



CAMPAIGN FOR

**GREENER
ARBITRATIONS**

DRIVING SUSTAINABLE CHANGE

MODEL
PROCEDURAL
ORDER

NOTE This document proposes points or elements to include in a Procedural Order that will help to reduce the environmental footprint of a new or existing arbitration proceeding. It does not comprehensively or exhaustively address all matters relevant to a procedural order or an arbitration proceeding. Tribunals and Parties are invited to adopt the Green Protocol on Arbitral Proceedings as guidelines throughout the conduct of proceedings.

I. ENVIRONMENTAL PURPOSE

- A. The Parties and Tribunal recognise that international arbitration proceedings can have a significant environmental footprint.
- B. We are mindful of the need to reduce consumption, reuse and repurpose materials, recycle where possible, and to offset greenhouse gas emissions related to international arbitration when no reasonable alternative exists.
- C. The Parties and Tribunal welcome the creation of the [Greener Arbitrations Protocol for Arbitral Proceedings](#) and commit to adopting its proposals, including its Sustainability Measures, to minimise the environmental impact of this arbitration proceeding.
- D. The Tribunal welcomes the creation of the [Greener Arbitrations Protocol for Arbitrators](#) and commits to adopting its proposals.
- E. Unless otherwise defined, capitalised terms in this Procedural Order are as defined in the Greener Arbitrations Guidelines on Sustainable Arbitrations.

II. COMMUNICATIONS

All communications and correspondence among the Parties, Tribunal and administering institutions shall be made electronically, save where institutional rules or express contract provisions require otherwise. 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. Such exchanges shall be deemed official, obviating the need for sending hard copies.

III. CONDUCT OF PROCEEDINGS

- A. Throughout the proceedings, and unless otherwise agreed by the Parties or ordered by the Tribunal, the Parties and Tribunal shall:
 - A.1 Use shared electronic technology platforms or case management systems for all documentation and correspondence;
 - A.2 Use electronic platforms and tools to annotate documents;
 - A.3 Avoid printing any documents;

Where printing is deemed necessary, the Parties and the Tribunal shall endeavour to minimise the environmental footprint of the printing wherever possible, including by (but not limited to):

- (a) Using smaller paper (e.g., A5), grayscale and double-sided format;
 - (b) Using recycled and recyclable paper;
 - (c) Using environmentally friendly toner and ink; and
 - (d) Disposing of printed documents and associated materials (e.g., toner bottles) in an environmentally-friendly way (i.e., by recycling the shredded documents).
- A.4 Following the conclusion of proceedings, the Parties and Tribunal shall endeavour to dispose of all printed documents in an environmentally friendly way, whenever possible. Examples of printing disposal, whilst adhering to confidentiality obligations, might include recycling and composting.

IV. WRITTEN SUBMISSIONS AND DOCUMENTARY EVIDENCE

- A. All written submissions, including briefs or memorials, applications, witness statements, expert reports, exhibits and legal authorities, shall be prepared, served and provided to the other Party(ies) and the Tribunal electronically in an e-bundle or similar format, via email, secure link, or any shared technology platform or case management system (see [clause III.A.1.](#) above) agreed upon. The Parties shall avoid using and distributing USB keys, unless strictly necessary.
- B. The 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, the 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 a need for hard copies, the Tribunal shall identify and request hard copies only of those specific documents it considers essential.
- 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.
- F. The Parties welcome and endeavour to be guided by the *Green Protocol for Internal Operations of Arbitral Institutions*.
- G. The Parties and the Tribunal agree to accept copies of documents rather than original documents.

V. DOCUMENT PRODUCTION

All document production shall be conducted electronically unless otherwise necessary.

VI. WITNESSES AND EXPERTS PREPARATION

- A. The Parties' consultation, meeting, conferring of witnesses and experts and expert joint meetings shall be performed remotely rather than in-person, unless impractical or inappropriate. Where in-person meetings are considered necessary, Parties shall endeavour to limit the number of in person participants to those strictly necessary.
- B. Whenever possible and appropriate, materials for witness and expert review shall be provided, and reviewed, electronically.

VII. HEARINGS

- A. Pre-hearing conferences, procedural hearings and substantive hearings shall be conducted remotely, via telephone or video conference, unless impractical or inappropriate, and the Parties and Tribunal agree.
- B. Where in-person hearings are required, the Parties shall, to the extent possible:
 - B.1 Avoid unnecessary travel, and, if travel is required, select travel options that minimise carbon emissions, and consider offsetting the impacts of their travel;
 - B.2 Use technology to display documents, submissions, testimony and evidence;

- B.3 Undertake examination of witnesses and experts remotely, to the extent possible;
 - B.4 Limit the number of in person participants required for each Party to an agreed number, and make video-conferencing options available throughout the hearing to enable remote participation of additional participants;
 - B.5 Engage suppliers and service providers, including court reporters, interpreters, etc. that are located in the place of the hearing or which can provide services.
- C. Use of electronic documents:
- C.1 Wherever possible, shall be projected onto a screen and electronic copies thereof shall be distributed reasonably in advance.
 - C.2 Where hearing bundles are used, they should be provided in electronic format only, unless otherwise ordered or requested by the Tribunal, or agreed by the Parties.
- D. Where the use of hard copy documents is deemed necessary, the Parties and Tribunal shall 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
- E. The Parties shall endeavour to work with hearing centres that have adopted the [Green Protocol for Internal Operations of Arbitral Hearing Venues](#) or parts thereof, or that otherwise have implemented some or all of the following:
- E.1 Use of renewable energy as the primary energy source for their facilities;
 - 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 Encourage staff to power down their electronic equipment, rather than use 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 centre, which source their products locally, and which do not use disposable packaging;
 - E.14 Where deemed safe, minimise or eliminate single-use plastics wherever safe and possible to do so (i.e., bottled water and disposable plastic cups or utensils) and to otherwise use recyclable materials; and
 - 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

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

IX. OFFSETTING

In addition to the adoption of the Sustainability Measures contained in this Procedural Order, the Parties shall give due consideration to offsetting any residual emissions caused by their activities related to this arbitration.

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.