The dispute resolution tribunal chooses which laws and regulations will apply.

31. *Please rate your agreement with the following statement:* Local companies generally comply with the requirements of international laws and regulations on foreign trade and investment. (please click ONE box)

Strongly Agree 1——2——3——4——5— Strongly Disagree

32. *Please rate your agreement with the following statement:* Local companies generally comply with the requirements of international laws and regulations on intellectual property. (please click ONE box)

Strongly Agree 1——2——3——4——5— Strongly Disagree

IV. Opinions on Specific Issues

A. General

33. How important is the government in regulating prices? (*Please RATE your level of answer from 1-5.*) (please click ONE box)

A) Central government

Very Important 1——2——3——4——5— Not Important

B) Local government

Very Important 1——2——3——4——5— Not Important

34. How important is the market in regulating prices? (*Please RATE your level of answer from 1-5.*) (please click ONE box)

Very Important 1——2——3——4——5— Not Important

35. How important is the government in regulating business competition? (*Please RATE your level of answer from 1-5.*) (please click ONE box)

A) Central government

Very Important 1——2——3——4——5— Not Important

B) Local government

Very Important 1——2——3——4——5— Not Important

36. How important is the market in regulating business competition? (*Please RATE your level of answer from 1-5.*) (please click ONE box)

Very Important 1——2——3——4——5— Not Important

37. Do individuals and businesses have access to information about government policies affecting their activities? (*Please RATE your level of answer from 1-5.*) (please click ONE box)

A) Central government

Almost Always 1——2——3——4——5— Almost Never

B) Local government

Almost Always 1——2——3——4——5— Almost Never

38. Are individuals and businesses consulted by the government in the process of making business policies? (*Please RATE your level of answer from 1-5.*) (please click ONE box)

A) Central government

Almost Always 1——2——3——4——5— Almost Never

B) Local government

Almost Always 1——2——3——4——5— Almost Never

39. Do individuals and businesses have information about government laws and regulations affecting business activities? (*Please RATE your level of answer from 1-5.*) (please click ONE box)

A) Central government

Almost Always 1——2——3——4——5— Almost Never

B) Local government

Almost Always 1——2——3——4——5— Almost Never

40. Are individuals and businesses consulted by the government in the process of making business laws and regulations? (*Please RATE your level of answer from 1-5.*) (please click ONE box)

A) Central government

Almost Always 1——2——3——4——5— Almost Never

B) Local government

Almost Always 1——2——3——4——5— Almost Never

41. How useful are the following in obtaining information (including interpretations) about government business policies? (*Please rate each item: 1 = Very useful to 5= Not useful by choosing a number from 1 to 5 from each drop down menu*)

0___ Requesting information from government.

0___ Personal connections.

0___ Judicial system.

0___ Public campaign.

0___ Mass Media

42. How useful are the following in obtaining information (including interpretations) about government business laws and regulations? *(Please rate each item: 1 = Very useful to 5= Not useful by choosing a number from 1 to 5 from each drop down menu)*

0___ Requesting information from government.

0___ Personal connections.

0___ Judicial system.

0___ Public campaign.

0___ Mass Media

43. Local and foreign products may be regulated unequally. *(Please rate each item: 1 = Strongly Agree to 5=Strongly Disagree by choosing a number from 1 to 5 from each drop down menu)*

0___ When the products are not in competition.

0___ When government policies specify.

0___ When there is a lawful reason to do so.

0___ When necessary to protect local producers.

44. Local and foreign services may be regulated unequally: *(Please rate each item: 1 = Strongly Agree to 5=Strongly Disagree by choosing a number from 1 to 5 from each drop down menu)*

0___ When the services are not in competition.

0___ When government policies specify.

0___ When there is a lawful reason to do so.

0___ When necessary to protect local service providers.

45. Local and foreign individuals/companies' intellectual property may be regulated unequally
(Please rate each item: 1 = Strongly Agree to 5=Strongly Disagree by choosing a number
from 1 to 5 from each drop down menu)

0___ When their related technologies are not in competition.

0___ When government policies specify.

0___ When there is a lawful reason to do so.

0___ When necessary to protect local companies.

46. How useful are the following to local businesses to ensure that their products are treated
equally with foreign products? (Please rate each item: 1 = Very useful to 5= Not useful by
choosing a number from 1 to 5 from each drop down menu)

0___ Requesting equal treatment.

0___ Personal connections.

0___ Domestic judicial system.

0___ International trade and investment laws.

0___ Public campaign.

47. How useful are the following to local businesses to ensure that their services are treated
equally with foreign services? (Please rate each item: 1 = Very useful to 5= Not useful by
choosing a number from 1 to 5 from each drop down menu)

0___ Requesting equal treatment.

0___ Personal connections.

0___ Domestic judicial system.

0___ International trade and investment laws.

0___ Public campaign.

48. How useful are the following to local companies to ensure that their intellectual property rights are treated equally with foreign intellectual property rights? *(Please rate each item: 1 = Very useful to 5= Not useful by choosing a number from 1 to 5 from each drop down menu)*

0___ Requesting equal treatment.

0___ Personal connections.

0___ Domestic judicial system.

0___ International trade and investment laws.

0___ Public campaign.

49. How useful are the following to foreign companies to ensure that their products are treated equally with local products? *(Please rate each item: 1 = Very useful to 5= Not useful by choosing a number from 1 to 5 from each drop down menu)*

0___ Requesting equal treatment.

0___ Personal connections.

0___ Domestic judicial system.

0___ International trade and investment laws.

0___ Public campaign.

50. How useful are the following to foreign companies to ensure that their services are treated equally with local services? *(Please rate each item: 1 = Very useful to 5= Not useful by choosing a number from 1 to 5 from each drop down menu)*

0___ Requesting equal treatment.

0___ Personal connections.

0___ Domestic judicial system.

0___ International trade and investment laws.

0___ Public campaign.

51. How useful are the following to foreign companies to ensure that their intellectual property rights are treated equally with local intellectual property rights? *(Please rate each item: 1 = Very useful to 5= Not useful by choosing a number from 1 to 5 from each drop down menu)*

0___ Requesting equal treatment.

0___ Personal connections.

0___ Domestic judicial system.

0___ International trade and investment laws.

0___ Public campaign.

V. **Dispute Resolution Processes**

52. How often are the following methods chosen to resolve trade disputes involving governments? *(Please RATE each item: 1=Almost Always, 5=Almost Never by choosing a number from 1 to 5 from each drop down menu)*

0___ Court.

0___ Consensual dispute resolution (such as conciliation and mediation).

0___ Arbitration.

0___ Negotiation.

53. The facts required to be provided in a dispute resolution proceeding are the following:
(Choose one answer.) (please click ONE box)

___ Whatever facts the parties choose to provide.

___ All facts requested by either party.

___ All facts requested by the dispute resolution organ.

54. The facts submitted to a dispute resolution proceeding are reliable: (Please RATE your level of agreement from 1-5.) (please click ONE box)

Almost Always 1——2——3——4——5— Almost Never

55. How important are the following factors in a dispute resolution proceeding. (Please rate each item: 1 = very important; 5 = not important by choosing a number from 1 to 5 from each drop down menu)

0__ Facts provided by the parties.

0__ Agreement by the parties.

0__ Laws.

0__ Personal opinions of the dispute resolution tribunal.

56. In consensual dispute resolution (such as conciliation and mediation) the parties are in practice entitled to choose: (Please RATE your level of agreement from 1-5.) (please click ONE box)

a. Applicable substantive and procedural law

Strongly Agree 1——2——3——4——5— Strongly Disagree

b. Facilitator

Strongly Agree 1——2——3——4——5— Strongly Disagree

c. Place and time of dispute resolution

Strongly Agree 1——2——3——4——5— Strongly Disagree

d. Language of dispute resolution process and award

Strongly Agree 1——2——3——4——5— Strongly Disagree

57. In arbitration, the parties are generally entitled to choose: (*Please RATE your level of agreement from 1-5.*) (please click ONE box)

a. Applicable substantive and procedural law

Strongly Agree 1——2——3——4——5— Strongly Disagree

b. Arbitrator

Strongly Agree 1——2——3——4——5— Strongly Disagree

c. Place and time of dispute resolution

Strongly Agree 1——2——3——4——5— Strongly Disagree

d. Language of dispute resolution process and award

Strongly Agree 1——2——3——4——5— Strongly Disagree

58. In the following dispute resolution proceedings: the parties in dispute are generally able to appeal the result: (*Please RATE your answer from 1=Almost Always, to 5=Almost Never.*) (please click ONE box)

a. Consensual dispute resolution proceeding (such as conciliation and mediation)

Almost always 1——2——3——4——5— Almost never

b. Arbitration.

Almost always 1——2——3——4——5— Almost never

c. Court Litigation.

Almost always 1——2——3——4——5— Almost never

59. In the following dispute resolution proceedings, how often must the basis for the result / decision be explained by the: (Please RATE your level of answer from 1=Almost Always, to 5=Almost Never.) (please click ONE box)

a. Facilitator in a consensual dispute resolution proceeding (such as conciliation and mediation)

Almost always 1——2——3——4——5— Almost never

b. Arbitrator in an arbitration proceeding

Almost always 1——2——3——4——5— Almost never

c. Judge in a litigation proceeding.

Almost always 1——2——3——4——5— Almost never

60. The results of consensual dispute resolution proceedings (such as conciliation and mediation) are enforceable: (Please rate each item: 1 = Strongly Agree to 5=Strongly Disagree by choosing a number from 1 to 5 from each drop down menu)

- 0__ Depending on the parties' consent
- 0__ Depending on approval by a higher authority
- 0__ Depending on the issue in dispute
- 0__ Depending on the monetary value of the dispute

61. The decision of arbitration proceedings are enforceable: (Please rate each item: 1 = Strongly Agree to 5=Strongly Disagree by choosing a number from 1 to 5 from each drop down menu)

- 0__ Depending on the parties' consent
- 0__ Depending on approval by a higher authority
- 0__ Depending on the issue in dispute
- 0__ Depending on the monetary value of the dispute

62. The decisions of court litigation proceedings are enforceable: (Please rate each item: 1 = Strongly Agree to 5=Strongly Disagree *by choosing a number from 1 to 5 from each drop down menu*)

- 0__ Depending on the parties' consent
- 0__ Depending on approval by a higher authority
- 0__ Depending on the issue in dispute
- 0__ Depending on the monetary value of the dispute

V. Contact.

If you would be willing to contact the scholar who prepared this questionnaire, please write a letter to the following address:

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