





## **Preamble**

*Explanation:*

*Under preamble, a concise description of policy relevance and of the legal base for the establishment of each RAC will be given. The text of the preambles of the current Host Country Agreements prepared a long time ago by the Coordinating Unit could be used and updated accordingly. The text already developed for each RAC is very good.*

## **Article 1 Definition**

*Explanation:*

*In order to facilitate the implementation of the Host country agreement, in particular by the Host country, some definitions of UNEP/Secretariat/Organization, Coordinating Unit, Agreement, the concerned RAC, MTF, MAP coordinator, officials, government etc, could be provided. Most of such definitions are to be found in the MAP document as well as specific protocols.*

## **Article 2 Purpose of the Agreement**

The purpose of this Agreement is to set forth the terms and conditions under which a "institutions/organization" in the Republic of X country shall act pursuant the decisions of the meetings of the Contracting parties to the Barcelona Convention and its Protocols as a Regional Activity center of the Mediterranean Action Plan/Barcelona Convention and its Protocols, entrusted with the implementation of X component of the Mediterranean Action Plan

## **Article 3 Legal personality and location of the RAC**

*Explanation:*

*The RACs could be given the following legal personality:*

- a) Be a national institution with regional vocation operating under national legislations and provisions of the HC agreement (most of MAP/RAC are currently national public institutions);*
- b) Intergovernmental status outside UN system (it means that the RAC staff will be internationally recruited with the exception of the general staff, most of the funds should come from the MTF and some support should be given by the host country)  
Example: IUCN which has established its own financial and recruitment rules approved by the respective governing body;*
- c) 'International' status operating under the host country national legislation (that may allow the Centers to, inter alia, recruit personnel from other Mediterranean countries than the host country and ensure income tax exemption for the internationally or locally recruited staff).*

*There is a need to assess the national legislation of each host country (France, Italy, Spain, Tunisia and Croatia) in order to understand if option (c) presented above is realistic and feasible.*

*Another possibility is to treat the RAC staff as UN project officers in the same way that UNDP or World Bank country offices operate with the project staff.*

*It means the following: They are recruited on the basis of a service contract (SC) and SC holders are not considered as UN staff, so they are not covered by the privileges and immunities. Their salaries are based on Service Contract Salary Scale (for each country),*

*that is different from Salary Scale established for UN staff members national officers. They are given lump sums and they are responsible themselves to pay income taxes and make medical and life insurance arrangements including social security ones. No education grant is given to them. As a conclusion, they are considered individual contractors and not UN staff members.*

#### **Article 4 RAC Governing body/bodies**

*Explanation:*

*All governing bodies on the national level and the role of the Coordinating Unit in their mutual communication and cooperation have to be clarified and addressed in details under this article. However the text will depend a lot on RAC legal personality.*

#### **Article 5 RAC Mandate and tasks**

*Explanation:*

*Description of RAC mandate has to be based on MAP document, MAP legal instruments, Governance paper, sectorial strategies, MSSD, as well as the Programme of work of the respective Centers and MEDPOL*

*According to the governance paper, the mandate for each RAC should at a minimum include the following:*

- Long-term and horizontal goals and objectives, clearly identifying its role and the contribution to the implementation of the Barcelona Convention, its Protocols and Strategies;*
- Scope of work including governing principles by which the RAC will operate with clear reference to cooperation with other RAC's, coordination by the MAP Coordinating Unit and the roles of the Focal Points' meetings, the MCSD and the Meetings of the Contracting Parties;*
- Clear rules and procedures and related requirements/mechanisms to implement the principles.*

*To ensure comparability and harmonization among RACs, the mandates should be formulated in a standard format and clearly linked to specific sections/paragraphs of the Barcelona Convention, its Protocols and Strategies.*

*Each mandate should outline the modality of working relationships with the Secretariat and the other MAP components and, specifically, indicate mechanisms for developing and maintaining working partnerships among MAP components and other key MAP stakeholders, e.g. national authorities, NGOs, the private sector and local authorities.*

*The mandates should also make clear reference to the sources and mechanisms for financing the operations and activities of the RAC.*

*Each mandate should also highlight how the RAC will contribute to the collective goals of UNEP/MAP especially in knowledge management and dissemination and in improving overall MAP visibility, which is a critical and on-going collective responsibility of all MAP Components.*

*The mandate must include a clear reference and specific mechanisms for regular, efficient, effective and transparent reporting on activities/actions. Such reporting shall be provided to the Contracting Parties.*

## **Article 6 RAC Relationship with the Coordinating Unit**

*Explanation:*

*to be drafted on the basis of the text of the current host country agreements, governance paper, in particular on the basis of MEDU mandate)MAP document as well as MAP legal instruments). It might cover the following aspects:*

- *general guidance*
- *coordination/integration for implementing activities*
- *coordination/integration for resource mobilization*
- *monitoring the implementation of the Programme of work*
- *advise on horizontal policy/legal/institutional issues*
- *staff recruitment policy and procedure*
- *Information policy*
- *Financial management*
- *Monitoring implementation of MoU signed between RACs and with other organizations*
- *Promoting CSP/NGO cooperation*
- *other*

## **Article 7 Financial resources**

*Explanation:*

*The current host country agreements have full paragraphs related to funding from MTF/Host country or both as well as other resources.*

## **Article 8 General Obligations**

*Explanation:*

*Related to the organizations of meetings, obligation to use MAP logo in RACs publications, website, , meeting documents, preparation of documents in two languages, etc.*

## **Article 9 Personnel recruitment (locally or internationally)**

*Explanation:*

*The content of this chapter will depend on RAC legal personality. However it has to explain in a concise way rules and procedures for staff recruitment regardless of their contractual status.*

## **Article 10 Exemptions, immunities and privileges**

*Explanation:*

*Exemptions shall be granted to the RACs thus enabling them to accomplish their regional mandate – to be drafted on the basis of the current Agreements in force with Croatia and Tunisia. Its update will strongly depend on RACs legal personality.*

## **Article 11 Dispute settlement**

*Explanation:*

*A standard disposition that is already very well formulated in the current host country agreement.*

**Article 12    Entry into force**  
*(standard disposition)*

**Article 13    Amendment to the Agreement**  
*(standard disposition)*

**Article 14    Termination of the Agreement**  
*(standard disposition)*

MAP Structures	Legal bases	HCA	Legal personality	Governing Bodies	Status of Employees	Freedom from taxation		General Obligations in practise on Rules and Procedures for RAC meetings and IC policy
						VAT	Income tax	
<b>MEDU</b>	Article 17 of the Convention	Signed between Grece and UNEP in 1982 ( ratified by the Greek parliament)	MEDU acts of behalf of UNEP and its Executive Director	UNEP, Meeting of the CPs/Bureau, Meeeting of MAP focal points	UN civil servants paid out of MTF	yes	yes, staff assessm ent system applies	almost the same for all MAP structures
<b>Medpol</b>	MAP1975,1995 LBS, Dumping, HW Protocols	NA	Part of MEDU	MEDU, Medpol Coordinators meeting, Meeting of the CPs/Bureau,	the same	yes	yes, staff assessm ent system applies	
<b>REMPEC</b>	MAP 1975, 1995 Prevention, Emergency Protocol, 11th meeting of the CPs, 2001	Signed between Malta and IMO	IMO/UNEP	IMO, MEDU, Rempec focal points meeting, CPs meeting/Bureau	the same as above ;project staff not necessarily all contracted as UN civil servants	yes	yes, staff assessm ent system applies	
<b>Blue Plan</b>	MAP 1975, 1995 Inter-Govern meeting, Split 1997 UNEP IG/5.7	Draft agreement prepared NOT signed.	National Public institution with regional vocation	National Management Board, MEDU, Blue Plan focal points meeting, Meeting of the CPs/Bureau,	national civil servants, project staff, other arrangements	?	no	
<b>PAP/RAC</b>	MAP, Inter-Govern meeting, Split 1997 UNEP IG/5.7 Geneva Declaration 1989, UNEP IG56/5, 15th meeting of the CPs, 2008 UNEP-IG 17/1	Signed between UNEP/MAP and Republic of Croatia	National Public nstitution with regional vocation	Management Board, MEDU, PAP/RAC focal points meeting, Meeting of the CPs/Bureau,	national civil servants, project staff, other arrangements, Local staff paid under MTF to be recruited in consult with MEDU	yes	no	

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<b>SPA/RAC</b>	2nd meeting fo the CPs, 1982 UNEP/IG 23/11, Genova Declaration 1989 UNEP IG 56/6 , MAP 1995, 9th meeting of the CPs, 1995, SPA and Biodiversity Protocol	Signed between UNEP/MAP and Republic of Tunisia	National institution with regional vocation	ANPE/Ministry, MEDU, RAC/SPA focal points, Meeting of the CPs/Bureau,	national civil servants, project staff, other arrangements, <b>Local staff paid under MTF to be recruited in conslutaion with MEDU</b>	yes	no	
<b>CP/RAC</b>	MAP 1995,	Draft agreement prepared NOT signed.	National Public institution with regional vocation	Ministry, MEDU, CP/RAC Focal points meeting, CPs/Bureau meeting	national civil servants, project staff	no	no	almost the same for all MAP structures
<b>INFO/RAC</b>	9th meeting of the CPs admitted ERS/RAC s a MAP regional Center thus accepting the request of Italy, 13th meeting of the CPs agreed to change the mandate towards ICT, PP and PW	HCA signed in 2004 between UNEP MAP and Republic of Italy	National Public/private Institution with regional vocation	Ministry+ Regional government of Sicily, MEDU, INFO/RAC Focal points meeting, CPs/Bureau meeting	national civil servants, project staff, other arrangements, Local staff paid under MTF to be recruited in conslutaion with MEDU	no	no	

**The Secretariat doesn't have a clear picture on the governing bodies that oversee and supervise the work of the RACs on the national level. In view of the work to be carried out for the harmonisation of HCA for all RACs as well as their modus operandis, it is imperative to have a better knowledge of the legal bases in each host Country of the following issues: establishment or registration of public institutions, NGO/CSO organisations, inter-governmental organisations, international centers within the host country legislation, and the modus operandis for their management, including personnel recruitment policy**