

CAMPAIGN  
FOR GREENER  
ARBITRATIONS

**AtLAS – April 22 Hybrid Plenary  
Meeting**

## CAMPAIGN FOR GREENER ARBITRATIONS

---

### 2019

- Founded by Lucy Greenwood

### 2020

- Green Pledge formally launched
- Steering Committee established
- Environmental Impact Assessment carried out
- Awarded “Best New Development” by GAR

### 2021

- Draft Framework and six Green Protocols launched in January
- February-March regional roundtables to collate feedback
- Final Framework and Protocols released on Earth Day 2021
- Regional Committees established



# Introduction to the Protocols

The **Green Protocols** provide practical ways to implement the Campaign for **Greener Arbitrations' Guiding Principles**, which asks the arbitration community to commit to:

1. Creating a workspace with a reduced environmental footprint by looking for opportunities to reduce energy consumption and waste;
2. Corresponding electronically, unless hard copy correspondence is expressly needed in the circumstances, while also being mindful that email has a carbon footprint;
3. Encouraging the use of videoconferencing facilities as an alternative to travel (including for the purposes of conducting fact finding or interviews with witnesses);
4. Avoiding printing, requesting the use of electronic rather than hard copies of documents and promoting the use of electronic bundles at hearings;
5. Using, where possible, suppliers and service providers who are committed to reducing their environmental footprint (including for the purposes of arranging an arbitration hearing);
6. Considering and/or suggesting, where appropriate, that witnesses or experts give evidence through videoconferencing facilities, rather than attend hearings in person;
7. Avoiding unnecessary travel and using videoconferencing facilities as an alternative;
8. Considering and questioning the need to fly at all times and offsetting carbon emissions for any arbitration-related travel.

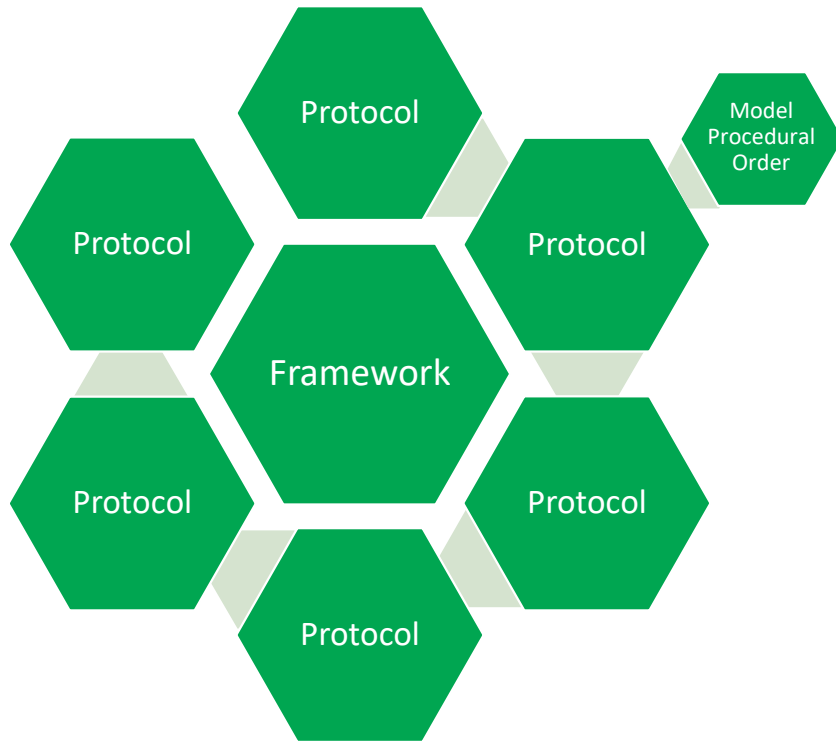
# Introduction to the Protocols

## Three Main Areas of Focus

The Campaign's work indicates that by focusing on **three areas**, practitioners could substantially reduce carbon emissions.

1. Adopting **clean forms of energy**
2. Reducing use of **long-haul travel**
3. **Reducing waste**, for example by eliminating hard copy filings altogether

## Introduction to the Protocols



1 Framework

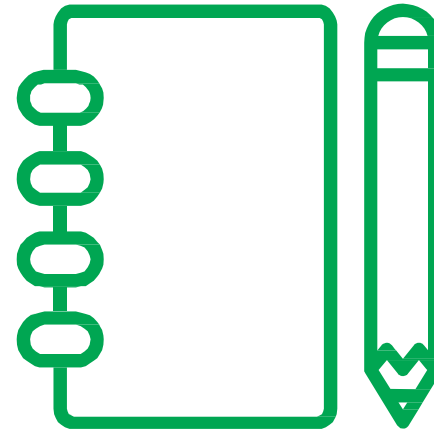
6 Green Protocols

1 Model Procedural Order

# Introduction to the Protocols

## Application of the Framework and Green Protocols

**The Framework and the Green Protocols** are not binding and are not intended to displace applicable rules or derogate from the arbitration agreement unless and to the extent the Parties so agree (either in the arbitration agreement or subsequently) or the Tribunal so orders. The Framework and the Green Protocols do not establish liability or a liability standard for legal or regulatory purposes.



# Green Protocol for Arbitral Proceedings



**Section I.** Initial Commitment



**Section II.** Conduct of Proceedings



**Section III.** Written Submissions and Documentary Evidence



**Section IV.** Document Production



**Section V.** Witnesses and Experts Preparation



**Section VI.** Hearings



**Section VII.** Settlements



**Section VIII.** Travel Responsibly



**Section IX.** Offsetting Carbon Emissions

Provides Parties and arbitrators with **tangible measures to implement in specific arbitral proceedings** by party agreement or by Tribunal order.

**INITIAL COMMITMENT**

Tribunals may officially adopt this Green Protocol for Arbitral Proceedings or component parts thereof as guidance OR as part of a procedural order containing supplementary rules for the proceedings.

*For the purposes of the latter, Tribunals and Parties are referred to the [Model Procedural Order](#) components thereof, as indicated below for standardised language.*

**OR**

Parties may incorporate adherence to this Green Protocol for Arbitral Proceedings or component parts thereof into their arbitration agreements as guidance OR as mandatory provisions, to supplement the relevant arbitral rules.

# Model **Green** Procedural Order



**Section I.** Environmental Purpose



**Section II.** Communications



**Section II.** Conduct of Proceedings



**Section III.** Written Submissions and Documentary Evidence



**Section IV.** Document Production



**Section V.** Witnesses and Experts Preparation



**Section VI.** Hearings



**Section VII.** Travel















**Section VIII.** Offsetting

Provides **draft language** which can be easily adopted by Tribunals **to implement sustainability measures in the conduct of an arbitration.**



# Green Protocol for Law Firms, Chambers and Legal Service Providers Working in Arbitration

-  **Section I.** Initial Commitment
-  **Section II.** Use of Green Energy
-  **Section III.** Reduce Energy Consumption
-  **Section IV.** Electronic Operations
-  **Section V.** Legal Advisor Staff
-  **Section VI.** Minimise Printing and Use of Paper
-  **Section VII.** Encourage Recycling
-  **Section VIII.** Limit Use of Single Use Items/Eliminate Plastic
-  **Section IX.** Partner with “Green” Organisations
-  **Section X.** Travel Responsibly
-  **Section XI.** Incentivisation
-  **Section XII.** Social Responsibility
-  **Section XIII.** Offsetting Carbon Emissions

Provides legal advisors and their employees with **suggested sustainability measures** for minimising their environmental impact **which can be integrated into daily operations or adopted on a case by case basis.**

## INITIAL COMMITMENT

- A. Legal Advisors commit to work with their leadership teams, with a view to reviewing existing environmental policies and practices and, where appropriate, considering and implementing recommendations from this Green Protocol.
- B. Alternatively, Legal Advisors may appoint “Green Ambassadors” whose role shall be to help develop policies and best practices within the firm, based on these recommendations. Green Ambassadors should periodically report to their senior management on the effect of these policies and best practices.

# Green Protocol for Arbitrators



**Section I.** Initial Commitment



**Section II.** Minimise Printing and Use of Paper



**Section III.** Conduct of Proceedings



**Section IV.** Hearings



**Section V.** Working Environment



**Section VI.** Encourage Recycling














**Section VII.** Offsetting Carbon Emissions

Provides individual arbitrators with **practical guidance** to minimise the environmental impact of their practice, including during the course of **arbitral proceedings**.

**INITIAL COMMITMENT**  
Arbitrators will endeavor to take all practicable steps to ensure that they minimise the environmental impact of their practice.

# Green Protocol for Arbitral Institutions










-  **Section I.** Initial Commitment
-  **Section II.** Use of Green Energy
-  **Section III.** Reduce Energy Consumption
-  **Section IV.** Minimise Printing and Use of Paper
-  **Section V.** Encourage Recycling
-  **Section VI.** Limit Use of Single Use Items/Eliminate Plastic
-  **Section VII.** Partner with “Green” Organisations
-  **Section VIII.** Travel Responsibly
-  **Section IX.** Incentivise Staff
-  **Section X.** Social Responsibility
-  **Section XI.** Offsetting Carbon Emissions

Provides arbitral institutions with **practical guidance** on minimising their environmental impact.

## INITIAL COMMITMENT

Arbitral Institutions commit to working with their staff and leadership teams, with a view to reviewing existing environmental policies and practices and, where appropriate, considering and implementing recommendations from this Protocol.

# Green Protocol for Arbitration Conferences











-  **Section I.** Initial Commitment
-  **Section II.** Venue Selection
-  **Section III.** Event Planning
-  **Section IV.** Conference Registration and Materials
-  **Section V.** Conference Procedures
-  **Section VI.** Use of Green Energy
-  **Section VII.** Reduce Energy Consumption
-  **Section VIII.** Minimise Printing and Use of Paper
-  **Section IX.** Encourage Recycling
-  **Section X.** Limit Use of Single Use Items/Eliminate Plastic
-  **Section XI.** Partner with “Green” Organisations
-  **Section XII.** Travel Responsibly
-  **Section XIII.** Post-Conference
-  **Section XIV.** Offsetting Carbon Emissions

Suggests **measures** which can be adopted to reduce the environmental impact of **arbitration conferences**.

## INITIAL COMMITMENT

- A. Organisers of arbitration conferences shall adopt this Green Protocol for Arbitration Conferences in preparation of events.
- B. Those Organisers responsible for planning multiple conferences annually shall consider conducting some events via virtual platform rather than in-person to reduce the carbon footprint of the events.

# Green Protocol for Arbitration Hearing Venues

-  **Section I.** Initial Commitment
-  **Section II.** Use of Green Energy
-  **Section III.** Reduce Energy Consumption
-  **Section IV.** Conduct of Proceedings
-  **Section V.** Minimise Printing and Use of Paper
-  **Section VI.** Encourage Recycling
-  **Section VI.** Limit Use of Single Use Items/Eliminate Plastic
-  **Section VII.** Partner with “Green” Organisations
-  **Section VIII.** Travel Responsibly
-  **Section X.** Offsetting Carbon Emissions

Provides **arbitration facilities and hearing centres** with measures to minimise their environmental impact as regards their **daily operating procedures** or as related to a **particular arbitration**.

## INITIAL COMMITMENT

- A. Facilitators commit to adopt this Green Protocol for Arbitration Hearing Venues or component parts thereof as part of daily operating procedures.
- B. Alternatively, Parties may request venue adherence to this Green Protocol for Arbitration Hearing Venues or component parts thereof, in preparation of and for the duration of a particular matter.

# Closing Remarks



“We must shift our thinking away from short-term gain toward long-term investment and sustainability, and always have the next generations in mind with every decision we make.”

*-Deb Haaland, US Representative (D-N.M.), Pending nominee for US Secretary of Interior*