



CAMPAIGN FOR

**GREENER
ARBITRATIONS**

DRIVING SUSTAINABLE CHANGE

GREEN PROTOCOL
FOR ARBITRATORS

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This Green Protocol for Arbitrators contains suggested Sustainability Measures for minimising the environmental impact of individual arbitrators during the course of arbitral proceedings. These Sustainability Measures can be adopted by Arbitrators separately or in their entirety, as appropriate.

Additional guidance may be found in related Campaign for Greener Arbitration Protocols: **Green Protocol for Arbitral Proceedings; Green Protocol for Law Firms, Chambers and Legal Service Providers; Green Protocol for Arbitration Conferences; Green Protocol for Arbitral Hearing Venues, Green Protocol for Arbitral Institutions.**

GREEN PROTOCOL FOR ARBITRATORS



I. INITIAL COMMITMENT

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



II. MINIMISE PRINTING AND USE OF PAPER

- A. Arbitrators will favor electronic communications and correspondence with other Tribunal members, institutions, and Parties over paper form, save where deemed strictly necessary.
- B. Arbitrators will use electronic tools to annotate documents and to prepare and finalise orders or awards.
- C. Arbitrators will carefully consider the need to print documents and endeavor to only print what is deemed strictly necessary.
- D. Arbitrators will maintain electronic case files, instead of hard copy files.
- E. Where printing is deemed necessary, Arbitrators will endeavor to minimise the environmental footprint of the printing. Examples include:
 - E.1 Use of A5 paper, grayscale and double-sided format where appropriate;
 - E.2 Use environmentally friendly toner and ink; and
 - E.3 Use of recycled and recyclable paper where possible.
- F. Arbitrators will carefully consider whether to request that they be provided with printed documents, taking into account the environmental footprint of printing and transportation by international shipping companies.
- G. Where applicable, individual printers within offices will be discouraged and the number of floor printers will be limited.
- H. Following the conclusion of proceedings, arbitrators will endeavor to dispose of all printed documents in an environmentally friendly way. Examples of printing disposal, whilst adhering to confidentiality obligations might include recycling and compositing.
- I. Subject to local regulatory requirements and individual matter confidentiality obligations, and to applicable retention policies, arbitrators will endeavor to recycle all hard copy files.



III. CONDUCT OF PROCEEDINGS

- A. Where Arbitrators are sole arbitrators, they will adopt the Sustainability Measures listed below, where possible. Where Arbitrators form part of a panel, they will share this Protocol and the Green Protocol for Arbitral Proceedings with their co-arbitrators, encourage them to adopt similar Sustainability Measures and consider which Sustainability Measures can be included in the first Procedural Order.
- B. Arbitrators will encourage Parties at the outset of the case to adopt Sustainability Measures, to reduce the environmental footprint of the arbitration, in particular Sustainability Measures aimed at reducing travel and paper waste.
- C. Arbitrators will give due consideration to the adoption of the **Green Protocol for Arbitral Proceedings** or parts thereof as part of a procedural order addressing the conduct of proceedings.
- D. Where appropriate, Arbitrators will require written submissions, including briefs or memorials, applications, witness statements, expert reports, exhibits and legal authorities to be served electronically in an e-bundle or similar format, via email, secure link, or any other agreed upon electronic platform.
- E. Throughout proceedings, Arbitrators will encourage the use of technology platforms, and, where appropriate a shared platform, for receipt and organisation of materials.
- F. Arbitrators will encourage the use of video or telephone -conferencing for case management conferences or preliminary hearings, where appropriate and considered acceptable by parties.



IV. HEARINGS

- A. Arbitrators will prefer the use of e-bundles over paper bundles in hearings.
- B. Arbitrators will encourage the use of e-technology for evidence display to reduce or eliminate paper in hearing facilities.
- C. Arbitrators will encourage the use of remote submissions or cross-examination via video-conferencing, rather than in-person submissions or cross-examination to reduce unnecessary travel, where appropriate and considered acceptable by parties.
- D. Arbitrators will favor the use of telephone or video-conferencing for Tribunal deliberations over in-person deliberations, particularly where air travel would be required for the Tribunal to meet in person.

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V. WORKING ENVIRONMENT

- A. Arbitrators will endeavor to improve the energy efficiency of their home or outside offices to reduce their environmental footprint. Examples of energy-saving measures and environmentally friendly practices which can be implemented include:
- A.1 Investigating options for clean or renewable energy as primary energy source;
 - A.2 Use of LED lights;
 - A.3 Use of natural light sources wherever practical;
 - A.4 Use of plants to reduce humidity levels and increase oxygen;
 - A.5 Introduction of sensors and timed lighting systems;
 - A.6 Opting to turn off appliances rather than use screen savers during extended breaks;
 - A.7 Installing smart power strips to reduce power consumption when electronic equipment is not in use;
 - A.8 Use of recycling facilities;
 - A.9 Use of eco-friendly air conditioning and heating systems;
 - A.10 Use of water-saving facilities in kitchens and restrooms; and
 - A.11 Use of energy-efficient hand-dryers or roller towels in kitchens and restrooms.
- B. Arbitrators will ensure that their workspace is set up with the correct technological equipment to enable them to adopt the Sustainability Measures below, including video and telephone conferencing, the use of e-bundles and the requisite tools to annotate and comment on documents.



VI. ENCOURAGE RECYCLING

- A. Arbitrators will endeavor to implement environmentally friendly disposal practices. Examples of such practices include:
- A.1 Use of recycling bins;
 - A.2 Eliminating plastic bags in bins or for any other purposes, unless sourced from recycled products; and
 - A.3 Proper disposal or recycling of outdated or broken electronic equipment and furniture.



VII. OFFSETTING CARBON EMISSIONS

The Sustainability Measures contained in this Protocol encourage behavioural change aimed at reducing the environmental impact of arbitrations and priority should be given to their implementation. Arbitrators will also, however, give due consideration to offsetting any residual emissions caused by their conduct, including through travel.

Disclaimer

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.