

5 August 2019

Economic Commission for Europe

Informal meeting to discuss the possible negotiation on a Legally Binding Agreement on Forests in Europe

First meeting

Geneva, 31 October and 1 November
Items 5 and 6 of the provisional agenda

Draft elements of a decision for adoption by the UNECE Executive Committee establishing the negotiating group for the preparation of a draft legally binding agreement on forests in Europe

and

draft Terms of Reference of the UNECE Negotiating Group for a legally binding agreement on forests in Europe (FLBA-NG)

AGENDA ITEMS 5 and 6

Note by the Secretariat

Summary

At its 106th session held in Geneva, Switzerland, on 8 July 2019, the Executive Committee (EXCOM) of the United Nations Economic Commission for Europe (UNECE) was presented with an update on a possible Legally Binding Agreement on Forests in Europe, including a letter from Ms. Gabriela Matečná, Deputy Prime Minister of Agriculture and Rural Development of the Slovak Republic, transmitting the Forest Europe Ministerial Decision on resuming Negotiations on a Legally Binding Agreement on Forests in Europe (informal document 2019/29).

The UNECE Executive Committee “...took note of the information provided on a possible legally binding agreement on forests in Europe and requested the secretariat to organize informal consultations to consider the matter further”.

In response to this decision and to facilitate discussions during the informal meeting, this note contains:

- a) Elements of a proposed draft decision for adoption by the UNECE Executive Committee establishing the negotiating group for the preparation of a draft legally binding agreement on forests in Europe;
- b) Draft Terms of Reference of the UNECE Negotiating Group for a legally binding agreement on Forests in Europe (FLBA-NG) (Annex I).

It should be noted that, in line with the request contained in the Ministerial Decision, the request was also forwarded to FAO for its consideration and further action, as appropriate.

This material is meant to facilitate discussion during the informal meetings.

**PROPOSED ELEMENTS FOR DRAFT DECISIONS FOR ADOPTION BY THE UNECE
EXECUTIVE COMMITTEE ESTABLISHING THE NEGOTIATING GROUP FOR THE
PREPARATION OF
A DRAFT LEGALLY BINDING AGREEMENT ON FORESTS IN EUROPE**

The UNECE Executive Committee,

[Preamble on previous steps undertaken under Forest Europe could be inserted here]

1. Decides to establish a UNECE Negotiating Group for the preparation of a final draft text of a legally binding agreement on forests in Europe (hereafter, “FLBA-NG”) relying on the Draft Negotiating Text (DNT) developed under Forest Europe and reflecting recent policy developments, such as the Paris Agreement, the 2030 Agenda and its Sustainable Development Goals, the United Nations Strategic Plan for Forests;
2. Decides that the FLBA-NG has an initial mandate of two years from its first meeting, renewable by EXCOM, as needed;
3. Decides to adopt the Terms of Reference of the FLBA-NG, as contained in Annex I;
4. Decides that the FLBA-NG shall be funded from extrabudgetary resources and calls upon member States and international and regional organizations, in particular UNECE member Governments and the European Union, to provide contributions to support the implementation of the work of the FLBA-NG;
5. Requests the Executive Secretary to ensure that, subject to the availability of extra-budgetary resources, the necessary arrangements are made for convening and servicing the activities of the FLBA-NG, with the support of the FAO;
6. Invites all ECE member Governments and the European Union to participate in the FLBA-NG.

ANNEX I

DRAFT TERMS OF REFERENCE OF THE UNECE NEGOTIATING GROUP FOR A LEGALLY BINDING AGREEMENT ON FORESTS IN EUROPE (FLBA-NG)

A. Objectives

1. To advance negotiations on the Draft Negotiating Text (DNT) developed under Forest Europe; and
2. To reach consensus on the draft text of the FLBA.

B. Activities and functions

1. Subject to the availability of extrabudgetary funding, to convene meetings as often as necessary to reach agreement on the paragraphs of the DNT which have not been agreed *ad ref*;
2. To review the draft text of the DNT, taking into account recent policy developments, such as the Paris Agreement, the 2030 Agenda and its Sustainable Development Goals, the United Nations Strategic Plan for Forests; and
3. To prepare a draft text of the proposed FLBA for submission to the COFFI and the UNECE Executive Committee for its consideration and possible adoption.

C. Expected major outputs and contributions

A final draft text of the proposed FLBA providing, *inter alia*, for the following substantive and treaty provisions:

- a. Substantive provisions:
 - i. To ensure sustainable forest management and the long-term provision of a broad range of goods and forest ecosystem services;
 - ii. To enhance the contributions of forests to the mitigation of climate change;
 - iii. To halt the loss of forest biodiversity and to combat desertification; and
 - iv. To reduce, with the aim of eliminating, illegal logging and associated trade in timber and timber products.
- b. Treaty provisions:
 - i. Scope of application of the FLBA (or “geographical scope”);
 - ii. The secretariat of the FLBA;
 - iii. The depositary of the FLBA;
 - iv. The opening for signature of the FLBA; and
 - v. The entry into force of the FLBA.

D. Methods of work

1. The FLBA-NG shall adopt its own rules of procedure, consistent with rules of procedure of the Economic and Social Council and UNECE, and shall determine the frequency of its meetings as well as its methods of work.
2. Reporting: The FLBA-NG will report to the UNECE Committee on Forests and the Forest Industry. The COFFI chair will provide periodic updates on the progress of the FLBA-NG to EXCOM.
3. Chairperson: To be elected at the first meeting of the FLBA-NG. Two vice-chair persons would also be elected at the same meeting.
4. Secretariat: The FLBA-NG will be serviced by both ECE and FAO¹ XB staff to be located in the Joint ECE-FAO Forestry and Timber Section in Geneva.
5. The Chairperson of the FLBA-NG will provide periodic updates to the Bureau of COFFI, as appropriate.

¹ Subject to the consideration and deliberation by the appropriate FAO body.