

Methodology Workshops

Dispute Resolution

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Raman Maroz

Development Economics Global Indicators Group



Agenda

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1. Motivation – Why does dispute resolution matter?

Efficient dispute resolution is fundamental to private sector growth

- Effective judiciaries are associated with facilitated entrepreneurial activity and higher levels of domestic and foreign investment
- When a court system is efficient, businesses are likely to have greater access to finance and borrow more
- Enhancing the effectiveness of the judiciary may strengthen competition and foster innovation

Lack of trust in the dispute resolution system risks to undermine private sector development

- Where there is low confidence in the court system, firms are less willing to expand their businesses and look for alternative trade partners
- Limited enforceability of contracts is associated with the suboptimal distribution of resources, use of inefficient technologies, liquidity issues, greater macroeconomic volatility and unemployment

2. Indicators – Outline



Regulatory Framework

Quality of Regulations for Dispute Resolution



1. Court Litigation
2. Alternative dispute resolution (ADR)



Public Services

Public Services for Dispute Resolution



1. Court Litigation
2. Alternative dispute resolution (ADR)



Operational Efficiency

Ease of Resolving a Commercial Dispute



1. Court Litigation
2. Alternative dispute resolution (ADR)



a. Pillar I – Quality of Regulations for Dispute Resolution

1.1 Court Litigation

1.1.1 Procedural Certainty

1.1.2 Judicial Competence (includes gender and environment)

1.2 Alternative Dispute Resolution (ADR)

1.2.1 Legal Safeguards in Arbitration

1.2.2 Legal Safeguards in Mediation

a. Pillar I – Quality of Regulations for Dispute Resolution



Category 1.1 Court Litigation

› What

The category assesses the extent to which the applicable regulatory framework incorporates good practices aimed at promoting efficient and quality court processes.

› Why

Efficient and quality court litigation is premised on clear and up-to-date laws and regulations.



Category 1.2 Alternative Dispute Resolution (ADR)

› What

The category measures whether the regulatory framework enshrines select good practices that support efficiency and reliability of ADR mechanisms.

› Why

To make ADR mechanisms attractive to the private sector, laws and regulations should be clear and provide for necessary safeguards.

a. Pillar I – Quality of Regulations for Dispute Resolution

Preliminary Scoring

	N° of indicators	FFP*	SBP*	Total points	Rescaled points
1.1 Court Litigation					
1.1.1 Procedural Certainty	7	7	7	14	33.33
1.1.2 Judicial Competence (includes gender and environment)	8	7	8	15	33.33
1.2 Alternative Dispute Resolution (ADR)					
1.2.1 Legal Safeguards in Arbitration	6	6	6	12	16.67
1.2.2 Legal Safeguards in Mediation	4	4	4	8	16.67
Total	25	24	25	49	100

Note: *Scoring will consider the perspectives of entrepreneurs (firm flexibility points) and broader public interests (social benefits points).

b. Pillar II – Public Services for Dispute Resolution

2.1 Court Litigation

- 2.1.1 Organizational Structure of Courts
- 2.1.2 Digitization of Court Processes
- 2.1.3 Transparency of Courts (includes gender)

2.2 Alternative Dispute Resolution (ADR)

- 2.2.1 Public Services for Arbitration (includes gender)
- 2.2.2 Public Services for Mediation (includes gender)

b. Pillar II – Public Services for Dispute Resolution



Category 2.1 Court Litigation

› What

The category assesses organizational structure of courts, extent of digitization in the judiciary, as well as court transparency.

› Why

Advanced court services are instrumental for streamlining the proceedings, improving access to justice, and building trust in the judiciary.



Category 2.2 Alternative Dispute Resolution (ADR)

› What

The category captures the provision of key services in ADR.

› Why

Well-developed ADR mechanisms, such as arbitration and mediation, provide businesses with extra flexibility and, on many occasions, may be better suited to their specific needs.

b. Pillar II – Public Services for Dispute Resolution

Preliminary Scoring

		N° of indicators	FFP*	SBP*	Total points	Rescaled points
2.1	Court Litigation					
2.1.1	Organizational Structure of Courts	5	5	5	10	22.22
2.1.2	Digitization of Court Processes	8	8	8	16	22.22
2.1.3	Transparency of Courts (includes gender)	7	7	7	14	22.22
2.2	Alternative Dispute Resolution (ADR)					
2.2.1	Public Services for Arbitration (includes gender)	5	5	5	10	16.67
2.2.2	Public Services for Mediation (includes gender)	5	5	5	10	16.67
	Total	30	30	30	60	100

Note: *Scoring will consider the perspectives of entrepreneurs (firm flexibility points) and broader public interests (social benefits points).

c. Pillar III – Ease of Resolving a Commercial Dispute

3.1 Court Litigation

3.1.1 Reliability of Courts

3.1.2 Operational Efficiency of Court Processes

3.2 Alternative Dispute Resolution (ADR)

3.2.1 Reliability of ADR

3.2.2 Operational Efficiency of Arbitration-Related Processes

c. Pillar III – Ease of Resolving a Commercial Dispute



Category 3.1 Court Litigation

› What

The category captures the reliability of courts as reported directly by firms as well as records the time and cost associated with key court processes, such as litigation and enforcement of judgments.

› Why

Considerations of reliability and efficiency play a critical role in court litigation. To turn to the dispute resolution system, businesses should know that it provides for good prospects that their cases would be handled with due care. “Justice delayed is justice denied”, while excessively costly proceedings may impair access to justice.



Category 3.2 Alternative Dispute Resolution (ADR)

› What

The category captures the use of ADR by businesses as well as records the time and cost required to resolve a dispute through arbitration and to recognize a foreign arbitral award.

› Why

Considerations of reliability and efficiency play a critical role in ADR as well. Business are more likely to use ADR mechanisms when they are credible, expeditious, and reasonably priced.

c. Pillar III – Ease of Resolving a Commercial Dispute

Preliminary Scoring

		N° of indicators	Rescaled points
3.1	Court Litigation		
3.1.1	Reliability of Courts	2	33.33
3.1.2	Operational Efficiency of Court Processes	6	33.33
3.2	Alternative Dispute Resolution (ADR)		
3.2.1	Reliability of ADR	2	16.67
3.2.2	Operational Efficiency of Arbitration-Related Processes	4	16.67
	Total	14	100

Note: Scoring on Pillar III will consider the perspectives of entrepreneurs (firm flexibility points) only.

3. Changes in the B-READY 2026 Methodology

➤ Major Revisions

- Pillar I – A new indicator on establishing liability for engaging in bribery of foreign public officials.
- Pillar II – A new question on the availability of court-annexed mediation at the appellate level.
- Pillar III – New indicators on the use of arbitration by businesses and the use of mediation by firms.

➤ Minor Revisions

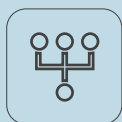
- Pillar I – The question on the code of ethics for enforcement agents was modified to specify that, when they are part of the court personnel, a code of ethics for nonjudicial court employees can be considered.
- Pillar II – The instructions for the questions on the availability of arbitration and mediation services omitted the reference to arbitration and mediation institutions.
- Pillar III – No minor changes.

4. Parameters

General Parameters

Business location

Largest City



Depending on a geographic location, the regulatory framework, public services provision, and efficiency of dispute resolution may change within an economy.

Specific Parameters

Level of court (Pillar II)

First instance courts



Provision of public services is subject to variation based on level of court (first instance, appeal, supreme, etc.).

Claim value (Pillar III)

20x GNI per capita



The time and cost characteristics of dispute resolution can vary substantially depending on the claim value.

5. Preliminary Topic Scoring

Pillar	Title	N° of indicators	FFP	SBP	Total points	Rescaled points	Weight
I	Quality of Regulations for Dispute Resolution	25	24	25	49	100	0.33
II	Public Services for Dispute Resolution	30	30	30	60	100	0.33
III	Ease of Resolving a Commercial Dispute	14	100	n/a	100	100	0.33

6. Data Sources

Data collection and validation sources

Pillars I and II



- **Private sector experts:** Lawyers practicing commercial litigation, ADR, international dispute resolution, as well as handling enforcement proceedings.
- **Public sector experts:** Judges, court clerks, enforcement agents, employees of ADR public institutions, officials of ministries of justice.

Pillar III



- The data on the **Reliability of Courts** subcategory are collected through **Enterprise Surveys**.
- The data sources for all other subcategories in Pillar III are expert questionnaires.

Screening and selection of experts

- › **Considered experts' professions:** Lawyers/attorneys, arbitrators, and mediators.
- › **Considered experts' areas of specialization:** Commercial litigation, commercial arbitration, commercial mediation, international dispute resolution, and enforcement proceedings in commercial cases.
- › **Assessment of experts' knowledge and experience related to dispute resolution:** Knowledge of and experience with preparing documents on behalf of firms to initiate commercial litigation, arbitration, or mediation; representing firms before courts, arbitration tribunals, and mediators; participating in international commercial dispute resolution; conducting proceedings to recognize foreign arbitral awards; and undertaking compulsory proceedings to enforce final commercial judgments.

Q&A

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