

# Is the Campaign for Greener Arbitrations' Model Green Procedural Order (MGPO) unavoidable?



**Yes**, the MGPO is unavoidable.

## 1 Benefits and potential impact

- Encourages digital communications and paperless operations
- Preserves forests, and cuts down energy and transportation costs
- Allows lawyers to work more efficiently and effectively by using modern technology
- Push for remote hearings and meetings
- Reduction of (i) carbon emissions associated with travel and (ii) costs for users
- Proposes alternative options when environmentally friendly options are unavailable

## 2 Footprint reduction measures

- Digital communications and paperless operations
- Technology as a tool to minimize paper waste
- Remote hearings and meetings encouraged; alternative solutions proposed
- Use of digital case management platforms encouraged

## 3 Enhanced efficiency and cost effectiveness

- Equally critical to arbitration
- Elimination of physical document exchanges, meetings and hearings speeds up the process, avoids administrative time and costs, and reduces risk of loss or damage

## 4 Enhanced quality and integrity of the procedure

- Embracement of the advantages of modern technology – greater thoroughness and precision of the process
- Preservation of the principles of confidentiality and allowance for cyber-security measures
- Remote hearings:
  - o Promote diversity in panels of arbitrators and expert witnesses
  - o Enhance quality of deliberations
- Legitimacy of arbitration: The MGPO's drive for sustainability aligns with global socio-ethical standards, enhancing the reputation of arbitration and thus creates more confidence in the process



**No**, the MGPO is not unavoidable.

## 1 Concerns and potential drawbacks

- Arbitration = consent + party autonomy
- There are no “one size fits all” procedural orders or we will lose one of the best features of arbitration
- Raises issues of cyber security
- Cultural incompatibilities: Some styles of advocacy (e.g., U.S.) require in-person evidentiary hearings to assess the credibility of a witness

## 2 Implementation concerns

- Partial or total adoption?
- Use of paper can be preferred:
  - Screen fatigue
  - Facilitation of note taking
- Witness preparation is not the same remotely and does not truly prepare the witness for an in-person examination

## 3 Potential additional time and costs

- Use of environmentally friendly toner and ink can significantly increase costs
- Sanction? Disqualification? Award annulment?
- Greener venues may increase costs
- Other protocols referenced in the MGPO create further complications

## 4 Risks to quality and integrity of the procedure

- Data security and accessibility issues
- Cyber-attacks



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