



Green Climate Fund Demands Diplomatic Immunity

If the Green Climate Fund (GCF) has its way, its actions will — like those of the United Nations — soon be considered to be above the laws of the nations of the world. While critics question the wisdom of investing any governmental body with such a lack of accountability, these criticisms take on a new urgency when one considers the fact that the GCF is not even a part of the UN.

Although the administrators of the GCF anticipate soon having tens of billions of dollars at their disposal, the creation and development of this offshoot of the UN's ongoing series of conferences dedicated to the topic of "global climate change" have largely gone unnoticed.

The GCF was created at the 2010 meeting of the United Nations Framework Convention on Climate Change (UNFCCC), which met in Cancún, Mexico. The Cancún gathering, known as the COP-16 meeting (the 16th Conference of the Parties to the Climate Change Convention) came in the aftermath of the debacle of the [COP-15 meeting in Copenhagen](#), Denmark, where delegates from around the world shivered in a city hit by [record cold](#) temperatures while they discussed global warming. Although it seemed that little was accomplished at the COP-16 meeting to advance the agenda of the radical environmentalists, one goal which was reached was the establishment of the GCF.

As its name implies, the GCF has control over funds which are intended to advance the agenda of the UNFCCC. [According to the UNFCCC website](#), "The Green Climate Fund will support projects, programmes, policies and other activities in developing country Parties using thematic funding windows." The GCF will be governed "by the Green Climate Board comprising 24 members, as well as alternate members, with equal number of members from developing and developed country Parties. The assets of the Green Climate Fund shall be administered by a trustee only for the purpose of, and in accordance with, the relevant decisions of the Green Climate Fund Board."

At the time of the COP-16 meeting, [an article for the Guardian](#) outlined the basic mission of the new GCF:

A new climate green fund was agreed at Cancún to transfer money from the developed to developing world to tackle the impacts of climate change. Poorer countries saw this as a success because they will outnumber rich countries on a "transitional committee" for the fund, which is due to be set up in 2011. But no figure was put on how much money will go into it.

Separately, ministers repeated their political promise made last year at Copenhagen to raise \$100bn (£63bn) in climate aid by 2020, starting with \$30bn (£19bn) by 2012 for "fast track" financing. This headline-grabbing promise, however, is not part of the UN process and is merely an aspiration of rich countries.



United Nations
Framework Convention on
Climate Change



Written by [James Heiser](#) on March 26, 2012

However, any pessimism about the prospects of the GCF delivering on the plans set forth in Cancún is proving to have been an underestimation of the level of commitment of UNFCCC bureaucrats. Not only is the fund expecting to receive its projected \$100 billion by 2020, it is seeking “diplomatic immunity” for its operations. [As George Russell wrote in an exclusive article for FoxNews.com:](#)

But before it is fully operational, the GCF’s creators — 194 countries that belong to the United Nations Framework Convention on Climate Change (UNFCCC), and who are also U.N. members — want it to be immune from legal challenges and lawsuits, not to mention outside inspections, much like the United Nations itself cannot be affected by decisions rendered by a sovereign nation’s government or judicial system.

Despite its name, the UNFCCC was informed in 2006 by the United Nations Office of Legal Affairs that it was not considered a U.N. “organ,” and therefore could not claim immunity for its subordinate bodies or personnel under the General Convention that has authorized U.N. immunity since the end of World War II.

A UNFCCC resolution granting similar immunities would need to be “accepted, approved or ratified” by each individual member of the Kyoto Protocol before it took effect, the U.N. legal office advised. Even if UNFCCC members decided to ask the U.N. General Assembly to grant them similar immunity it would require each U.N. member state to make changes in domestic legislation, the opinion declared.

The move to grant such immunity to an organization engaged in the redistribution of tens of billions of dollars between some of the wealthiest and the poorest nations in the world unavoidably raises questions and concerns. At the same time, however, it is apparent that several nations are making substantial efforts to host the GCF; for example, [an article for *The Korea Herald*](#) makes the case for Incheon, South Korea’s bid to be the host city for the new fund:

Incheon Metropolitan City has been selected by the Ministry of Finance and Strategy as the South Korean candidate for the location of the U.N. Green Climate Fund’s secretariat. ...

“Being chosen as the location of the U.N. GCF will provide the opportunity for Songdo International City to become the mecca of low-carbon, green growth,” Incheon Mayor Song Young-gil said in a statement. Songdo International City is a planned urban area in Incheon.

Song added that Incheon will also try to host the Global Green Growth Institute and the Green Technology Center, and requested public support for the city’s bids.

So far, China, Germany, Mexico and Switzerland have announced that they hope to establish the GCF secretariat in their cities.

According to the Finance Ministry, Germany and Switzerland have the most support, but being based in Asia will help Incheon’s bid as it will help balance international environmental organizations, which are mostly based in Europe and North America.

The perceived profitability of hosting the GCF is part of the problem with granting both the institution, and its functionaries, quasi-diplomatic immunity. A \$100 billion fund is a tempting target for corruption, especially when there is little or no accountability under law.

As tempting a target for corruption as \$100 billion would prove to be, that lure will only grow if the United Nations’ plan for wealth distribution in the name of saving the planet is brought to fruition. Last year, the UN Economic and Social Affairs body said that vastly larger sums would be required for



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investment in “green” technologies to help the development of the third world. The AFP reported in July 2011:

“Over the next 40 years, \$1.9 trillion (1.31 trillion euros) per year will be needed for incremental investments in green technologies,” the UN Economic and Social Affairs body said in its annual survey.

“At least one-half, or \$1.1 trillion per year, of the required investments will need to be made in developing countries to meet their rapidly increasing food and energy demands through the application of green technologies,” it added.

At the moment, “external financing currently available for green technology investments in developing countries is far from sufficient to meet the challenge,” it assessed.

If the UNFCCC has its way, the new Green Climate Fund would not be answerable to the laws of any nation on earth, while it annually redistributed funds equal to roughly [half of President Obama’s proposed budget](#) for 2012.



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