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Regional Activity Centres of the Mediterranean Action Plan

Their status and functions

INTRODUCTION

1. This note has been prepared by the secretariat at the request of the Bureau. The request was formulated as follows (UNEP/BUR/22, paragraph 10):

"The Bureau requested the secretariat to prepare and circulate to the Bureau before its next meeting, a paper containing:

- a) a systematic review of all legal and other decisions concerning the Centres taken by the Contracting Parties
 - b) an analysis of the legal situation and experience in each one of them
 - c) suggestions aimed at a better definition of the special status of such Centres, including practical solutions to operational problems.
2. The system of Regional Activity Centres (RACs) has developed gradually over a period of years:

- Regional Oil Combating Centre, (ROCC/RAC), Malta, operational 1976
- Blue Plan/RAC (BP/RAC), France 1980
- Priority Actions Programme/RAC (PAP/RAC), Yugoslavia 1980
- Specially Protected Areas/RAC (SPA/RAC), Tunisia 1984

3. Despite the diversity of their legal status, size and functional tasks, they all reflect a common approach that has inspired the Mediterranean Action Plan from the beginning. It is the principle of decentralization, maximum involvement of Governments and national institutions, with minimum levels of bureaucratic structures.
4. This approach reflects UNEP's role as a promoter and catalytic agent in the protection of the environment. Because of its commitment to strengthening national capabilities and of its environmental co-ordinating role within the United Nations system, UNEP has been pressing for the setting up of viable structures capable of carrying out regional functions in the Mediterranean programme.
5. From the point of view of national institutions, participation in a regional programme, and particularly the carrying out of regional functions on behalf of the Mediterranean community, results in a beneficial transfer of technology, in valuable contacts and experience, and above all in a building of self-confidence, a factor which is just as important as the acquisition of new techniques or equipment.
6. The following paragraphs deal with decisions of the Contracting Parties concerning the Centres (Part I) the legal situation and experience of each centre based on information provided by them (Part II) and suggestions aimed at a better definition of the special status of such centres, including practical solutions to operational problems (Part III).
7. After the Bureau's review, and on the basis of its recommendations, the present Note is being submitted to the Fourth Meeting of Contracting Parties (Genoa, 1985) with a view to the adoption of specific recommendations.
- I. Legal and other decisions concerning the Regional Activity Centres taken by the Contracting Parties

The Regional Oil Combating Centre (ROCC/RAC)

8. By Resolution No. 7, the Conference of Plenipotentiaries, Barcelona, 1976 decided to establish a Regional Oil Combating Centre, initially to be financed by UNEP with authorization from its Governing Council, and entrusted to IMCO (now IMO), as Co-operating Agency for the establishment and operation of the Centre. Operating expenses to be gradually defrayed by means of voluntary multilateral or individual contributions from Governments, international organizations and non-governmental organizations. The Conference accepted the offer of the Government of Malta to host the Regional Centre.
9. By Resolution No. 8, the Conference of Plenipotentiaries, Barcelona 1976 requested UNEP to consult with Coastal States on the required objectives and functions of sub-regional Centres and their relations to the Regional Centre and report to the appropriate intergovernmental meeting of the Coastal States of the Mediterranean Region.
10. After a review of the subject in 1978, the matter of sub-regional centres was postponed indefinitely.

The MED-POL experience

11. The institutional and financial component of the MAP stipulates the use of national institutions through the appropriate national authorities of the country concerned, in carrying and implementing the MAP. Eighty-four research centres from 16 Mediterranean States and EEC were designated by their Governments to participate in MED POL and were identified as active participants in one or more of the MED POL projects.

In consultation with the Mediterranean Governments and the specialized United Nations bodies concerned, in August 1976, one participating research centre in each of the seven networks of institutions co-operating in the original seven MEDPOL projects was selected by UNEP as a Regional Activity Centre (RAC). The role of RACs was to assist UNEP and the relevant specialized United Nations bodies in the organization and execution of the pilot projects. (UNEP Regional Seas Reports and Studies No. 23). Thus seven institutions located in six countries were designated as regional activity centres for pilot projects.

In the Administrative report on the pilot phase (UNEP/WG.46/3, Part II) UNEP made the following assessment in its Summary and Conclusions (page 45):

"The experiment of establishing MED POL Regional Activity Centres proved that the creation of functional centres of excellence is not an easy task. Only two, out of seven, justified the expectations and made a real impact on the development of MED POL. Strange enough, one of these was probably the weakest at the moment of its selection (1976) but with great efforts by its staff remarkable progress was made under relatively unfavourable local conditions, thus proving that there were no "objective" reasons for the inactivity of those centres whose performance was assessed as inadequate."

12. The report of the Meeting of Experts to evaluate the Pilot Phase of MED-POL (UNEP/WG.46/9) recorded the following:

"34. Comments were made on the actual involvement of some of the designated research institutions, including the regional activity centres for specific pilot projects."

13. The long-term programme of pollution monitoring and research (Med-Pol Phase II) (document RS Reports and Studies No. 28) contains no reference to regional activity centres for Med Pol and none have, therefore, been so designated for Phase II.

Blue Plan and Priority Actions Programme Regional Activity Centres

14. The two Centres were developed as closely interlinked sub-units under the chapter on Integrated Planning and Rational use of resources of the Action Plan. The Intergovernmental meeting on the Blue Plan (Split, 1977) document dealt as follows with the matter of institutional and financial arrangements:

"54. The meeting took note of the Executive Director's intention to discuss with the two Governments which had formally offered to contribute to the objectives of the Integrated Planning chapter adopted at Barcelona by hosting and supporting such sub-units as he may decide to establish for the purpose of initiating activities relevant to this chapter. The Meeting welcomed these offers by France and Yugoslavia, which make it possible to carry out a useful experiment in the further strengthening of functional capabilities in the coastal regions of the Mediterranean Sea.

15. The meeting, therefore, assigned to the Executive Director of UNEP the responsibility of discussing with the States concerned their offers to host and support the two sub-units as national institutions with a regional role to play"(document IG.5/7).

Blue Plan

16. The first meeting of Blue Plan Focal Points (Geneva, 1979) (document UNEP/IG.14/INF.25) "noted that the work will be co-ordinated and consolidated at the Blue Plan Regional Activity Center (BP/RAC-MEDEAS) at Cannes". The Intergovernmental Review Meeting (Geneva, 1979) noted that, further to the offers made by the Governments of France and Yugoslavia, and after consultations with the Governments concerned, such sub-units have been established. The Centre d'activité Environnement - Développement en Méditerranée (MEDEAS) Cannes, France, has been designated as the Blue Plan Regional Activity Center (BP/RAC).
17. At the second meeting of Blue Plan Focal Points (Cannes, 1979) document UNEP/WG.29/4), the Executive Director provided a definition of RACs which was included as an annex to the report:

2.4 "The Regional Activity Centres (RAC)

Besides the central Mediterranean co-ordinating unit linked to the Regional Seas Activity Programme, the Executive Director of UNEP approved the idea of establishing some regional activity centres whenever decentralization of some elements of the Action Plan is desirable, as in cases where immediate national support or a specific geographic location is prerequisite. A Regional Activity Centre can be an entirely new structure, as it is in the case of the Regional Oil Combating Centre in Malta. But it can also be a national institution which is strengthened to assume a regional role, as in the case of MEDEAS at Cannes for the Blue Plan, and the Split Centre for the Priority Actions Programme."

18. The Decision of the meeting was as follows:

"MEDEAS"

43. MEDEAS will be responsible within this framework, for all the management activities required for the administrative execution of the project. The various management activities performed by MEDEAS will be carried out in accordance with the customary rules and will be subject to the control procedures in force in UNEP. Thus, while the Group of Co-ordination and Synthesis will be responsible for the professional and scientific substances of the project, MEDEAS will be responsible for all administrative and financial matters concerning the project. In other words, with delegation of authority by the Executive Director of UNEP, consultants' and experts' contracts, travel authorizations, communications, etc. should be handled by MEDEAS in conformity with the usual rules and subject to auditing. This procedure is in line with the ideas the Executive Director of UNEP has expressed repeatedly concerning the role of UNEP as co-ordinator and catalyst."

19. The decision was subsequently formalized by the signature of a project document between the Fund of UNEP and Medeas in 1980. During Phase I MEDEAS moved from Cannes to a new location at Sophia Antipolis.

20. In 1984, the Contracting Parties took note of the satisfactory conclusion of the first phase of the Blue Plan and approved the programme and budget for the second phase (document UNEP/IG.49/5, Appendix I). In so doing the meeting also decided to establish a steering committee composed of six national Blue Plan focal points, repeated the bureau's guidelines for the recruitment of full-time researchers, and approved the appointment of a part-time senior consultant from the South.

Priority Actions Programme

21. In response to the offer of Yugoslavia, and after consultation with its authorities a unit was created within the Town Planning Institute of Dalmatia at Split, Yugoslavia to serve as the Priority Actions Programme Regional Activity Centre (PAP/RAC) (document UNEP/IG.14/4, para. 54). A project document between the Fund of UNEP and the Centre was signed in 1983.

Regional Activity Centre for Specially Protected Areas

22. The Intergovernmental meeting on Mediterranean Specially Protected Areas (Athens, 1980) (document UNEP/IG.20/5) addressed two sets of recommendations to the Contracting Parties. The first recommended the adoption of the Protocol on Specially Protected Areas, which contains no reference to a regional centre; the second recommended the establishment of a regional activity centre for Mediterranean protected areas within the framework of activities of the secretariat in charge of co-ordinating the Mediterranean Action Plan:

" RECOMMENDATIONS

The Meeting having emphasized the need to establish a regional activity centre for Mediterranean protected areas, recommends to the Coastal States of the Mediterranean:

- (a) to establish, in order to help promote the development of a network of protected marine and coastal areas and to encourage regional co-operation in this field, a regional activity centre for Mediterranean protected areas within the framework of activities of the secretariat in charge of co-ordinating the Mediterranean Action Plan;
 - (b) to accept the generous offer of the government of the Tunisian Republic to act as host to the centre in Tunis;
 - (c) to invite interested international organizations, such as FAO, UNESCO and IUCN, to co-operate with the centre within their respective areas of competence;
 - (d) to encourage and support the preparation, publication, updating, by the regional activity centre in co-operation with interested international organizations, of a directory of Mediterranean protected areas. "
23. The difference in approach reflected in this instance should be noted. Whereas, for the Blue Plan and PAP the decision was taken by the Executive Director, for the SPA/RAC the Intergovernmental meeting recommended that the decision be taken by the Contracting Parties themselves.
24. The second meeting of Contracting Parties (Cannes, 1981) approved the establishment of the regional centre and accepted the offer of Tunisia to host it. In its report (UNEP/IG.23/11, para. 69):

"The meeting took the view that the Centre would be established and would operate as a national institution with a regional role to play, like the Regional Activity Centres already in operation as part of MAP (the Blue Plan RAC at Sophia Antipolis, France, and the RAC/PAP at Split, Yugoslavia)."

25. A project document was signed between UNEP and the Tunisian authorities in 1984.

Decisions by the Bureau

26. In 1983 the Bureau agreed on certain principles concerning co-ordination of the Action Plan, and on others to be applied to Programme Activity Centres (document UNEP/BUR/13/Corr.1):

On co-ordination:

- strengthening the central co-ordinating role of Mediterranean Unit for all components of the Mediterranean Action Plan;
- the only official channel of communication on policy matters between the MAP National Focal Points and the Secretariat (UNEP) should be through the Mediterranean Unit;
- communication on technical matters related to specific projects, such as ROCC, the Regional Activity Centers for Blue Plan, Priority Actions Programme, Specially Protected Areas, etc. should be directly between the relevant designated national authorities and the institutions/persons in charge of these projects; information copies of these communications should be copied to the Mediterranean Unit on a routine basis;

27. On all Programme Activity Centres established under MAP, the Bureau agreed on the following principles:

- " - The RACs are national institutions with regional role assigned to them by the Contracting Parties;
- the financial support to RACs is provided through projects signed between them and the secretariat;
- the staff of RACs under such projects is recruited by RACs under prevailing staffing policies (salaries, social security, pensions, etc.) of the host country;
- appropriate adjustments should be made in the salaries of the internationally recruited staff of RACs
- the recruitment of the international staff should be based on vacancy announcements circulated by the Mediterranean Unit to all MAP National Focal Points;
- it is expected that provisions will be made by the relevant national authorities of the host countries to exempt from taxes the equipment and, if possible, the salaries provided from resources of the Trust Fund. "

II. Legal Status of Regional Activity Centres

28. Vis-à-vis the Fund of UNEP, RACs fall into two separate categories. The Regional Oil Combating Centre is a project with a co-operating agency (IMO). Its personnel is recruited by the Agency, has the status of UN officials under the Convention on privileges and immunities of the United Nations to which Malta is a Contracting Party.

29. The other three RAC's are projects carried out with a supporting organization. Their staff do not have the status of UN officials, being employees of the respective organizations, and their terms of employment are determined by national legislation.
30. The following paragraphs contain a description of the legal status of each centre, and of some problems encountered by them in carrying out their regional role.

Regional Oil Combating Centre for the Mediterranean Sea (ROCC)

31. Conditions of employment of foreign consultants :

Employment of foreign consultants in the field is governed by the Centre budget line 1220 - Consultants. For first half of 1985 provision was made for 3 man/months. This is utilised according to the requirement and requests of the coastal states on approval from IMO's maritime division, on a specific project in the coastal states. The duration, conditions and other details are established according to the specific type of project undertaken.

Need to operate a bank account in foreign currency.

The Centre operates an "external account" in local currency. The Centre receives from the finance officer of IMO the amounts required to meet its monthly expenditures. This imprest account is regulated by the monthly financial statement (with supporting documents ; invoices, receipts, etc.) prepared by the Deputy Director (Administration) after the end of each month and submitted to the finance officer of IMO for approval. The disbursed amounts are then transferred to the local bank and credited to the Centre's imprest account. These amounts are transmitted in U.S. dollars but the account is in Maltese currency. Through its "external account" the Centre has encountered no problem in effecting payments overseas in any currency.

Conditions of employment of foreign staff :

The Centre has three internationally recruited staff members ; the Director, the Deputy Director and the Technical Expert. Recruitment is made by IMO and after a call for application is circulated to member states. Employment of international officers is governed by staff rules and regulations 200.1 - 212.7 of the United Nations.

These staff members are given a "fixed term appointment" the duration of which varies according to budgetary limitations, i.e. 3, 6 or 12 months.

Salaries are paid according to standing arrangements of the United Nations. That is 25 per cent of the salary is paid in the currency of the duty station, Malta, and the 75 per cent in any other single currency to be indicated by the officer.

No need of work permits or residence permits are required for the international officers.

Also international officers enjoy the immunities and privileges as specified in the second schedule (part III) of the local diplomatic immunities and privileges act, 1966. In other words they do not pay any local taxes on emoluments or custom duties on personal effects.

Problems arising from discrepancy in salary levels between national and foreign personnel :

No such problems exist. Locally recruited staff members - national personnel - are paid on a level well comparing with the local civil service, banks and other institutions. Local staff members are fully reimbursed for any amounts paid by them as income tax due on their emoluments paid from the Centre.

Possibility of duty-free import of equipment for the project, and of personal belongings of foreign personnel :

The Centre is given full facilities to import duty free any equipment for its own use. Documents have to be processed for this purpose through the Maltese Ministry of Foreign Affairs.

Possibility of exemption from taxation of salaries paid to foreign personnel :

Foreign personnel with UN status are fully exempted from any taxation on their salaries and allowances earned during their term of office.

Need for an agreement between UNEP and the host Government to define the regional role of the Centre supplementing the project document signed between UNEP and the supporting organization :

The Centre has been operating since October 1976. No such agreement exists but the role of the Centre is fully recognized by the Maltese Government and every support is extended by the Maltese authorities to assist the Centre in its objectives.

Blue Plan

32. Arrangements for the Blue Plan have undergone a critical period during the second half of 1984 and have been replaced by new interim arrangements for 1985.
33. During the first phase from January 1980 to April 1984 the supporting organization function was assigned by UNEP to MEDEAS, an association created in France, under a law of 1901, for this specific purpose. As it soon became apparent, MEDEAS planned to develop its own substantive programme of meetings on Mediterranean subjects, which inevitably created some confusion, not to say competition, with the Blue Plan exercise. Most of these relied heavily on the Blue Plan staff, thus further blurring the distinction between the two programmes.

34. On the financial side, the resources pledged to MEDEAS by various French departments were late in coming, thus affecting MEDEAS capacity to provide the Blue Plan with local support. Lack of such support led, in turn, to use of Blue Plan funds to pay for certain activities (e.g. secretarial support) previously expected from MEDEAS.
35. At the meeting of the Blue Plan Steering Committee held in Sophia Antipolis on 21-23 February 1985, the representative of the French Government explained the decision to use drastic surgery to remedy this unsatisfactory situation. Based on the above experience, a new system of support is being set in place starting from 1985 for an initial one year period.
36. Under the new arrangements, responsibility for support to the Blue Plan is undertaken by the French Government ; the source of financial support is clearly identified in the Ministry of Environment ; additional office space, and other support is made available ; the administration of funds is ensured through an existing organization (CEFIGRE) with which UNEP has previously conducted joint projects.
37. There is no substantive supporting organization. This may be explained by the pioneering nature of the Blue Plan, and may be justified by the temporary duration of the exercise and by its location in France (the objective of leaving a stronger national institution after MAP support is withdrawn appears to be less relevant).
38. At the same time, the new arrangement reflects a more direct involvement of the Contracting Parties in conducting the Blue Plan exercise by establishing a steering committee and by involving the Med Unit in the recruitment and selection of research personnel.
39. Such a control is very necessary since CEFIGRE will carry on a purely administrative function. Thus, the Blue Plan personnel while on CEFIGRE contract, will not report to, nor receive instructions from, CEFIGRE. Neither will they be UNEP employees, although UNEP, and the Med Unit, control the budgetary allocation. Thus, under the present system, responsibility for financing lies with the Contracting Parties, responsibility for programme supervision lies with the Med Unit and UNEP, responsibility for issuing and administering personnel contracts lies with CEFIGRE, while responsibility for substantive follow-up lies with the Steering Committee, the Focal Points and ultimately with the Contracting Parties. However, once the situation is clearly identified, there is no reason why any problems should arise given a strong professional dedication to the Blue Plan objectives of all concerned.

Priority Actions Programme PAP/RAC

40. Responsible Yugoslav authorities initiated, in cooperation with PAP/RAC, a lasting solution of the legal status of the centre. The Town Planning Institute of Dalmatia, as the supporting organization of PAP/RAC, would be unable to secure the entire domestic financial support to the Centre, if other national resources were withdrawn.

Designation of the national institution :

Urbanisticki zavod Dalmacije (Town Planning Institute of Dalmatia), Iza Vestibula 4, Yugoslavia, was designated the National Institution after an exchange of letters between UNEP and the Government of Yugoslavia.

Its legal nature :

According to the Law of Associated Labour, it is a planning and designing organization with the status equal to the one of any other business organization in the country.

Conditions of employment of foreign consultants :

Foreign consultants are employed upon contract they make with the National Institution for every single concrete job. The resources for their fee must come from Mediterranean Trust Fund or from some other foreign party.

Need to operate a bank account in foreign currency. Mode of operation :

The MTF resources have been kept with Splitska Banka (a domestic bank) as a "Foreign party account" which is supported by relevant contracts PAP/RAC make with the MTF. The Bank has readily made payments when instructed by PAP/RAC.

Conditions of employment of foreign staff (one year or longer).

The question has not been fully answered, but PAP/RAC has intervened with the competent national authorities to take necessary steps in this respect.

Problems arising from discrepancy in salary levels between national and foreign personnel :

There will be differences in salary levels.

Possibility of duty-free import of equipment for the project, and of personal belongings of foreign personnel :

The problem has been solved and there will be no difficulties in this respect.

Possibility of exemption from taxation of salaries paid to foreign personnel :

The problem is still unclarified and pending, but the initiative has been taken by authorized officials.

Need for an agreement between UNEP and the host Government :

Such an agreement would be more than desirable. It would largely support the action PAP/RAC has already initiated with the competent authorities.

Specially Protected Areas SPA/RAC

41. The Regional Activity Centre for Specially Protected Areas has been created in Tunis on the basis of a project document signed by the Executive Director of UNEP and the Tunisian Authorities.

42. An established Tunisian Institution, INSTOP, with a record of joint projects with UNEP in the framework of the Mediterranean Action Plan, serves as the supporting organization.
43. In the case of SPA/RAC two observations must be made. The first is that the Centre, located in a developing country, will serve all Mediterranean Coastal States. The second observation is that such a role is new, and no similar Centres exist to our knowledge on a regional basis elsewhere.
44. SPA/RAC will, therefore, need to rely on outside expertise at least for an initial period of time. The best expertise is available within IUCN that was called upon by UNEP to assist in the preparatory work leading to the SPA protocol and plans for a regional Centre.
45. Additional help should be encouraged from Mediterranean States (on the example of the French support to ROCC and Italian support to MEDRAP), from ALECSO and other sources, in order to ensure that SPA/RAC can provide valuable services and promote activities leading to the establishment of the foreseen number of specially protected areas in the Mediterranean.

III Definition of "National Centre with a Regional Role"

46. It is necessary to examine separately the two components of the definition in order to see whether they are mutually compatible.

National Centre

47. The reasons for the choice of national Centres are :
 - a) the need to ensure continuity of their function by not making them dependant for their very existence on MAP financing ;
 - b) the need to retain flexibility in the MAP budget by reducing and eventually withdrawing financial support, in order to finance other MAP priorities ;
 - c) the objective of strengthening and laying the foundations of a regional infrastructure of national institutions through transfer of technology, training and involvement in large-scale region-wide projects.
48. A National Centre must, therefore, possess a recognized substantive and financial capability and cannot represent a mere administrative infrastructure or a physical location. Its capability must depend primarily on its own resources and may be strengthened by external contribution in cash and kind, in addition to the resources provided from the MTF.

Regional role

49. The process by which RACs are established is the following. A regional function is identified by the Contracting Parties as being necessary for the development of the Action Plan. One of the Contracting Parties offers to host the Centre and identifies a suitable national institution. The Contracting Parties (or UNEP on their behalf) accept the offer and UNEP develops the necessary project document.
50. The designation of a Regional Activity Centre establishes a series of mutual obligations between the national institution and the Contracting Parties. The Contracting Parties agree to provide certain financial inputs, for a certain duration, in order to achieve certain programme objectives. The national institution accepts, in exchange :
- programme and policy decisions of the Contracting Parties, and their Bureau ;
 - supervision of its activities by the National Focal Points, including the Steering Committee for the Blue Plan ;
 - co-ordination by the Mediterranean Unit (advice on UN policy, cross-sectoral linkages, over-all economy, through regular consultation, clearance of documents and recruitment, reporting).
51. The method of operation of RACs may include most of the following :
- to establish regular contacts with counterpart national institutions ;
 - to collect and disseminate information ;
 - to serve as repository of state-of-the-art technology in their respective field ;
 - to organize training courses, country missions, meetings ;
 - to promote regional co-operation towards agreed objectives ;
 - to recommend new programmes based on identified missing links, or resource inadequacies ;
 - to co-operate with UN Specialized Agencies and inter-governmental organizations through joint projects and sometimes on the basis of letters of understanding ;

Conclusions

1. Legal and other decisions concerning the RAC, have been taken over a number of years and a systematic review is overdue.
2. The support provided to RAC's by the Contracting Parties, and by the host country has varied from case to case.
3. RACs must not be dependent only on MAP funds. A substantial contribution must be available from the local institution.
4. The regional role assigned to them by the Contracting Parties may not be the main activity of the National Centre.
5. The nature of the arrangement that has emerged in Sophia Antipolis, Split and Tunis, is similar to a joint venture between a National Institution on the one hand and the Contracting Parties on the other.
6. The respective duties and responsibilities and the modus operandi must be clearly defined :
 - The Contracting Parties must take the responsibility to support for a certain period of time the Centre to which it assigns a regional role.
 - Offers, specially for future RACs, should be accepted by the Parties, not by UNEP.
 - The Contracting Parties exercise policy guidance over RACs ; the Co-ordinating Unit exercises programme control ; UNEP exercises administrative control.
 - An agreement over the regional role assigned to a national institution must be reached with the host Country. This exists in Sophia Antipolis and Tunis where the project document was signed by national authorities. An agreement should be developed with Yugoslavia for PAP/RAC.