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Eleventh Meeting of the Monitoring Committee on the Action Plan for the Caribbean Environment Programme and Special Meeting of the Bureau of Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region

Kingston, 7-9 December 1994

**DRAFT
PROPOSED LEGAL FRAMEWORK
FOR THE ADMINISTRATIVE, TECHNICAL AND FINANCIAL
OPERATIONS OF RACs AND RANs**

as amended by the Seventh Intergovernmental Meeting of the Action Plan for the Caribbean Environment Programme and Fourth Meeting of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, Kingston, 12-14 December 1994

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PROPOSED LEGAL FRAMEWORK
FOR THE ADMINISTRATIVE, TECHNICAL AND FINANCIAL
OPERATIONS OF RACs AND RANs

Background

1. The development of Regional Activity Centres (RACs) and Regional Activity Networks (RANs) is part of a continuing process by which the implementation of project activities is undertaken in a consolidated and co-ordinated manner. Thus, RACs and RANs represent an institutional framework of technical co-operation consisting of regional and national institutions selected for the purpose of co-ordinating the implementation of the Action Plan for the Caribbean Environment Programme (APCEP) activities in a systematic manner.

The overall purpose of RACs and RANs is to co-ordinate the technical implementation of the Action Plan for the Caribbean Environment Programme (APCEP) in a systematic manner. RACs and RANs are to be part of a process whereby the implementation of project activities occurs in a consolidated and co-ordinated manner.

2. In principle, activities agreed upon as part of the Regional Programmes of the Action Plan will be implemented by several institutions of the region, which will be linked to form networks of co-operating institutions. These networks will be referred to as RANs. Institutions participating in the Networks will be drawn from the following categories:

- National environmental and resource management agencies;
- Regional environmental and resource management organizations;
- Academic and other scientific organizations; and
- Non-governmental organizations.

3. Regional Activity Centres (RACs) are to be based at existing technical and/or scientific institutions in the Wider Caribbean having the capability to assist the Regional Co-ordinating Unit (RCU) of UNEP with co-ordinating the implementation of relevant activities of APCEP. One national or regional institution, having special expertise or facilities that qualifies it to co-ordinate a particular subject area, will assume the role of the RAC for the relevant network and will co-ordinate the implementation of activities of the subject area of the network. For each programme and/or activity within the Action Plan, the RCU would establish linkage principally with the RAC, which would in turn, co-ordinate and integrate the relevant activities of the institutions pursuing that area under the auspices, and with the assistance of the RCU. Therefore, technical and/or scientific institutions will assume the role of co-ordinating the implementation of APCEP activities through RACs. It must be

- pointed out, however, that RACs will be utilized to co-ordinate the technical and scientific aspects of project implementation only. The political, and indeed all other aspects of project implementation, will be co-ordinated by the RCU. Furthermore, the RCU will provide direct supervision of the operations of RAC.
4. It is expected that the institutional framework derived from the establishment of RACs and RANs will result in a mechanism of strong regional co-ordination, thus ensuring the timely and harmonious implementation of the Action Plan.
 5. In keeping with Decision No. 1 of the Sixth Intergovernmental and Third Contracting Parties Meeting (Kingston, 16-18 November 1992) which supports Recommendation No. 1 of the Tenth Meeting of the Monitoring Committee on the Action Plan for the Caribbean Environment Programme and Special Meeting of the Bureau of Contracting Parties to the Cartagena Convention (Kingston, 11-13 November 1992), the RCU has prepared this draft document outlining a draft legal framework arrangement for the administrative, technical and financial operations of RACs and RANs.
 6. These Terms of Reference are based on document UNEP(OCA)/CAR WG.10/3 entitled: "Concept Paper for Regional Activity Centres and Regional Activity Networks", on discussions held during the Tenth Monitoring Committee and Sixth Intergovernmental Meetings of November 1992 and on relevant documentation from the Mediterranean Action Plan concerning the operation of Regional Activity Centres in the Mediterranean region, as well as on the experience gained from the development of the Terms of Reference for the SPAW Regional Activity Centre (UNEP(OCA)/CAR IG.11/9).
 7. This draft document is being submitted for review and comments to the Eleventh Meeting of the Monitoring Committee on the Action Plan for the Caribbean Environment Programme and Special Meeting of the Bureau of the Contracting Parties to the Cartagena Convention (Kingston, 7-9 December 1994), prior to its presentation for adoption by the Seventh Intergovernmental and Fourth Contracting Parties Meeting (Kingston, 12-14 December 1994).

Administrative Requirements

8. **RACs and their RANs** shall satisfy the requirements outlined in the above-mentioned concept paper on RACs and RANs, including the capability of communicating in the three working languages of the Caribbean Environment Programme.
9. The host Government of the RAC will establish the RAC within an existing institutional structure with the physical, scientific and technical capabilities outlined in the RAC Concept Paper. Additional institutions in the host country may be selected to provide additional technical and scientific support to the RAC.
10. The host Government will provide office space, staffing, material, equipment and will ensure the provision of funding for operating and recurring costs of the RAC.

Annex I contains details of the type of in-kind contribution expected from the host Government.

11. Each member of the RAN will be responsible for the costs incurred by participating in the network, such as communication costs, staffing and costs incurred by the implementation of specific activities assigned to a member of the RAN by the RAC. However, when appropriate, the RAC or the RCU can provide financial and technical support to a member of the RAN for the implementation of an activity if so required.
12. With respect to national staffing, the RAC personnel will be attached to the institution(s) hosting the RAC, in accordance with the relevant national legislation of the host Government. International staff can be recruited directly for the RAC by the UN, by an international or regional organization or through government secondments in accordance with the laws and regulations of the host Government.
13. Each RAC will become operational following the signing of a Memorandum of Understanding between the RCU Secretariat and the host Government.
14. With respect to the administrative communications, the following will apply:
 - communications on technical matters related to specific activities should be directly between the RAC and the relevant designated national authorities, focal points, participating institutions and members of the RAN. Information of these communications should be forwarded to the RCU in the half-yearly progress reports. (See para. 15).
 - the only official channel of communication on policy matters between the CEP national and technical focal points and the Secretariat (UNEP-CAR/RCU), should be through the RCU;
15. All correspondence regarding substantive, administrative, financial and technical matters between the RAC and the RCU Secretariat will be addressed as follows:

at UNEP:

Co-ordinator
Regional Co-ordinating Unit
Caribbean Environment Programme
14-20 Port Royal Street
Kingston, Jamaica

c.c. Director

Ocean and Coastal Areas Programme Activity
Centre (OCA/PAC)
UNEP
P.O. Box 30552
Nairobi, Kenya

at RAC:

Manager/Administrator of the RAC
Name of institution
Full address
Host country

Substantive Reports

16. The RAC will submit to the RCU half-yearly progress reports following the prescribed UNEP format for this purpose. Upon completion of an activity, the RAC will submit a terminal report using the prescribed UNEP format.
17. The RAC will submit to the RCU three copies of all substantive documents prepared under the framework of the CEP activity (reports, surveys etc.) in draft form for approval prior to their publication in final form by the RAC.

Financial Reports:

18. The RAC will submit to the Chief, Fund Programme Management branch at UNEP Headquarters and to the Co-ordinator of the RCU, quarterly project expenditure accounts following UNEP's format for this purpose.
19. Within sixty (60) days of the completion of the activities, the RAC will submit to UNEP/CAR-RCU a detailed final expenditure statement in line with the project budget certified by a chartered accountant paid under the RAC contribution. Should the cost of the activity be less than that of the cost stated in the statement, the difference will be reimbursed to UNEP. Any cost overrun (expenditure in excess of the amount budgeted in each budget sub-line) shall be met by the RAC unless written authorisation has been received in advance from UNEP/CAR-RCU.

Technical Capabilities

20. The RAC will assist at the scientific and technical levels with the co-ordination of the implementation of specific activities of CEP Regional Programmes as approved by the Intergovernmental and Contracting Parties Meetings.
21. The scientific and technical support to be provided to the RCU by the RAC for the co-ordination of the implementation of the Regional Programmes of CEP will include, among others, the following objectives:
 - to establish the RANs which will function in conjunction with the RAC and maintain regular contacts with national and regional agencies and institutions; related to the relevant scientific and technical aspects;
 - to compile, update and disseminate data, reports and expertise in an appropriate form to the States and Territories of the region, as well as to relevant partner organizations participating in the Programme and members of the RAN;
 - to facilitate the provision of technical and scientific assistance (expertise, consultancies) to governments, institutions and members of the RAN on request;
 - to assist with programme development and the identification of potential sources of funding to ensure the achievement of programme objectives;
 - to collect information on state-of-the-art technology required for the implementation of programme activities and to make this information available to governments, institutions and members of the RAN on request;
 - to foster scientific and technical co-operation with UN specialized agencies, inter-governmental, governmental and non-governmental organizations;
 - to promote the implementation of specific programme activities of CEP individually or jointly in co-operation with UN Specialized agencies inter-governmental, governmental and non-governmental organizations;
 - to promote the standardization of methods and co-operation on research and monitoring needs of regional concern on aspects relevant to the programme area of the RAC.

22. In order to achieve the above-mentioned objectives, the RAC will specifically assist with the following functions in conjunction with the RCU:
- maintain communication with all the States and Territories of CEP relevant to the activities of the specific Regional Programme;
 - ensure the harmonious and effective participation of all members of the RAN in the implementation of the specific regional programme, which is crucial to the development of co-operation among countries of the Wider Caribbean Region and the scientific, technical, and management success of the specific regional programme;
 - co-operate, as far as possible, with the other United Nations agencies and inter-governmental and non-governmental organizations for the successful implementation of the specific programme activities of CEP;
 - conduct research into the standardization of relevant approaches and methods both within the network and among the various programme activities; and
 - organize and follow up meetings, workshops/seminars and field missions including training and information activities (courses, seminars, etc.), essential to the accomplishment of the objectives of the activities assigned to the RAC by the RCU; and
 - undertake in collaboration with the RCU all other measures necessary to accomplish the objectives of the specific regional programme.
23. The RAC will provide assistance with the implementation of specific programme activities relevant to the field of expertise of the RAC. These activities will be assigned to the RAC by the **UNEP-CAR/RCU** in consultation with the governments through the inter-governmental meeting process.
24. The RAC will respect the current regulations of the United Nations System, particularly those relating to UNEP, governing the organization itself as well as the operational procedures of the RAC.

Financial Aspects

25. In keeping with the funding arrangements outlined in the concept paper on RAC's and RAN's, as contained in document UNEP(OCA)/CAR WG.10/3, the host Government will provide an investment (in-cash and in-kind) to cover the initial and recurring operational costs of the RAC. This investment will serve to attract additional funding from multilateral and other counterpart sources. Each member of the RAN will be responsible for the costs

incurred by participating in the network, such as communication costs, staffing and costs incurred by the implementation of specific activities assigned to a member of the RAN by the RAC. However, when appropriate, the RAC or the RCU can provide financial and technical support to a member of the RAN for the implementation of an activity if so required. Annex I provides information on required in-kind contribution by the host Government. Annex II contains the proposed financial management scheme for administration of the RAC.

26. When required, UNEP will make the necessary transfer of funds to the RAC to assist with the co-ordination and implementation of the specific activities assigned to it by the RCU.

ANNEX I

REQUIRED IN-KIND CONTRIBUTION BY THE HOST GOVERNMENT

The Regional Activity Centres will rely on existing national institutions. Their material and human resources, will in accordance with the need, be made available to the RAC as soon as it is established.

The RAC will begin its activities with the following human and material resources:

1. LOCATION, FACILITIES, EQUIPMENT AND MATERIAL

The main location for the RAC activities will be in the principal institution selected by the host government to serve as the RAC.

This institution should be furnished and equipped with telephones, fax machine, photocopying machines, word processors and electronic mail.

In addition, the following should be available as appropriate:

- similar equipment and material at all institutions supporting the RAC; and
- scientific laboratories, documentation centres and hospitality facilities for visiting scientists, and students.

The following facilities at the RAC or at its supporting institutions are desirable:

Information System

- Geographical information systems;

Facilities

- Documentation centre
- Amphitheater or meeting room for at least 30-50 people, with appropriate communications and audio-visual equipment

Other equipment

- video equipment
- slide projector
- overhead projector

Scientific Laboratories

- As applicable: laboratories for marine biology, marine pollution, atmospheric sciences, geology-sedimentology, chemistry, statistics, sanitary engineer, environmental engineer, physical planning, environmental impact assessment, coastal zone management.

Facilities for visiting scientists and students

- Temporary accommodation at the RAC or at its supporting institutions; and
- Cafeteria/canteen at the RAC, its supporting institutions, or in a nearby community.

2. PERSONNEL

2.1 Full-time permanent Project staff

- 1 RAC Co-ordinator responsible for overall co-ordination of assigned programme activities and for day to day supervision of RAC functions as described in paragraphs 12-14 of this document; and
- 1 Secretary

2.2 Part-time Staff

Permanent Staff

- 1 Administrator/Fund and personnel manager;
- 1 Assistant Administrator
- 2-3 Lecturers/Researchers in the programme area of the RAC; and
- 1 computer programmer/database expert.

Support Staff

Staff responsible for administrative and financial management, including the accountant and the general manager of the institution hosting the RAC.

- 1 Engineer responsible for the Geographic Information System;
and
- 1 Assistant (data processing, computer-aided design)

2.3 Non-Permanent Project Staff

Additional Lecturers/Researchers from the host and supporting institutions.

ANNEX II

Financial Management

The Administrator, under the overall supervision of the RAC Co-ordinator:

- will take the necessary steps to ensure that proper accounts are maintained in keeping with the requirements of the RAC;
- will authorize disbursements, subject to receipt of *pro forma* invoices, and/or invoices within the limits of available resources;
- will ensure that no additional expenses are incurred until all previous obligations have been satisfied;
- will ensure that funds are expended in keeping with the approved budget; and
- will be responsible for negotiating, with the national Bank, an agreement concerning the transfer of currency.

UNEP:

- will take appropriate action on the questions raised in the progress reports and administrative and financial reports made by the RAC Administrator.