

CAMPAIGN FOR GREENER ARBITRATIONS

Framework for
the Adoption of the
Green Protocols

Introduction

The work of the international arbitration community has a significant environmental footprint. An initial study conducted by the Campaign for Greener Arbitrations of a large scale arbitration projected that just under **20,000 trees** could be required to offset the total carbon emissions resulting from just **one arbitration**.

The Campaign's work indicates that by focusing on **three areas**: (i) adopting clean forms of energy, (ii) reducing use of long-haul travel and (iii) reducing waste, for example by eliminating hard copy filings altogether practitioners could **substantially reduce** these carbon emissions.

All members of the arbitration community share the responsibility to reduce the carbon footprint of our industry.

The Campaign for Greener Arbitrations has developed a set of protocols (Green Protocols) to encourage fellow stakeholders to adopt more sustainable practices. This framework provides guidance on the adoption of the Green Protocols.

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FRAMEWORK FOR THE ADOPTION OF THE GREEN 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.



SELECTING THE RELEVANT GREEN PROTOCOL(S)

The Green Protocols propose sustainable measures which can be adopted in arbitral proceedings and in the activities of the wider arbitration community by all relevant players in the field of arbitration. These measures can be integrated individually or in their entirety, as appropriate. They can be adopted by entire organisations, or by individuals within those organisations seeking to move towards greener practices.

Each Green Protocol is to be read together with this Framework and can be adopted individually or in combination as appropriate. There are six Green Protocols to choose from:

- The **Green Protocol for Arbitral Proceedings** provides Parties and arbitrators with tangible measures to implement in specific arbitral proceedings by party agreement or by Tribunal order. The **Model Green Procedural Order** provides draft language which can be easily adopted by Tribunals to implement sustainability measures in the conduct of an arbitration.
- The **Green Protocol for Law Firms, Chambers and Legal Service Providers Working in Arbitration** 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.
- The **Green Protocol for Arbitrators** provides individual arbitrators with practical guidance to minimise their environmental impact during the course of arbitral proceedings.
- The **Green Protocol for Arbitral Institutions** provides arbitral institutions with practical guidance on minimising their environmental impact.

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In addition to arbitration proceedings, the Green Protocols also contribute measures which can be adopted by the wider arbitration community, including those who organise conferences and provide hearing venues.

- The **Green Protocol for Arbitration Conferences** suggests measures which can be adopted to reduce the environmental impact of arbitration conferences.
- The **Green Protocol for Arbitration Hearing Venues** 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.



SUSTAINABLE MEASURES

The sustainable measures in the Green Protocols focus on the use of clean energy, the avoidance or reduction of travel, and the avoidance or reduction of waste. These areas are specifically addressed under the following categories:

- Using clean energy
- Reducing energy consumption
- Minimising printing and use of paper
- Encouraging recycling
- Limiting use of single use items/eliminating plastic
- Partnering with "green" organisations
- Travelling responsibly
- Incentivising staff
- Engaging in social responsibility initiatives
- Offsetting carbon emissions



ADOPTING APPROPRIATE SUSTAINABLE MEASURES

In determining which sustainable measures are appropriate for a particular arbitration, the Parties or the Tribunal, as appropriate, should consider, amongst other matters:

1. the applicable law(s), including but not limited to: the law governing the dispute; requirements of the seat of arbitration; the requirements in jurisdictions where Parties may seek to enforce their award; and the institutional or ad hoc procedural rules adopted;
2. the size of the arbitration, including: the number of Parties; the location of the Parties and the arbitrators; the anticipated volume of witness and expert evidence; the range of issues in dispute; and the complexity of the issues;
3. the arbitrators' and Parties' ability to communicate and prepare documents electronically, including the availability and reliability of such electronic resources;
4. the burden and costs of implementing sustainable measures incurred by the Parties, arbitrators and/or the administering institutions;
5. the impact of any such measures on the efficiency of the arbitral process;

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6. the impact of any such measures on the diversity of appointments of counsel and arbitrators; and
7. the availability of cybersecurity measures to protect the integrity and confidentiality of arbitral proceedings.



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.

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