EXPLANATORY MEMORANDUM TO

THE GLOBAL GREEN GROWTH INSTITUTE (LEGAL CAPACITIES) ORDER 2013

2013 No. 785

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office.

2. Purpose of the instrument

2.1 The Global Green Growth Institute (Legal Capacities) Order 2013 ('the Order') confers the legal capacities of a body corporate on the Global Green Growth Institute ("GGGI"). GGGI is an international organisation established by the Agreement on the Establishment of the Global Green Growth Institute ('the GGGI Agreement'). It has the aim of promoting sustainable development of developing and emerging countries.

2.2 The United Kingdom signed the Agreement on 20 June 2012. Article 14 of the GGGI Agreement requires that GGGI have legal capacity in order that GGGI can enter into contracts, acquire and dispose of property, and institute and defend itself in legal proceedings. In order for Her Majesty's Government to give effect to this obligation under the GGGI Agreement, it is necessary to make this instrument.

2.3 The Order will come into force on the date that the GGGI Agreement enters into force in respect of the UK.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Context

Section 1(2)(a) of the International Organisations Act 1968 allows Her Majesty by Order in Council to confer on an international organisation of which the United Kingdom is a member the legal capacities of a body corporate.

5. Territorial Extent and Application

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

The Parliamentary Under Secretary of State at the Foreign and Commonwealth Office has made the following statement:

In my view the provisions of the Global Green Growth Institute (Legal Capacities) Order 2013 are compatible with the Convention rights.

7. Policy background

The GGGI was set up in Korea in June 2010 as a not-for-profit organisation. The purpose of the GGGI Agreement was to establish the GGGI as an international organisation, with the aim of creating a new model of environmentally sustainable economic growth, with three main objectives: Green Growth Planning; Private-Public Cooperation; and Research. Sixteen countries, including the UK, signed the Establishment Agreement on 20 June 2012 at Rio de Janiero.

The UK actively supports a global transition to a low carbon economy; through its domestic policies, international climate diplomacy and international climate finance. By becoming a Party to the Agreement the UK will become a member of the GGGI. Membership of the GGGI will allow the UK to play an active role in influencing both the developing and developed world to transition to a low carbon economy. In order for the UK to become a member of the GGGI, it is necessary to make this instrument, to give the GGGI legal capacity in the UK.

The Minister of State for International Development covering climate change and the Minister of State for Foreign and Commonwealth Affairs covering climate change have joint policy responsibility.

8. Consultation outcome

8.1 No specific consultations have been carried out with respect to this Order. However, in the wider context of negotiations of the GGGI Agreement generally, relevant Government departments were consulted during the negotiations and gave their approval to the final draft of the Agreement.

9. Guidance

The instrument is not complex and provides only for GGGI to have legal capacity in the UK. Neither the Department for International Development nor the Foreign and Commonwealth Office is intending to issue guidance.

10. Impact

10.1 No impact on business, charities or voluntary bodies is foreseen.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

The Order confers the legal capacities of a body corporate on the GGGI. No monitoring or review is required.

13. Contact

Nicola Smith in Foreign and Commonwealth Office Legal Directorate can answer queries regarding the instrument.

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