



GREEN PLEDGE MILESTONE



Throughout the month of April, the global community focused on Earth Month and its efforts to be more conscious of our environmental impact. At CGA, we marked the second anniversary of the launch of the Green Protocols on Earth Day, and this past year we celebrated another milestone for the Campaign!

The **Scottish Arbitration Centre**, a Green Pledge Signatory, took an innovative approach when drafting their Rules by dedicating an [article](#) to the topic of environmental impact and encouraging parties to implement the Campaign for Greener Arbitration's Green Protocols into their proceedings.

"We are not aware of other arbitration rules with such a provision, so adopting our Rules will assist parties looking to reduce the environmental impact of their work. Of course, we also hope that our stance will encourage other arbitral institutions to amend their rules to include such provisions."

Andrew Mackenzie
Chief Executive of the Scottish Arbitration Centre

Read our full Interview with Andrew Mackenzie inside this Newsletter.

Welcome to the fourth edition of the CGA 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:

- Model Clause for Company Outside Counsel Retention
- CGA North America update
- GAR Green Award Winner
- Upcoming Events
....and more!

A MESSAGE FROM OUR FOUNDER



Lucy Greenwood

International Arbitrator

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

The publication of this newsletter coincides almost exactly with Earth Day 2023. It is worth taking a few minutes to enjoy the introduction to the first Earth Day in 1970 on YouTube <https://youtu.be/WbwC281uzUs>. The day was billed as a “nationwide outpouring of mankind seeking its own survival”. To be frank, the day itself was met with something of a mixed reaction, but by the end of 1970, the United States Environmental Protection Agency had been created and the National Environmental Education Act, the Occupational Safety and Health Act, and the Clean Air Act had passed, followed by Clean Water Act two years later.

In 1990 Earth Day became a global event, two years prior to the seminal UN Earth Summit in Rio de Janeiro, which served as a springboard for the Kyoto Protocol and the Paris Agreement. Since then, Earth Day has served as an annual reminder to us all of the importance of taking action against climate change.

Action is what we at the Campaign have been calling for. And action is finally what we are seeing. In the lead up to Earth Day 2023, it was inspiring to see practitioners sharing their experiences of addressing climate change in a series of videos released by [CGA: North America](#). We have now compiled a [list of arbitrators](#) who have signed the Green Pledge. We continue to be impressed by the level of support we receive from [law firms](#) and [institutions](#), as well as [corporations](#).

The response to the Campaign’s presence at Paris Arbitration Week was almost overwhelming and we are gearing up for a similar presence at London International Disputes Week in May, then at other arbitration weeks later in the year.

It seems to me that we are not just seeing action, but we are also seeing innovation in this space, with a real enthusiasm for shaking up the way we run arbitrations, whether that is by using technology more effectively, by considering cost-shifting at the end of an arbitration to reward environmentally friendly behaviour, or by reducing waste generally. I am optimistic that, in a community that is fairly resistant to change, we are beginning to see the start of a paradigm shift or, at least, a common appreciation that it is up to all of us to consider the environment in the way we conduct our personal and professional lives.

Thank you for your ongoing support for the Campaign. Happy Earth Day 2023.

***Action is what we at the Campaign have been calling for.
And action is finally what we are seeing.***



CAMPAIGN FOR
**GREENER
ARBITRATIONS**

www.greenerarbitrations.com

APRIL 2023 Edition
Vol. 04



CGA at Paris Arbitration Week

CGA was proud to be a supporting partner of Paris Arbitration Week this past March. During the week, members of our Global Steering Committee and several Regional Committee Chairs connected with other PAW attendees both in person and online at various PAW events and gatherings.

CGA hosted two events during PAW. On Wednesday, 29 March, we presented our hybrid session **Greening Arbitration: Actions speak louder than words!** at the Paris offices of our gracious host and Green Pledge signatory, Addleshaw Goddard. This interactive discussion covered the sustainable principles of the Campaign, including our recent accomplishments,

future plans for reductions in the carbon footprint of the arbitration community, and feature testimonials of key stakeholders who have successfully implemented sustainable behaviors. CGA members **Cherine Foty, Christine Falcicchio, Chiara Tondini, Olivier André and Nathalie Allen Prince** presented.

Next up was a fun way to explore Paris with our colleagues! On Thursday afternoon, CGA hosted **Strolling in Paris for a Greener Future**, a picturesque stroll through the Tuileries Gardens. At the conclusion of this lovely walk, the winner of our weeklong **Sustainability Contest**, which rewarded the sustainable actions participants took during PAW (and beyond) was announced. Congratulations to **Carlos Carvalho** for taking steps to reduce his carbon footprint during PAW!

In addition to our CGA events, we are grateful to our CGA partners at PAW – the organizations who promoted CGA and encouraged others to sign the Green Pledge at their events. Thank you to **Addleshaw Goddard, Freshfields Bruckhaus Deringer, Baker McKenzie, Pinsent Masons, Reed Smith, Shearman & Sterling LLP, Omni Bridgeway, and Paris Baby Arbitration.**

Kudos to CGA's PAW Planning Task Force: **Daniela-Olivia Ghicajanu, Sarah Peloux, Patricia Pimentel, Charlotte Matthews, Rebecca James, Chiara Tondini, Olivier André, Cherine Foty and Christine Falcicchio.**



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CGA at Paris Arbitration Week



Omni Bridgeway & Freshfields Bruckhaus Deringer support fellow PAW Partner, The Campaign for Greener Arbitrations

In 2019, Lucy Greenwood launched what she termed her Green Pledge to minimize the impact of her arbitration practice on the environment.

With the support of a global team of arbitral actors, this personal commitment evolved into the Campaign for Greener Arbitrations (CGA). The CGA guides the international arbitration community toward the critical goal of reducing the carbon footprint of our industry.

Heavily 2,000 signatories, including 150+ law firms & chambers, 51 arbitral institutions & venues, and 50 corporate & service providers, have shown their commitment to act. We share this collective responsibility, and you can take the first step today by signing the Green Pledge.



Sign the Green Pledge today.

Scan this QR code or visit:
www.greenerarbitrations.com



GAR Green Award 2023



The 2023 GAR Awards were held on 30 March in Paris. Olivier André, Co-Chair of CGA North America Committee and Client Relationship Advisor at Freshfields, presented the Campaign for Greener Arbitration Award for Sustainable Behavior to Dr. Mohamed Abdel Wahab, President of Africa Arbitration Academy for publishing a model bilateral investment treaty for states on the continent with a focus on sustainability

The Green Pledge Award presentation was accompanied by a video overview of CGA produced by Freshfields and narrated by Cherine Foty, CGA Vice President.

Watch the CGA video [here](#).

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

- Scottish Arbitration Centre publishes inaugural arbitration rules that enshrine the Green Protocols of the Campaign for Greener Arbitration
 - Herbert Smith Freehills case study finds that virtual hearings are significantly less carbon-intensive and cheaper
 - Mike McIlwrath and the Corporate Task Force of the Campaign for Greener Arbitrations for implementing a model clause for in-house legal departments to assist in reducing carbon emissions and other environmental impacts associated with managing and resolving disputes
 - Mark Mangan and Lukas Lim for their article “The Pursuit of Net Zero Arbitration with the Aid of Carbon Emissions Scorecards”
 - The ICC publishes its Centenary Declaration on Dispute Resolution and Prevention – containing a commitment to “adopt sustainability measures” and “supporting bold action to tackle climate change”
 - Climate Change Counsel for its jurisprudential study on the Energy Charter Treaty, climate change and the clean energy transition
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CGA North America

The Role of the Campaign for Greener Arbitrations in North America

While much of the arbitration community re-adapts after almost two years of pandemic lockdowns, the Campaign for Greener Arbitrations North America Committee – which is composed of, and supported by, arbitration counsel, corporate counsel, arbitrators, and representatives from various arbitral institutions and hearing centers in North America – has been busy with initiatives to support members of the arbitration community as they seek to maintain the greener practices they developed and adopted during the pandemic, consistent with conducting efficient and effective arbitrations.

- In June 2022, we released a key takeaways report from our global workshop “Shaping the Future of International Arbitration Conferences and Training,” held in October 2021. During the workshop, more than 80 participants discussed how to best meet environmental goals, along with the organizers’ objectives and the needs of presenters and trainers. The report provides conference and workshop organizers with practical steps they can take to adopt greener practices consistent with their other objectives. You can read the key takeaways [here](#) and GAR’s coverage of the report’s release [here](#).
- Committee members have fanned out across the United States and Canada, speaking at a variety of meetings of arbitration-related associations and conferences about the Campaign. These include the Schiefelbein Global Dispute Resolution Conference, ICC YAF, the International Arbitration Club of New York, the Annual Georgetown International Arbitration Month, the American Bar Association International Arbitration Committee, the Inter-American Bar Association International Seminar, the 2022 PLI International Arbitration Conference, the ICC Miami Conference, and CanArb Week 2022. CGA North America also co-hosted an Earth Day webinar with Freshfields Bruckhaus Deringer on “The Path Towards Carbon Neutrality.”
- In November 2022, the Committee launched a campaign to recruit new members from various stakeholders of the international arbitration community. The Committee is also working on several initiatives to continue to further the goals of the Campaign in the upcoming year. These initiatives include partnering with arbitral institutions to offer technology trainings to arbitrators and working closely with the corporate counsel community to increase the adoption of greener practices that are consistent with their other objectives.
- Stay tuned for much more from the North America Committee over the upcoming year!

To show your support, please follow the CGA North America Committee 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

NORTH AMERICA COMMITTEE

2022-2023

Led by:



Olivier André
CHAIR
Freshfields



Sarah McEachern
CHAIR
Borden Ladner Gervais LLP

Around the Campaign

Model Clause for Company Outside Counsel Retention



CGA Corporate Task Force recently developed the Model Clause for Company Outside Counsel Retention. Mike McIlwrath and the Corporate Task Force were nominated for the GAR Award for Sustainable Behavior for this initiative.

The clause draws on the principles expressed by the Green Pledge. It is for use by company legal departments to assist in reducing carbon emissions and other environmental impacts associated with managing and resolving disputes. It can be incorporated partially or entirely in company guidelines or policies relating to external counsel, for inclusion in counsel engagement letters, or adapted as appropriate.

The Model Clause contains language highlighting companies' efforts to reduce carbon emissions and mitigate environmental impacts associated with different corporate activities, including solving corporate disputes. The clause offers flexibility to corporations to adopt/adhere to/agree with the principles expressed in the Green Pledge.

The Model Clause is available on CGA's website [here](#).

Additional resources on the Model Clause:

- Kluwer Arbitration Blog: [Where Efficiency and Sustainability Meet: A Model Clause to Align In-House and External Counsel on Carbon Emissions Reduction](#) by Cherine Foty, CGA GSC Vice President and Mike McIlwrath, CGA Corporate Task Force Director
- [Corporate Counsel Starting to 'Drive the Bus' on the Greening of Arbitration and Procedural Efficiency](#) by Barry Leon, CGA North America. Article first appeared on the OGEMID and Young OGEMID listservs.
- [Audio Clip Excerpt](#) of Chris Campbell, CGA North America Committee, and Tales of Tribunal podcast Host. Listen to the full ToT episode with Mike McIlwrath [here](#).

Around the Campaign

In the fourth in the **Legal Technology Interview** series, **Anish Patel**, Practice Manager, Three Crowns and **Basil Woodd-Walker**, Counsel, Simmons & Simmons, interview **Andrew Mackenzie**, Executive Director, Scottish Arbitration Centre.

Read the interview below and [here](#) on our website.

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.



Andrew Mackenzie
Executive Director
Scottish Arbitration
Centre



**Legal Technology
Interview Series**

Anish Patel
CGA Technology Chair

Basil Woodd-Walker
CGA Technology Chair

Tell us about Article 23 of the Rules of the Scottish Arbitration Centre. What was its genesis?

Making provision for greener arbitration in our Rules was discussed in early brainstorming sessions on the draft Rules. I sit on the European Subcommittee of the Campaign for Greener Arbitration, so appreciate the importance of persuading the arbitration community and those involved in dispute resolution to reduce the climate impact of arbitration. Our Rules Committee, comprising some Directors of the Board, supported the proposal. Article 23 of our Rules provides that parties, their counsel or other representatives, the arbitral tribunal and the Centre shall be mindful of the environmental impact of the arbitration, and in particular shall, at the commencement of proceedings, consider the application of the Green Protocols as developed by the Campaign. We are not aware of other arbitration rules with such a provision, so adopting our Rules will assist parties looking to reduce the environmental impact of their work. Of course, we also hope that our stance will encourage other arbitral institutions to amend their rules to include such provisions.

Was there enthusiasm or any resistance to including a provision on environmental impact in the Rules? Did any comments alter the drafting of the Article?

There was broad support for the provision, given the Centre's support for the Green Protocols and the Campaign. There was a discussion about whether there should be specific reference to the protocols and campaign or more generic language, but it was agreed that it was best to link to the protocols and campaign with wording that allowed for the prospect of future amendments to both. As we are not aware of such a provision in other arbitration rules, despite the responsibility on all of us to minimise our environmental impact, we wanted to set a trend that will hopefully see other arbitral institutions following our lead.

Around the Campaign

Legal Technology Interview continued

The LCIA, SCC and ICC have introduced online filing and case management systems, or said that filings can be made electronically. What practical steps are the Scottish Arbitration Centre taking to encourage parties and tribunals to reduce their environmental impacts? For example, does the Scottish Arbitration Centre have a model procedural order or guidance for the conduct of arbitrations, and, if so, does this have any technology-focused language?

The Centre has developed a new electronic case management system with Opus 2, where documents are uploaded and downloaded to this secure platform. The creation of this easy-to-use system seeks to avoid the use of paper, in order to minimise any environmental impact. The system also assists with information security. Arbitral tribunals constituted under our Rules must consider adopting relevant measures to protect the physical and electronic information shared in the arbitration (see Article 22 of the Rules), so the new case management system assists with that in addition to the environmental impact.

What practical steps are the Scottish Arbitration Centre taking to reduce its own environmental impact, and how is technology playing a role in that? From an institution's perspective, what are the major drivers and barriers to improvement?

We have a provision in our Rules on environmental impact and have developed a new electronic case management system, as mentioned above. Both measures should reduce our environmental impact. We also ensure that conferences we host follow the Green Protocol for Arbitration Conferences. For ICCA Edinburgh, which we hosted in September, we published a document setting out our approach to meeting that protocol. We have a flexibility working model for staff, so there is not a requirement to travel to the office. Where possible, we conduct meetings virtually, and technology has clearly played a key role there.

How do you balance the need to travel to promote the Scottish Arbitration Centre, and to promote Scotland as a centre for international arbitration, with reducing your environmental impact?

We speak at and attend online conferences and seminars, including some events we have hosted. However, we also understand the value of face-to-face interaction and its importance from a promotional and marketing perspective, so travel remains part of the picture. We focus on attending the major arbitration and law conferences and events, so we can have the greatest impact on the back of one journey. We are most often involved in conferences in London, where we can take the train to, and events in Europe. We have Directors and Ambassadors in various parts of the world, so we are able to field representatives in various cities, such as Dubai, Hong Kong and New York, reducing the need for travel from Scotland.

From your own personal practice, what are your tips for practitioners when working electronically? Are there any particular tools or software that you use or describe as 'must-haves'?

Working electronically avoids the use of paper, so I mark-up documents using the standard tools. Video conferencing also allows me to communicate with contacts all over the world from my desk in Scotland, which is hugely important. We also hope that our developed of a new electronic case management system with Opus 2 will become a must-have for all arbitrations in the future.



Upcoming Events

CGA Founder Lucy Greenwood will participate in a panel discussion during London International Disputes Week 2023 on the topic of **Giving technology the green light: how to deliver eco-friendly arbitrations** on 18 May.

More information on this and other LIDW 2023 events may be found [here](#). Stay tuned to the [CGA's LinkedIn page](#) for details on our plans at LIDW and other upcoming arbitration weeks.

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?
Contact us at info@greenerarbitrations.com



Did You Know?

Before ordering that burger for lunch, consider skipping meat at least once a week, and ideally more. Aside from the health considerations, did you know that producing a plant-based burger generates 90% less greenhouse gas emissions, has 99% less impact on water scarcity and 93% less impact on land?

(source: <https://www.earthday.org/actions/plant-based-once-per-week/>)

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