
STATEMENT

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- **Sustainable development requires predictability**

Fulfilling the promises of the Sustainable Development Goals and the Paris Agreement will require massive amounts of international investment, and IIAs and international arbitration have an important role to play. It is clear that international investments need predictable, consistent and coherent policy. This is precisely what well-drafted IIAs can offer. In addition, international arbitration provides efficient enforcement of international obligations like no other international instrument.

- **Arbitration is an important tool to meet future challenges**

International arbitration can play an intrinsic role to increase and support the international investments needed to meet the sustainable development goals, and as well as climate change mitigation and adaptation.

Investor-state arbitration has proven to be an efficient instrument to put force behind the words of bilateral commitments. It is included in a large majority of the world's international investment agreements (IIAs). Over many centuries, international arbitration has aligned with and supported the development of international trade, and cross-border relations in general. In the end, it has encouraged peaceful and stable relations among nations.

Today, international arbitration is a well-functioning and important system to safeguard legal coherence and predictability. International arbitration enjoys the confidence of thousands of private companies, as well as state-owned companies and governments. Every day, contracts worth billions of dollars which include an arbitration clause are entered into by public and private parties. They do so because they trust the system.

International arbitration is firmly embedded in the rule of law. At national level through domestic legal frameworks, guided by the UNCITRAL Model Law on International Commercial Arbitration, and at international level, through the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards, and the 1965 Convention on the Settlement of Investment Disputes between States and Nationals of other States.

- **Collaboration is essential**

The development of international arbitration is a constant process on global, multilateral and bilateral level. A constructive dialogue among stakeholders is essential.

Recent reforms of international arbitration include the introduction of fast-track mechanisms for rejecting frivolous claims, enhancing the use mediation, and increased transparency through the adoption of the UNCITRAL Transparency Rules in Treaty-Based Investor-State Arbitration and the Mauritius Convention on Transparency in Treaty-Based Investor-State Arbitration.

The SCC is the second largest institution globally for the management of ISDS cases under its own rules, and the SCC Arbitration Rules is the third most commonly used arbitration rules for ISDS cases worldwide. A new version of the SCC Arbitration Rules (2017) will include provisions allowing third parties in treaty-based ISDS-proceeding before the SCC to submit written submission.

The SCC has also engaged in a number of initiatives to disseminate facts of IIA dispute resolution. The ISDS blog (<http://idsblog.com/>) includes summaries of ISDS cases and recent reports.

- **Diversity in international arbitration must improve**

A key issue for the future is the need for greater diversity in the appointment of arbitrators, both in terms of gender and geography. The SCC has been involved in a number of initiatives, but joint international efforts are needed.

In 2008, the SCC supported the founding of the Swedish Women in Arbitration Network (SWAN) for the purpose to promote more active participation and visibility of female lawyers in international arbitration. More recently, the SCC has been active in promoting the Equal Representation in Arbitration Pledge (<http://www.arbitrationpledge.com/>).

The SCC welcomes a continued discussion on common initiatives for greater diversity.

We note that UNCTAD has an important role in bringing together key stakeholders – and therefore we are looking forward to its continued contribution to ensure an inclusive and constructive dialogue on the reform.

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