



CAMPAIGN FOR

**GREENER
ARBITRATIONS**

DRIVING SUSTAINABLE CHANGE

GREEN PROTOCOL
FOR ARBITRAL
PROCEEDINGS

This Green Protocol for Arbitral Proceedings contains suggested Sustainability Measures for minimising the environmental impact of arbitral proceedings. These Sustainability Measures can be integrated into arbitration matters individually or in their entirety, as appropriate.

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



I. 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.



II. CONDUCT OF PROCEEDINGS

- A. All communications and correspondence shall be made electronically, save where institutional rules or express contract provisions otherwise provide. Parties and Tribunals shall refrain from sending hard copy documents, including correspondence, pleadings, applications, witness and expert evidence and exhibits by courier, particularly via air freight, unless necessary.
- B. Parties shall confer and endeavour to agree to the use of shared technology platforms or case management systems, for receipt and organisation of correspondence, pleadings, applications, witness and expert evidence and exhibits.
- C. Throughout the proceedings, Parties and the Tribunal shall endeavour to use electronic platforms and tools to annotate documents.
- D. Throughout the proceedings, Parties and the Tribunal shall carefully consider the need to print documents and shall endeavour to only print what is deemed strictly necessary.
- E. Where printing is deemed necessary, Parties and the Tribunal shall endeavour 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. Parties and the Tribunal shall carefully consider whether to request that they be provided with printed documents, taking into account the environmental footprint of printing and transportation
- G. Parties shall endeavour to use suppliers and service providers who are committed to reducing their environmental footprint.
- H. Following the conclusion of proceedings, Parties and the Tribunal shall endeavour to dispose of all printed documents in an environmentally friendly way. Examples of printing disposal, whilst adhering to confidentiality obligations, might include recycling and composting.

For draft language on the Conduct of Proceedings to be included in a Procedural Order, refer to Sections 2 and 3 of the **Model Procedural Order** (Conduct of Proceedings).



III. WRITTEN SUBMISSIONS AND DOCUMENTARY EVIDENCE

- A. Written submissions, including briefs or memorials, applications, witness statements, expert reports, exhibits and legal authorities shall be prepared and served electronically in an e-bundle or similar format, via email, secure link, or via any other electronic means, including on shared platforms, agreed between the Parties or ordered by the Tribunal. Parties shall avoid using and distributing USB keys, unless necessary.
- B. Parties shall endeavour to avoid any repetition of exhibits in the record between their separate pleadings, witness statements and expert reports, and to cross-refer to undisputed exhibits in the record.
- C. Where appropriate, Parties shall consider exhibiting extracts of lengthy documents (over 50 pages). Any such extracts must provide adequate context to the document and the relevant portion being relied on by the Party.
- D. Where the Tribunal has expressed a preference for hard copies of written submissions, the Tribunal shall endeavour to identify and request hard copies only of those specific documents it considers essential for printing.
- E. If unclear from the applicable rules, the Parties shall seek confirmation from institutions administering the arbitration that the institution will accept electronic filing, without the need for hard copy filings.

*For draft language on Written Submissions and Documentary Evidence to be included in a Procedural Order, refer to Section 4 of the **Model Procedural Order (Written Submissions and Documentary Evidence)**.*



IV. DOCUMENT PRODUCTION

Document production shall be conducted electronically, unless otherwise necessary.

*For draft language on Document Production to be included in a Procedural Order, refer to Section 5 of the **Model Procedural Order (Document Production)**.*



V. WITNESSES AND EXPERTS PREPARATION

- A. Whenever possible and appropriate, the consultation, meeting, conferring of witnesses and experts (by Parties) and expert joint meetings shall be performed using video conferencing rather than in-person meetings.
- B. Where in-person meetings are considered necessary, Parties shall endeavour to limit the number of in person participants to those strictly necessary.
- C. Whenever possible and appropriate, materials for witness and expert review shall be provided and reviewed electronically.

*For draft language on Witnesses and Experts to be included in a Procedural Order, refer to Section 6 of the **Model Procedural Order (Witnesses and Experts Preparation)**.*



VI. HEARINGS

- A. Where possible and appropriate, pre-hearing conferences, procedural or substantive hearings should be conducted remotely, in whole or in part, via telephone or video conferencing.
- B. Where Parties, the Tribunal and any other participants are located in different time zones, the Parties and Tribunal shall consider shorter hearing days over a longer period to avoid unnecessary travel.
- C. Where in-person hearings are expressly required, Parties shall endeavour to:
 - C.1 Select environmentally friendly travel options and avoid unnecessary travel;
 - C.2 Use technology to display documents, submissions, testimony and evidence ;
 - C.3 Where cross-examination of witnesses and experts is expected to take less than 1-2 hours, consider using cross-examination via video-conferencing rather than in-person to reduce unnecessary travel;
 - C.4 Limit the number of in person participants and, where agreed between the Parties or ordered by the Tribunal, make video-conferencing facilities available to enable additional participants (for example, client or counsel attendees) to participate; and
 - C.5 Engage service providers, including court reporters, interpreters, etc. who are located in the place of the hearing, or which can provide services remotely.
- D. Use of electronic documents:
 - D.1 Wherever possible, documents or presentations shall be projected onto a screen and electronic copies thereof shall be distributed reasonably in advance.
 - D.2 Where hearing bundles are used, they shall be provided in electronic format only, unless otherwise ordered or requested by the Tribunal, or agreed by the Parties.
- E. Where the use of hard copy documents is deemed necessary, the Parties and Tribunal shall endeavour to dispose of hard copies of any hearing bundle (including bundles for witnesses and/or experts) after the hearing in an environmentally-friendly manner, where appropriate.
- F. Parties shall endeavour to work with hearing centers that have adopted the [Green Protocol for Arbitral Hearing Venues](#) or parts thereof, or that have otherwise implemented the following examples of Sustainability Measures:
 - F.1 Use of renewable energy as primary facility energy source;
 - F.2 Use of LED lights;
 - F.3 Use of natural light sources wherever practical;
 - F.4 Use of plants to reduce humidity levels and increase oxygen;
 - F.5 Introduction of sensors and timed lighting systems in offices;
 - F.6 Encouragement of staff to power down rather than use of screen savers during extended breaks;
 - F.7 Installation of smart power strips to reduce phantom power consumption when electronic equipment is not in use;
 - F.8 Use of recycling facilities;
 - F.9 Use of eco-friendly air conditioning and heating systems;
 - F.10 Use of water-saving facilities in kitchens and restrooms;

- F.11 Use of energy-efficient hand-dryers or roller towels in kitchens and restrooms;
- F.12 Use of eco-friendly cleaning materials;
- F.13 Provision of catering from companies located in close proximity to the center, which source their products locally, and which do not use disposable packaging;
- F.14 Where deemed safe, refraining from using plastic water bottles or disposable and non-recyclable coffee cups; and/or
- F.15 Demonstration of an ongoing commitment to reducing consumption, reusing and repurposing materials, recycling where possible, and to offsetting greenhouse gas emissions.

For draft language on Hearings to be included in a Procedural Order, refer to Section 7 of the Model Procedural Order (Hearings).



VII. SETTLEMENTS

- A. Where possible and appropriate, settlement discussions between Parties should be conducted, in whole or in part, via telephone or video conferencing.
- B. Where in-person settlement discussions are necessary, Parties shall endeavour to:
 - B.1 Select travel options that minimise carbon emissions and avoid unnecessary travel;
 - B.2 Wherever possible use technology to display documents or presentations by projecting them onto a screen and distributing electronic copies thereof in order to reduce or eliminate the use of paper;
 - B.3 Limit the number of in-person participants and, where agreed between the Parties, make video-conferencing facilities available to enable additional relevant participants to participate in the discussions;
- C. Parties shall endeavour to engage service providers, including interpreters, who are located in or close to the place of the hearing, or who can provide services remotely.
- D. Where the use of hard copy documents is deemed necessary, Parties shall endeavour to dispose of hard copies in an environmentally-friendly manner, where appropriate.
- E. Parties shall endeavour to hold settlement discussions at venues that have implemented the following examples of Sustainability Measures:
 - E.1 Use of renewable energy as the primary facility energy source;
 - E.2 Use of LED lights;
 - E.3 Use of natural light sources wherever practical;
 - E.4 Use of plants to reduce humidity levels and increase oxygen;
 - E.5 Introduction of sensors and timed lighting systems in offices;
 - E.6 Encouragement of staff to power down rather than use of screen savers during extended breaks;
 - E.7 Installation of smart power strips to reduce phantom power consumption when electronic equipment is not in use;
 - E.8 Use of recycling facilities;

- E.9 Use of eco-friendly air conditioning and heating systems;
- E.10 Use of water-saving facilities in kitchens and restrooms;
- E.11 Use of energy-efficient hand-dryers or roller towels in kitchens and restrooms;
- E.12 Use of eco-friendly cleaning materials;
- E.13 Provision of catering from companies located in close proximity to the center, which source their products locally, and which do not use disposable packaging or utensils;
- E.14 Where deemed safe, refraining from using plastic water bottles or disposable and non-recyclable coffee cups; and/or
- E.15 Demonstration of an ongoing commitment to reducing consumption, reusing and repurposing materials, recycling where possible, and to offsetting greenhouse gas emissions.



VIII. TRAVEL RESPONSIBLY

- A. The Parties and Tribunal shall:
 - A.1 Endeavour to avoid unnecessary travel and, where travel is necessary, use travel options that minimise carbon emissions; and
 - A.2 Carefully consider the need to fly in order to attend arbitral proceedings and, where flying is deemed necessary, consider offsetting flights.
- B. Arbitrators may include the costs of offsetting their flights in their expenses.
- C. Parties agree that the costs of offsetting air travel may be allocated as part of a costs award at the end of proceedings, or as otherwise agreed between the Parties.

*For draft language on Travel to be included in a Procedural Order, refer to Section 8 of the **Model Procedural Order (Travel)**.*



IX. 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.

Parties will also, however, give due consideration to offsetting any residual emissions caused by their conduct, including through travel.

*For draft language on Offsetting to be included in a Procedural Order, refer to Section 9 of the **Model Procedural Order (Offsetting)**.*

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.