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Revision of the legal and governance structure for a new Marine Mammals RAN

April 2025

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by Juliana Chaves Chaparro, UNEP consultant

1. Background

The Agenda 2030, the UN Decades on Ecosystem Restoration and Ocean Science for Sustainable Development (2021-2030), together with the Post 2020 Biodiversity Framework and the UN treaty to protect Biodiversity Beyond National Jurisdictions (BBNJ)^[1] helps in framing the work of the Caribbean Environment Programme (CEP) of the UNEP in the Wider Caribbean Region (WCR) and the Cartagena Convention Secretariat (COP). The Secretariat has the support of Regional Activity Centers (RACs) and Regional Activity Networks (RANs) to implement actions related to the Convention Protocols. It has recently been updated and revised based on an open consultation the 2008 *Guidelines for the Establishment and Operation of the Regional Activity Centres and Regional Activity Networks for the Cartagena Convention* (DRAFT) that will be presented to the next COP for approval.

The RANs are unique to the Cartagena convention and a very important tool for enhancing the awareness and societal support to its objectives. Under the updated guidelines, a RAN is defined as “a network of technical institutions or individuals (including inter alia governmental, intergovernmental, international, non-governmental, scientific or academic institutions) that provides input, peer review, technical expertise or other supporting services (i.e. communication, networking, capacity building or awareness raising) in one or more scientific or technical areas covered under the Cartagena Convention and its Protocols through its coordinating mechanism as designated by the Decision of Parties. The primary objective of the RANs is to enhance the science-policy-society interface and the level and depth of cooperation and sharing of expertise in the WCR related to the implementation of the Cartagena Convention and its Protocols.”

Among other functions, the RANs will, according to article 58 of this same document:

1. Assist with the provision of scientific data and information and advice in support of the Convention and its Protocols when required;
2. Provide support as appropriate for the implementation of approved biennial work plans of the Secretariat and responding to COP Decisions;
3. Promote coordination and cooperation with other institutions and individuals of relevance to the mandate of the Convention and its Protocols, in particular other RACs and RANs;
4. Assist in the mobilisation of relevant expertise and resources to support programme and project implementation or capacity building actions when required by the parties or the Secretariat.
5. Provide periodic reports to the Secretariat and related RACs on their activities and participate, as appropriate, in any related meetings called by them;
6. Assist with fundraising for activities, to fulfil the goals or emerging needs of the Convention and/or its Protocols, with special focus on community-based projects, SIDS, and vulnerable groups, including women and youth;
7. Enhance the science-policy-society interface by enhancing stakeholder engagement and interdisciplinary cooperation and exchange within the WCR.

The idea of creating a Marine Mammal RAN (MM RAN) in the Caribbean was recommended in 2021 by the Government of the Netherlands and supported by various observers to the Convention. The objective was *to strengthen existing regional institutional frameworks and partnerships and to facilitate collaborative data sharing, building on the foundations of the CARI'MAM project*. Subsequently, an analysis^[2] outlining the potential framework of a MMRAN was produced by a working group of Contracting Parties on "Potential costs, benefits and operational framework for the Establishment of a Marine Mammal RAN" UNEP(DEPI)/CAR WG.43/INF.32^[3] and submitted to the 10th Meeting of the SPAW STAC.

The Twelfth Meeting of the SPAW COP (COP12), through its DECISION II(1), adopted the Recommendations of the Tenth Meeting of the Scientific and Technical Advisory Committee (STAC), including Recommendation IX(10) which requested *"the Secretariat work with Contracting Parties, with input from the SPAW-RAC as appropriate, to further elaborate and evaluate the legal and institutional mechanisms to establish a potential Marine Mammal Regional Activity Network (RAN), taking into consideration the various options outlined in UNEP(DEPI)/CAR WG.43/INF.32^[3], and in particular the proposed RAN architecture described in section 3.2."*

Taking into consideration the importance of marine mammals for the WCR, as reflected in the update to the **Action Plan for the Conservation of Marine Mammals in the WCR (2023-2028)**, and its call for the mobilisation of knowledge and capacities towards its implementation, the request to better explore legal and governance of a new MM RAN is very strategic and timely for the region.

2. Purpose and method

This document proposing the legal and institutional mechanisms to establish a potential MM RAN in response to the above-mentioned decision was prepared based on consultations with the CC Secretariat, the SPAW RAC, and key experts in the region part of CARI'MAM Project and related networks.

A consultation to a broader audience, including SPAW National Focal Points and other key actors in the region, was opened for two weeks after a first discussion online organised by the CCS on the 16th April 2025.

This second draft was produced based on the comments received and will be submitted to the 11th meeting of the SPAW STAC to be held in Panama at the end of June 2025.

3. General considerations

The document on "Potential costs, benefits and operational framework for the establishment of a MM RAN"^[4] proposed an architecture (described in table 3) with the following following characteristics (described in articles 48 to 53):

Art. 48: The contributors recommended establishing a RAN a a broad mission and geographic scope of activities, in addition to well-framed programming and strong governance. Such an organisation would have a high impact on regional cooperation, capacity building, and species conservation. In addition, the medium and long-term vision (via programming) will facilitate fundraising and planning and enhance efficiency and clarity. The establishment of a steering committee will provide sustainable governance and objectives aligned with on-the-ground stakeholder needs. The main weakness of such a well-framed and ambitious organisation is that it may have low flexibility and adaptability and may be difficult to operate and fund (the annual budget will be high).

Art 49: The contributors suggested that the RAN should have a mission broader than what is found in the UNEP/CEP definition (i.e., provide expertise to the RAC; § 1). Although a broad RAN mission could overlap with SPAW RAC and SPAW working groups' missions, the contributors recommended that an MoU be established between the RAN and SPAW Sub-Programme of the Cartagena Convention, in which the RAN missions are clearly listed.

50. Regarding the RAN status, the contributors highlighted that the RAN would have to be officially recognised as such by Contracting Parties. In addition, it was recommended that the RAN be hosted by a SPAW Party or be a new independent organisation specifically and only dedicated to the RAN. As highlighted in § 2.1, the main strengths of a RAN hosted by a Party would be the following: it would strengthen the engagement of the country in the convention, enhance its national capacity/expertise, and funding would be sustainable, at least for basic missions. On the contrary, if the RAN is an independent organisation, it would be more flexible and adaptable. In both cases, one of the main weaknesses is that the RAN's priorities may differ from SPAW's, and that complementarity with other SPAW entities and missions may not always be met. However, this issue should be overcome via the establishment of a detailed MoU or related legal document- with the CC Secretariat- that clearly sets the role of the RAN, the way it should be working with SPAW Sub-Programme of the Cartagena Convention, and its position in the SPAW protocol organisation and other protocols when necessary.

51. Regarding the governance, a recommendation was that whatever the Steering Committee composition it should include Caribbean-based stakeholders who are knowledgeable about the regional context and, therefore able to prioritise the actions to be implemented and to identify the most appropriate means.

52. Regarding the executive team and the budget, the contributors recommended that only one project officer be hired in the first years. The project officer will focus on basic missions (missions 1 and 2; Appendix 2) and on fundraising to develop the RAN, so that after several years of operation, the RAN will be able to conduct all expected missions (1 to 4, Appendix 2), with a budget similar to the WIDECAST mean annual budget (about \$750 000, Appendix 2). This strategy would allow the RAN to be launched with a low and more accessible budget (about \$200 000; Appendix 2). It was pointed out that the RAN could also benefit from in-kind contributions of Parties and that some resources may be accessed, building synergies with other regional initiatives.

53. Finally, the contributors highlighted that core funding is needed to ensure the RAN sustainability, at least for its basic missions.

4. Proposed legal and institutional mechanisms

4.1. Basic principles

According to the draft updated guidelines for RACs/RANs, the proposed structure will need to be inclusive and representative of the WCR (even including countries that are not signatories to the Cartagena Convention) (including language and cultural diversity) and have a broad mission in support of the science-policy-society interface. In addition to its specific mandate to support the SPAW Protocol, the MMRAN should be able to address intersectional issues linked to all Cartagena Convention protocols, that is; all issues related to marine mammals. The MMRAN will develop the processes and capability to anticipate and respond to emerging challenges relevant to marine mammals in the WCR.

This is in line with the recommendations from the “Potential cost, benefits and operations for the establishment of a MM RAN” document, which proposed a broad geographic mission and scope to support regional cooperation, capacity building, and species conservation, with objectives aligned with on-the-ground stakeholder needs. It calls for flexibility, adaptability, strong coordination, and synergetic action with the SPAW Subprogramme of the Secretariat, SPAW-RAC and SPAW working groups, other RANs, as well as other CC protocols, RACs, and RANs.

Regarding its establishment, both documents request the official recognition of the new RAN by the COP.

Art. 64 of the draft revised guidelines suggests that the establishment of a new RAN should be guided by the following:

- a) The nomination of a new RAN can be initiated and/or endorsed by a contracting party, an RAC, or the RAN itself through a formal request to the Secretariat.
- b) The nomination request should justify how the proposed RAN meets the criteria outlined in these Guidelines and should include detailed information on its operational procedures, including the RAN legal structure and governance, financial management and budget, reporting mechanisms, and other oversight provisions, which should be consistent with those found in this proposal, the Secretariat’s legal requirements, and United Nations System rules and code of ethics.
- c) The RAN nomination’s proposal will be revised by the Secretariat in coordination with the relevant (s) RAC (s) as to ensure the file is complete and once reviewed, the Secretariat will submit it to the contracting parties for their consideration and approval.
- d) This proposal should clearly indicate the scope of the RAN in terms of eg. Actions, topics, geographical coverage, proposed complementarity with other RACs and RANs, available facilities, personnel and budget timeline, and/or any other provisions or mandates that the Secretariat or the Contracting Parties have established
- e) Following approval of the nomination by the Contracting Parties, the Secretariat will negotiate the appropriate agreement with the proposed RAN-hosting organisation that is consistent with the approved Term or References (ToR) and any other provisions or mandates that Contracting Parties had established in its approval, and in accordance with the approved Guidelines.

Therefore, the proposal of the potential candidates to establish a new MM RAN shall follow the above guidance and include the information referenced therein Annex 2 of the guidelines (at the end of this document). The proposal has to be revised by the Secretariat and RACs prior to the submission to COP for approval and signature of the official agreement with UNEP as a final step to formalise the MM RAN.

4.2. Legal Mechanism

Concerning the legal status, the MM RAN analysis (doc. UNEP(DEPI)/CAR WG.43/INF.32) proposed the new network be hosted by a SPAW Contracting Party or a new independent organisation. However, the draft revised guidelines stated that “the hosting institution can be UN or regional organisation; academic or research institution; civil society organisation or any other legally constituted in the WCR which possess specific expertise in thematic areas of relevance to the work of the Cartagena Convention and its protocols.” This is the same in the original and currently valid (2008) Guidelines for RACs and RANs, and therefore calls for an independent Organisation or institution (not a Contracting Party) to host the MMRAN- although it can be physically

hosted by a party providing office space or other facilities, including the required digital infrastructure to ensure the functionality of a network extended over all the Wider Caribbean región.

Art 53.b) of the updated draft guidelines calls for proof of relevant action and expertise recognised in the área of expertise in this region, but it does not close the option of a new formed institution as long as their members meet this criteria of recognition and expertise in MM.

The legal structure of the new MM RAN should ideally align with the 2008 guidelines update which states in art. 53 that the hosting institution of a RAC should:

- a) Have a constituted legal status and facilities in any of the WCR countries with defined terms of reference, objectives, and scope of activities related to one or more areas of the Cartagena Convention and its Protocols.
- b) have proven relevant regional action and expertise as organisation or through its members;
- c) provide biennial reports to the STACs or COPs of work carried out in support of the Cartagena Convention and its Protocols and COP Decisions;
- d) demonstrate long term commitment to the protection and sustainable use of coastal and marine resources within the WCR;
- e) have a strong regional presence and action in the WCR;
- f) demonstrate proof of technical or scientific competence on marine mammals and issues related to the activities of the Cartagena Convention and its Protocols;
- h) demonstrate added-value and relevant contributions to the Secretariat, the RACs and COP in the implementation of the work plan and COP Decisions of the Cartagena Convention and its Protocols and assisting Parties in meeting their national obligations under the Cartagena Convention and its Protocols;
- i) have appropriate managerial and financial capacities, as well as accredited monitoring/reporting mechanisms in place.

Therefore, the RAN hosting institution (or institutions in case of co-hosting institutions) should be formally registered under the appropriate law in a country in the Wider Caribbean Region, possess expertise, strong presence and physical facilities in a WCR region country (or countries), and have defined legal and governance by-laws, articles of incorporation, or similar documentation defining their objectives, and a defined programme of work on marine mammals that adds value to the implementation of the Cartagena Convention and its protocols.

In any case, a RAN **is a network by definition**, and the host institution (*UN or regional organisation; academic or research institution; civil society organisation or any other legally constituted in the WCR*) will serve primary as a RAN Coordinating Unit, enabling Knowledge share, creating synergies and coordinated work among its members and supporting the implementation of the activities jointly decided by them (institutions and individual experts) in a democratic, representative and inclusive manner. The hosting organisation will also be responsible for the RAN's management, communications and reporting to the Secretariat, RACs and other relevant regional and international stakeholders.

The RAN shall also support the co-production of knowledge, enhanced regional integration and more unified and stronger regional representation of the WCR in the international and global discussions and initiatives.

4.3 Institutional mechanism

The general mission of the RAN would be to provide knowledge and expertise in support of the implementation of the WCR Marine Mammals Action Plan (MMAP) in close coordination and synergetic action with the CC Secretariat, SPAW- RAC, SPAW STAC and working groups. And also in communication with and other RACs, RANs and relevant regional stakeholders working in the areas of the Cartagena Convention and its protocols, in particular, on-the-ground practitioners and stakeholders.

Regarding the institutional governance, it shall allow for the requirements indicated in the guidelines for RANs and the structure proposed in the MM RAN document and support its role and extended mission, as derived from both documents.

The RAN's primary role, as per the revised guidelines, is to enhance the science-policy-society interface. Therefore, the composition of the extended network will consist of regular members (single individual or institution) located in or outside the WCR with technical expertise and on-the-ground experience related to marine mammals. The RAN should aim at the maximum representation in terms of subregions, languages, cultures of the WCR and focus on local communities, in particular from SIDS, indigenous and local knowledge holders, women and vulnerable groups, and youth. The organisation must be recognised for its expertise, but above all, for its ability to unite marine mammal experts involved in the conservation of marine mammals WCR and demonstrate the capacity to ensure representative and inclusive governance.

The hosting organization (or organisations if co-hosted) should be able to provide for the physical facilities (office room, boats and other infrastructures related to the specific functions of a marine mammals RAN) but more importantly, digital infrastructures (digital platform, virtual labs, communication systems, databases support and others to support for scientific exchange and knowledge dissemination). These are key to enable the scientific and technical exchange among partners and other stakeholders and the raise of awareness to the general public, as main functions of the RAN. Infrastructures access can be provided by a CC Party, but the RAN hosting institution(s) shall be an independent organisation as justified earlier. The institution will contribute to a Director (democratically elected by a period of years decided by the core founders in the RAN by laws or rules) and ideally, in the first years of operations, supported by a project officer position to support the definition of the 5 years RAN strategy and biannual work plans, report on advancements to the Secretariats as well as to help mobilising the necessary funding for their implementation, as proposed in the UNEP(DEPI)/CAR WG.43/INF.32 document. This position can also be funded from seed fund or in-kind contributions from the core members of the Steering Committee.

The Steering Committee will decide and support the co-design the RAN strategy and biennial work plans and guide on their implementation and monitoring/assessment. It will also provide advice on technical aspects (including foresight), project implementation and mobilisation of funds. It is suggested to be composed of the Director of the RAN, a member of the Cartagena Convention Secretariat, a member of the SPAW RAC (and other RACs on a voluntary basis); the thematic group focal points which will be elected from the core network institutions (founders) depending on their area of expertise. The Steering Committee will meet according to the by-laws of the RAN, but ideally twice a year to ensure coordination and proper monitoring and reporting of activities to the COP and CCS, as

well as enabling foresight discussions and exchange of technical information and best practices, when required on a more regular basis. A simple majority of members (half plus one) could constitute a quorum unless decided differently in the by-laws of the RAN, jointly defined by all RAN founder members.

Based on the RANs functions and activities work plans -to be co-designed by the core network or founder members-and approved by the Steering Committee, specific working groups can be formed to promote synergies on specific topics and include inputs from the more extended network of members (regular institutions and individuals members). Temporary focal points (to be defined) can be nominated through democratically elected candidates to mobilise members by topics to promote joint actions.

Capitalising on the efforts of experts from CARI'MAM, CaMPAM, the SPAW Consortium, Caribbean Wide Orca Project (CWOP), the Caribbean Cetacean Society, and other functional networks in the región, some thematic groups can be envisaged inter alias to enhance:

- Scientific and technical exchange, i.e., provision of input to the SPAW Subprogramme, peer review, standards and protocols for MM monitoring, open database of experts in the WCR, build joint databases for research, virtual research labs, foresight and reply to crisis, joint research expeditions, interprotocol impacts on MM, ocean conferences, etc;
- Institutional and policy support i.e. implementation of the MMAP, national marine mammals conservation or recovery action plans, MM ecosystems protection or restoration plans, etc;
- Community engagement and indigenous and local knowledge promotion i.e. communication (newsletter, social media, etc), public engagement, community-based projects, blue economy actions, responsible diving, restoration of ecosystems, ocean literacy, etc;
- Capacity building and awareness raising i.e. training for officials, practitioners, community members, fishermen; on the use of open digital library, Access to satellite information, etc;
- Networking and resource mobilisation- that should be done in coordination with the CC Secretariat as per revised draft guidelines i.e. networking strategy, fundraising, participation in calls for proposals, funding from diverse sources, relations with other regional, LAC, and participation in global initiatives and forums.

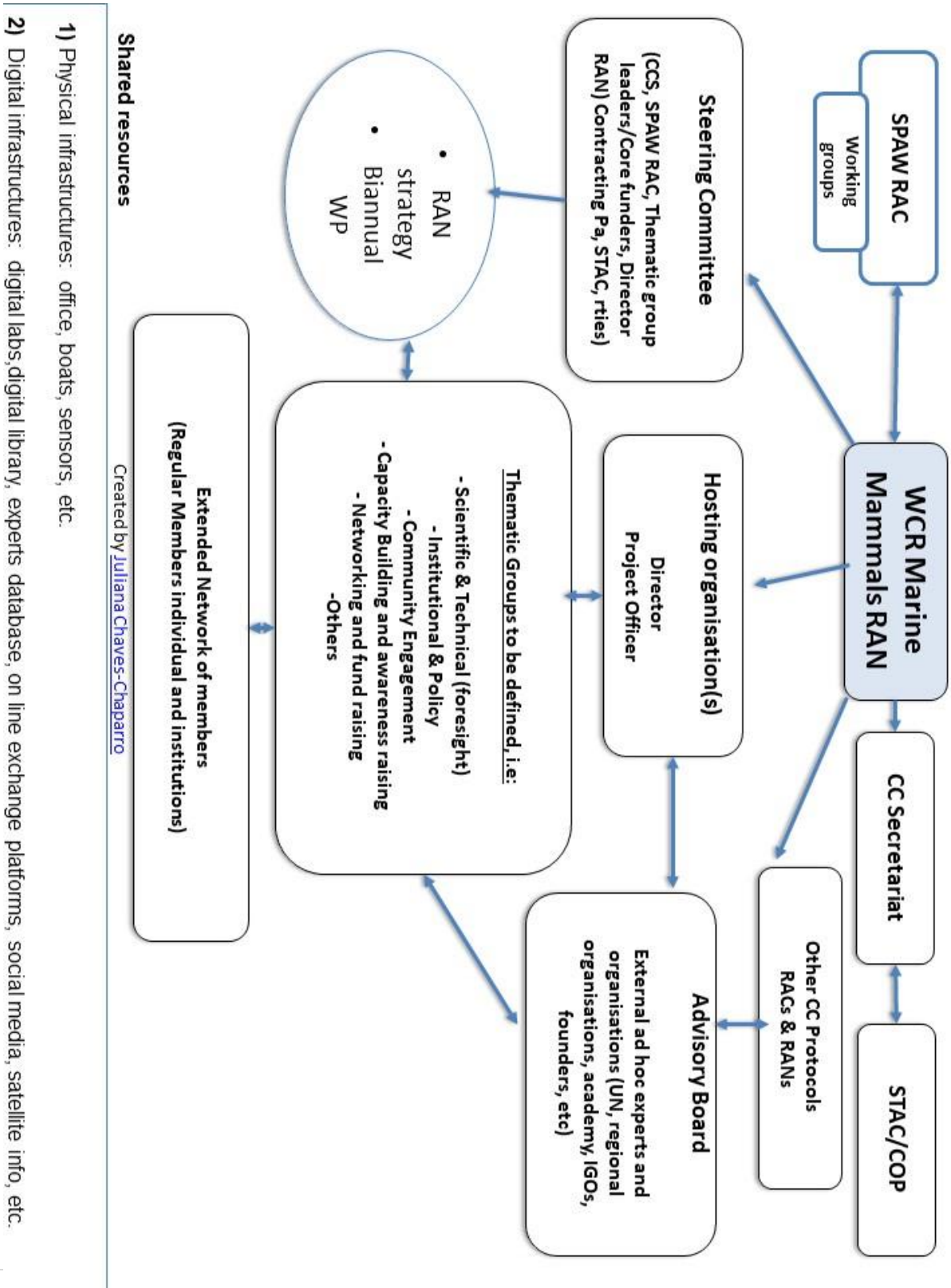
An Advisory Board can also be envisaged to provide support for decisions on a more technical level and calling on external and ad hoc experts or organisations (UN entities, regional organisations, academic institutions or others) depending on the topic of the meetings and emerging challenges- i.e. Climate change.

Besides the regular communication activities through inter alias (i.a.) newsletter, social media posts, podcasts, and so on, the RAN would organise meetings, online or in person, for direct interaction and trust creation among the full network of members as well as with other interested partners and donors. The main purpose will be to raise awareness; exchange knowledge and best practices; anticipate challenges, and respond to the consideration of the CCS, the COP, RACs, or RANs in support of the Cartagena Convention and its protocols in relation to marine mammals. This extended consultative network will meet as decided in RAN by-laws, but ideally, at least once a year, in

coordination with the community engagement focal point. It will also serve to reshape the workplans based on societal needs and anticipate needs in terms of knowledge production or capacity building to better address emerging or complex (interdisciplinary) challenges for the WCR and positioning of the region in key regional (LAC, ACP, others) and global forums.

To summarise, a complete proposal for the governance of the proposed RAN is presented in the figure, which would comprise

1. The hosting institution (s)
2. A Steering Committee
3. A core network composed of founder institutions
4. An Advisory Board
5. Several Thematic Group Focal Points
6. A RAN Director and/or Program Officer
7. Extended network of regular members and individuals



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ANNEX 2: Proposed information form for new RANs

Part A: General information

The information will constitute the nomination proposal for new RANs and also the accreditation of the organisation as observer to the CC COP.

1. Name and acronym, logo of the organisation in English, French and Spanish
2. Address of the Headquarters and other sites (if appropriate)

Street ,Town, Country

Telephone, Fax, Email, Internet site, Social media

3. Year of foundation

4. Type of organisation

Association; federation, foundation, professional organization, umbrella organisation, academy, NGO, international organisation, others.

5. Organizational status

President or equivalent of the organisation, name, surname, address

Secretary General or equivalent of the organization name, surname, address

Structure and functioning of directing bodies

Staff

Number of members

Countries represented, National focal points or others.

Please share any related documents and registration information in the host country

6. Funding sources and sustainability

a) Membership fees

b) Public funding

c) Private donations

d) Other, please specify

7. Role and objectives in relation to the Cartagena Convention and its Protocols

Please describe extensively the goals, mandate or mission of your organization and proposed contribution to the CC and its Protocols.

Share any documents related to this (strategy, mission, work plan, annual reports, others).

8. Activities of your organization

Please describe activities of your organisation in general (below the specifically linked to the CC)

9. Constituency

Please describe briefly the support base (members/supporters/donors) of your organisation and long-term strategy for sustainability. *Share any related documents*

10. Accreditations

Accreditation with other international, intergovernmental or regional organisations

11. Publications and technical reports/documents

Titles/number

Does your organization publish an annual report?

Does your organization produce a list of available publications and or educational matters?

Please share any relevant information or materials produced

Part B - Areas of possible cooperation with CCS

Please indicate the areas of your organization's activities which correspond to the Cartagena's Conventions Secretariat Medium Term Strategy, Programme Strategies and Action Plans and Biennial Work Plans.

- a) Ocean Governance including Blue and Ocean-Based Economies
- b) Integrating land, water and ecosystem management
- c) Legal aspects of implementation of the Cartagena Convention and its Protocols
- d) Control, Reduction and Prevention of Marine Pollution from Land-Based Sources and Activities (LBS protocol)
- e) Special Protected Areas and Wildlife (SPAW protocol)
- f) Integrated coastal zone management and Marine Spatial Planning
- g) Waste Management including circular economy approaches
- h) Sustainable management and use of natural resources
- g) Oil spills prevention and management
- i) Knowledge Management, Public Education, Awareness, Advocacy and Behavioural Change

Part C - Modalities of cooperation with CCS

1. In what way does your organization feel it could contribute to the CEP activities and to the

promotion of its values?

(Please describe: Studies, reports, previous work in the field concerned, expertise of its members, etc.)

2. What practical cooperation has already been established with the Coordinating Unit and the RACs?

(Please describe joint activities, comments on draft documents, exchange of information, participation as experts, participation at COP meeting and events, etc.)

3. By what means and to which audience would your organisation promote the work of CEP and its achievements?

Please enclose all the documents required

1. Copy of the statute

2. A list of members organisations

3. A report on recent activities

4. A declaration that your organisation accepts the rights and responsibilities of RANs partners as described in these guidelines

Offers an updated framework to UNCLOS, which came into force in 1994.
More details [here](#).

^[2] UNEP(DEPI)/CAR WG.43/INF.32

^[3] UNEP(DEPI)/CAR WG.43/INF.32 Potential Costs, benefits and operational framework for the establishment of a marine mammal regional activity network

^[4] UNEP(DEPI)/CAR WG. 43/INF. 31 Page 21