



GREEN PLEDGE MILESTONE



As we celebrate the one year anniversary of the launch of the Green Protocols on Earth Day 2021, we now mark another exciting milestone for the Campaign. In March 2022, the [Green Pledge](#) surpassed 1,000 signatories!

Maria Eugenia Bagnulo (Baker Botts, London) is the 1,000th signatory. She shares what drew her to the Campaign:

How did you learn about the Campaign for Greener Arbitrations and what inspired you to sign the Green Pledge?

I learnt about the Campaign for Greener Arbitrations by accident while researching a presentation about dispute resolution mechanisms to resolve climate change disputes. However, it immediately caught my attention, awakened my desire to know more about the initiative, and increased my willingness to get involved.

An initial study conducted by the Campaign found that just under 20,000 trees would be required to offset the total carbon emissions resulting from medium-large scale arbitration. This was a finding that resonated and led me to look for answers. Becoming aware of the environmental impact of my arbitration practice was the first step towards understanding the role I could play in combating climate change.

Any action, however small, can make a difference. It was under this premise and after looking into the Campaign, that I decided to sign the Green Pledge to ensure that, as an arbitration practitioner, I will try to make an effort to minimize the environmental impact of my practice.

Have you considered plans to implement greener behaviours into your practice, or are you already doing so?

I shared the initiative with other arbitration practitioners, and I am committed to following the Green Pledge principles in my practice.

"We do not have in our hands the solution to the world's problems, but in the face of the world's problems we have our hands."

Welcome to the inaugural issue of our Newsletter!

Read on for news on the Campaign's current initiatives, upcoming events, climate facts and general news from our regional and global efforts toward greener practices in the international arbitration community.

IN THIS ISSUE:

- CGA Africa update
- Technology Interview
- Upcoming Events
-and more!

A MESSAGE FROM OUR FOUNDER

As we slowly emerge from the pandemic we find ourselves under pressure. Pressure to save costs, pressure to “get back to normal”, pressure to make up for two years of isolation. In the face of global conflicts it is easy to put the climate emergency to the back of our minds and go back to how we ran our cases a mere 2 years ago. But that is not an option. The average carbon footprint per person in the UK is 12 tons. Just one return flight from London to Houston business class is 7 tons of carbon equivalent emissions. Globally, the average carbon footprint per person is closer to 4 tons.



Lucy Greenwood

International Arbitrator

**Founder & President of the
Campaign for Greener Arbitrations**

To have the best chance of avoiding a 2°C rise in global temperatures, the average global carbon footprint per year needs to drop to under 2 tons by 2050.

We have a mountain to climb.

We are not going to solve the climate emergency through behavioral change alone, but it is one of many weapons at our disposal as we fight the crisis. Looking at the next generation in their “go green for me” shirts reminds us that we must act now.

To borrow from President Obama “We are the first generation to feel the effect of climate change and the last generation who can do something about it.”

Happy Earth Day 2022!



GAR Green Award 2022



The 2022 GAR Awards were held on 31 March in Paris. Maguelonne de Brugiere, CGA Green Protocols Director and Senior Associate at HSF, presented the Campaign for Greener Arbitration Award for Sustainable Behavior to Climate Change Counsel, the practice co-founded by former SCC secretary general Annette Magnusson, for conducting a [study](#) of arbitral awards rendered under the Energy Charter Treaty (ECT) to assess their alignment with or departure from energy transition policy.

Congratulations to CCC on their well-deserved win! We also recognize the contributions of the shortlisted nominees:

- The Campaign for Greener Arbitration for launching its six Green Protocols
 - Pinsent Masons for implementing of a tracking system to analyse the cost benefits of adopting the Campaign for Greener Arbitration's Green Protocol for Law Firms
 - The Chartered Institute of Arbitrators for creating a Sustainability and ADR action group
 - The HKIAC for its Green Office Challenge, where HKIAC staff completed over 450 green actions in 40 hours, including actions that promote energy, water and paper saving, eliminating plastics and taking sustainable transportation
 - Young SIAC for establishing an environmental, social and governance task force that will prepare a report on resolving ESG disputes through international arbitration.
 - The Campaign for Greener Arbitration for extending the group's reach through customised messaging and initiatives to engage the international arbitration communities in Africa, Asia Pacific, Europe, Latin America & Caribbean, MENA and North America
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CGA Africa

The Role of the Campaign for Greener Arbitrations in Africa

Although Africa only accounts for about 4% of all global emissions, scientists opine that it is the continent most threatened by climate change. Furthermore, it is estimated that the Congo Basin, the world's most important carbon sink, absorbs 4% of all global emissions every year so it could be said that Africa's overall global emissions are, in fact, negligible.

Whilst the heavy carbon emitters - who need no introduction - have a moral obligation to help the nations of Africa, particularly the rural areas of these countries, mitigate the impact of climate change - not just to help Africa, but to help the rest of the world - the African subcommittee of the Campaign for Greener Arbitrations is on a mission to educate arbitration users across the continent of the work of the Campaign and the steps that can be taken to reduce our individual carbon footprints on a day-to-day basis.

To take this forward, the African subcommittee has three main objectives for 2022/2023: (i) encourage the main arbitral institutions to sign the Green Pledge and adhere to the Protocol for Arbitral institutions; (ii) raise awareness of the Campaign by speaking at arbitration conferences across Africa; and (iii) engage social media as a primary tool to promote the work of the Africa Subcommittee and, more broadly, continue to educate African arbitration users on climate change issues affecting Africa, including providing updates on the status of the various positive commitments made by countries at COP 26, such as ending deforestation by 2030 and a scheme agreed by 100 countries to cut 30% of methane emissions by 2030.

To show your support, please follow the CGA Africa subcommittee Linked In page, which can be found [here](#).

REGIONAL SPOTLIGHT

The Campaign's regional Committees work towards raising awareness, education, and achieving concrete action from stakeholders and supporters in their specific regions.

In this issue we invite you to get to know our:

AFRICA SUB-COMMITTEE

2022-2023

Led by:



STEPHANIE MBONU
Freshfields



ABAYOMI OKUBOTE
Africa Arbitration Academy

Around the Campaign

The first installment of our [Legal Technology Interview Series](#), produced by Anish Patel (Three Crowns) and Basil Woodd-Walker (Simmons & Simmons), Technology Directors for the Campaign, is available below and [here](#) on our website. Read their interview with our founder, Lucy Greenwood.

Stay tuned for upcoming interviews with key figures in the arbitration industry on their thoughts on the latest legal technology advancements and how this can have positive environmental impact.



1

How did you initially find the transition from paper to electronic working, particularly in the context of reviewing submissions which can at times be lengthy alongside large amounts of supporting evidence including expert reports, witness statements and exhibits?

My move away from paper began in around 2015, when I was increasingly sitting as an arbitrator, traveling a fair bit and finding it cumbersome to carry documents around. I had also noticed that it was easier to keep track of my comments on documents when they were saved electronically. As an arbitrator, I also found that my thinking evolved throughout the case, and I could layer additional comments on to documents more easily using soft copies. By 2017 I was working electronically almost exclusively. This coincided with my move to become a full-time independent arbitrator. Setting up my office meant that I could make sure that I had the right hardware, software, and the right electronic filing system in place to facilitate the transition from paper to electronic working. Now I will very occasionally print something if I am wrestling with how to word a particular section of an award, or struggling with a particular exhibit, but the majority of the time I am working on screen. That said, I was always someone who believed "I can't think properly without a pen in my hand" and I have solved this by making sure that I have a laptop which converts to tablet and which I can lay flat, review the document, and mark it up with my computer pen, so I still feel like I am thinking with my pen in my hand!

In terms of reviewing lengthy submissions alongside numerous exhibits, I use a number of screens to view the documents. If I am reviewing a submission or witness statement, I will mark it up on my laptop in tablet mode in the way I just described, then I will have the relevant exhibits on a separate screen and sometimes other witness statements or expert reports on a third screen.

2

As an arbitrator, what steps do you take to encourage the parties to work electronically throughout the proceedings?

Parties are understandably keen to present their cases in the best way for a particular tribunal. I find it helps to be very clear with the parties about the way in which I manage documents. My initial procedural order is fairly prescriptive on this, and I find that it is often useful to raise the issue again at the pre-hearing status conference. It also saves significant time at the hearing to have everyone viewing the same document on screen and avoids the 'bundle confusion' we all experienced for many years.

3

When sitting with other arbitrators how do you encourage them to make the transition, and agree to a procedural order / terms of reference that specifically limits the use of paper during the proceedings?

I have had some push back occasionally from co-arbitrators regarding their desire for hard copies. My approach to this is to seek agreement on wording in the first procedural order to the effect that electronic copies are to be submitted but hard copies will be provided if an arbitrator expressly requests them. Although I have had arbitrators be very forceful about wanting provision for hard copies in the first procedural order, once I have got them on board with this wording, I have found that as the arbitration has progressed the arbitrators have not requested a complete hard copy set of documents. Occasionally they might request a copy of the pleadings, but not more than that.



CAMPAIGN FOR

**GREENER
ARBITRATIONS**

www.greenerarbitrations.com

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Around the Campaign

Legal Technology Interview continued

“The minimum that parties should be able to expect is that their tribunal is technologically competent, cost conscious, and efficient”

4

In the context of the in-person hearing, what would you as an arbitrator expect of the parties in terms of their conduct and preparation for the hearing? Should they, for example, be precluded from flying a witness on a long-distance trip for only 30 minutes of examination, or are there due process concerns you are wary of when making that suggestion?

I think clients, counsel and the tribunal have the right to expect that all participants in an arbitration can have a grown-up conversation about the best way to take witness evidence, and that in light of the climate crisis environmental considerations may well form part of that conversation. Of course, I would never preclude counsel from presenting a witness in the way they see fit, but I have been encouraged by the way in which counsel are now discussing alternatives to the traditional default model of witness presentation. While I don't believe that remote hearings are always the answer, I do think that counsel and the tribunal should assess, on a case-by-case basis, the best way to present the particular case to the particular tribunal, whether that be in person, fully remote, or with certain elements of the arbitration heard over video. The minimum that parties should be able to expect is that their tribunal is technologically competent, cost conscious, and efficient.

5

What are your tips for arbitrators, and practitioners, for working electronically? Are there any particular tools/software that you use or describe as “must-haves”?

I think it can be daunting for practitioners to know where to start in relation to managing documents electronically and the Campaign is looking at how it can help with this. My approach has been to keep it simple. I use adobe acrobat and Microsoft Edge to mark up pdfs and a pretty simple e-filing system. It is far from perfect, but it works for me. I have a separate, dedicated laptop that I travel with which only has the particular arbitration case information loaded on it and I have an IT consultant who carries out regular health checks on my system to assuage my worries about cyber security.

6

Recognising that some tools, including the use of videoconferencing and even email, have some environmental impact, how do you seek to overcome this as part of your practice?

That's a great question! My office electricity is 100% renewable and I try to conserve energy by switching off my video where appropriate. I don't send short 'thank you' emails and I remove attachments from email strings, but it is a challenge to remember the digital carbon footprint as well and I know there is more that I can (and should) be doing in this space.

“I don't send short 'thank you' emails and I remove attachments from email strings”



Around the Campaign

GREEN PROTOCOLS

**GREENER
ARBITRATIONS**
DRIVING SUSTAINABLE CHANGE

Green Protocols now available in 7 languages:

- Arabic
- English
- French
- Mandarin
- Portuguese
- Russian
- Spanish

As part of the Campaign's commitment to engage the global arbitration community, we have released translated versions of the [Green Protocols](#).

The seven languages currently available may be found [here](#) on our website.

Our Global Steering Committee includes liaisons focused on raising awareness of the Green Pledge and Protocols in law firms and chambers, institutions, corporations and other external organisations. These members can provide specified advice and training for adopting the Green Protocols.

We want to hear from you!

**Would you like more guidance or wish to share feedback on particular provisions?
How have you implemented the Green Protocols into your practice?**

Send us your comments or questions regarding the Green Protocols:
protocols@greenerarbitrations.com

Call to Action

Paperless Options



Let's examine a daily behaviour that can be handled in a greener way: **note taking**. While paper reduction may not be the largest source of carbon emissions in an arbitration practice, it is one of the easiest shifts to make. Transitioning from traditional writing pads and plastic ink pens to e-paper tablets or smart notebooks and pens is a fairly simple adjustment. The following is a list of options to consider in this category:

iPad + Apple Pencil
reMarkable 2
BOOX Note Air 2
Livescribe Symphony

MobiScribe
Neo Smartpen
Supernote
Moleskine Smart

Not yet ready for this change? Consider using eco-friendly or biodegradable pens and recycled or FSC (Forest Stewardship Council) paper.

Note: The above list is not intended in any way to be an endorsement by the Campaign of any of the listed products, nor does the Campaign have any affiliation with these items.

V. MINIMISE PRINTING AND USE OF PAPER

- A. Arbitral Institutions shall carefully consider the need to print documents and shall endeavour to print only what is deemed to be strictly necessary.
- B. Where printing is deemed necessary, Arbitral Institutions shall endeavour to minimise the environmental footprint of the printing. Examples include:
 - B.1 Using environmentally friendly toner and ink;
 - B.2 Using recycled and recyclable, chlorine-free and / or tree-free paper;
 - B.3 Using eco-friendly printers (making use, for example, of LED UV printing);
 - B.4 Disposing of printed documents and associated materials (e.g. toner bottles) in an environmentally friendly way, where appropriate. Examples of printing disposal, whilst adhering to confidentiality obligations, might include recycling and composting; and
 - B.5 Considering whether it is necessary to courier hard copies abroad or whether it is possible to use a local printing service.
- C. Arbitral Institutions shall encourage attendees at all meetings to bring laptops or tablets for document review and electronic note taking and to display information using screens / projectors instead of printing documents. Stationary shall only be provided upon request.
- D. Arbitral Institutions shall encourage the use of business development and marketing materials in digital form.
- E. Arbitral Institutions shall endeavour to maintain electronic case files.
- F. Individual printers within offices are to be discouraged or limited.
- G. Consider using multi-purpose machines for printing, copying, scanning and faxing.
- H. Regularly update subscriber mailing lists to reduce the volume of general communications via both electronic and paper transmission, and endeavour to eliminate or reduce printed mailing wherever practical. This step shall also serve to confirm current contact information.
- I. Wherever available for accounts payable and receivable, implement digital funding transfers to reduce the need for printed checks and mailings.

Our Green Protocols contain detailed instruction to guide arbitral actors towards paper-conscious practices.

This excerpt from our Arbitral Institutions Protocols outlines the specific steps that may be implemented to shift to a minimal paper practice.



Access the entire set of Protocols [here](#).



Recent Event Highlights

Following the Green Protocols public consultation period in early 2021 and official launch on Earth Day 2021, our global members and regional groups have hosted and participated in many panels addressing climate change initiatives.

Some highlights:

- In November 2021, CGA MENA hosted the region's hybrid launch in Dubai. The event included a keynote address by **Essam Al Tamimi** (Al Tamimi & Company) and panel discussion led by MENA Co-Chair, **Alex Bevan** (Shearman & Sterling).
- Campaign founder and International Arbitrator, **Lucy Greenwood**, delivered a compelling keynote for the Scottish Arbitration Centre's COP26 focused conference in November. The full recording is available [here](#).
- The Georgetown International Arbitration Society (Washington, DC) hosted a panel discussion on 4 March: Is the Future of Arbitration Greener? Participating panelists included Campaign Members **Ryan Hicks** (Freshfields Bruckhaus Deringer) and **Cherine Foty** (Covington & Burling).

Be sure to register for alerts from your regions of interest and follow us on [LinkedIn](#) for future updates.



Did You Know?

One hour of streaming or videoconferencing can emit between 150 and 1,000 grams of carbon dioxide, depending on the service. But new research has shown that if you turn your camera off during a videoconference, you can reduce your environmental footprint in that meeting by 96 percent (source: [MIT News](#))

UPCOMING EVENTS

26 April

Greener Arbitrations: The Path Towards Carbon Neutrality
[More information here.](#)

29 April

2022 ILS Annual Conference: Navigating Virtual ADR – Effective Advocacy in Remote Proceedings: What Have We Learned and What Does the Future Look Like?
[More information here.](#)

5 May

Arbitration Open 2022: Greener Arbitrations Roundtable
[More information here.](#)

9-13 May

London International Disputes Week 2022
[More information here.](#)

Visit the [Events page](#) of our website for more information on these and all upcoming events.

Interested in partnering with GCA for your next event?
info@greenerarbitrations.com

What Can You Do?

By signing the Green Pledge, you have taken the first step toward committing to a greener practice. **Congratulations and thank you!**

As we strive to spread the message of reducing the carbon footprint of the entire international arbitration community, you may help us to expand awareness. By simply adding the "**Proud Signatory of the Green Pledge**" banners to your email signature and LinkedIn profile, you will help to share this message. The files and use instructions are available [here](#) on our website.

Beyond this, encouraging your colleagues and organisations to support the Campaign will help this grassroots endeavour.



Interested in a feature in our newsletter? Have suggestions on tools you use for a greener practice or topics you would like us to cover?

Share your thoughts with us: info@greenerarbitrations.com