

21 November 2019

## **Economic Commission for Europe**

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

#### **Second meeting**

Geneva, 27 – 29 January 2020

Items 3 and 4 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 3 and 4

Note by the Secretariat

### *Summary*

At its 106<sup>th</sup> 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 request, the Secretariat organized the “First informal meeting to discuss the possible negotiation of a Legally Binding Agreement on Forests in Europe” on 31 October - 1 November 2019. This first meeting made progress on the possible text on an EXCOM decision as well as the development of draft Terms of Reference of the UNECE Negotiating Group for a legally binding agreement on forests in Europe (FLBA-NG).

This information note is based on the outcome of the first informal for further discussion among member States. 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 (including reference to suggestions from member States);
- b) Draft Terms of Reference of the UNECE Negotiating Group for a legally binding agreement on Forests in Europe (FLBA-NG) (including reference to suggestions from member States).

**I. PROPOSED ELEMENTS FOR 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**

The UNECE Executive Committee,

[Noting the Oslo Ministerial Mandate for negotiating a legally binding agreement on forests in Europe, Sixth Forest Europe Ministerial Conference, June 2011, establishing the Intergovernmental Negotiating Committee to develop a legally binding agreement on forests in Europe (INC).

Recognising the work of the Intergovernmental Negotiating Committee [INC, TBD] in 2012 and 2013 and taking note of the outcome as contained in the report of the fourth resumed and final session of the Intergovernmental Negotiating Committee [INC, TBD] as presented at the Extraordinary Forest Europe Ministerial Conference in Madrid in 2015.

Noting the Forest Europe Ministerial Decision on Resuming the Negotiations on a Legally Binding Agreement on Forests in Europe and its transmission by the letter of the Deputy Prime Minister and Minister of Agriculture and Rural Development of the Slovak Republic and co-chair of Forest Europe of 10 June 2019 to the UNECE Executive Secretary.

Recalling the Decision of the 106th EXCOM meeting of 8 July 2019 convening informal consultations and taking note of the recommendations thereof, EU, Ukraine]

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”).
2. Relying on ~~relying on~~ Notes that, USA] [Decides that, EU] the Draft Negotiating Text (DNT) developed under Forest Europe [Intergovernmental Negotiating Committee established by the ministers responsible for forests in Europe, NO] [will serve as the basis for further negotiations. Further decides that the aim of the negotiations is to reach an agreement on paragraphs of the DNT not agreed *ad ref* and that the DNT paragraphs agreed *ad ref* will not be re-opened unless needed to ~~reflecting~~ reflect, EU, Ukraine] reflecting recent policy developments, such as the Paris Agreement, [the CBD, EU, NO, CH] the 2030 Agenda and its Sustainable Development Goals, and the United Nations Strategic Plan for Forests;
3. Decides that the FLBA-NG has an initial ~~initial~~ a, EU, CH, Ukraine, NO] mandate of [two years] [one year, EU, CH, Ukraine, NO] from its first meeting, renewable by EXCOM, as needed;
4. Decides to adopt the Terms of Reference of the FLBA-NG, as contained in Annex I;
5. Decides that the FLBA-NG shall be funded [exclusively, US] from extrabudgetary resources and calls upon member States and international and regional organizations, in particular UNECE member States and the European Union, [ ~~in particular UNECE member States and the European Union~~ in particular those listed in Annex II, EU, US, Ukraine] to provide contributions [on a voluntary basis, EU, Ukraine] to support the implementation of the work of the FLBA-NG;
6. Requests the [UNECE, EU] Executive Secretary to ensure that, subject to the availability of extra-budgetary resources, the necessary arrangements are made [for the UNECE, with the

support of the FAO, to convene and service jointly<sup>1</sup>, EU] the activities [~~the activities~~  
negotiations, CH, Ukraine] of the FLBA-NG.

7. Invites all ECE member Governments and the European Union [~~ECE member Governments and the European Union~~ those listed in Annex II, USA, EU] to participate [as full parties, EU, USA] in the FLBA-NG [and the ultimate LBA, EU].

[7Bis Invites all UNECE member States not listed in Annex II to participate as observers in the negotiations., US]

[7ter. Invites all NGOs with ECOSOC consultative status as well as observer organizations listed in Annex III to participate in the FLBA-NG as observers., EU, CH, NO, Ukraine]

8. [Notes that any potential future role of UNECE in supporting the implementation of any agreement resulting from the work of the FLBA-NG would be subject to separate decision by the EXCOM., US] [to delete, EU, CH]

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<sup>1</sup> [Subject to the consideration and deliberation [~~deliberation~~ approval, USA, EU] by the appropriate FAO body., EU]

## **II. DRAFT TERMS OF REFERENCE OF THE UNECE [UNECE, USA] NEGOTIATING GROUP FOR A LEGALLY BINDING AGREEMENT ON FORESTS IN EUROPE (FLBA-NG)**

### **A. Objectives**

1. To advance [~~advance~~ finalise, EU, Ukraine] negotiations on the [outstanding issues in the, EU, Ukraine] Draft Negotiating Text (DNT) developed under the Forest Europe [~~Forest Europe~~ Intergovernmental Negotiating Committee established by the ministers responsible for forests in Europe, NO, EU, Ukraine]. [which will serve as the basis for further negotiations.
2. To reach an agreement on paragraphs of the DNT not agreed *ad ref* and that the DNT paragraphs agreed *ad ref* will not be re-opened unless needed to ~~reflecting~~ reflect, EU, Ukraine] reflecting recent policy developments, such as the Paris Agreement, [the CBD, EU, NO, CH] the 2030 Agenda and its Sustainable Development Goals, and the United Nations Strategic Plan for Forests; EU] [post 2020 Global Biodiversity Framework, CH]
3. To reach consensus on the draft text of the FLBA.

### **B. Activities and functions**

1. Subject to the availability of extrabudgetary funding, to meet as often as necessary [~~as often as necessary~~, up to four meetings in a year, CH] to achieve its objectives. [reach agreement on the paragraphs of the DNT which have not been agreed *ad ref*; to delete from here and move up, EU, Ukraine]
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 [to delete from here and moved up, EU, Ukraine]
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~~ adoption by FBLA-NG, USA] submission to the COFFI and [~~the COFFI and~~, EU, CH, NO, Ukraine] the UNECE Executive Committee for its consideration and possible adoption.

### **C. Expected major outputs and contributions**

1. A final draft text [, built on the DNT, EU] 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 [and adaptation to, Armenia] climate change;
    - iii. To halt the loss of forest biodiversity and to combat desertification [land degradation, Turkey] ; and
    - iv. To reduce, with the aim of eliminating, illegal logging and associated trade in timber and timber products.

[EU, NO, Ukraine, Turkey: to replace i-iv<sup>2</sup> with

- i. To reinforce and strengthen the implementation of sustainable forest management and to ensure multifunctionality of forests and the long-term provision of a broad range of forest ecosystem services and goods derived from them;
- ii. To enhance the role of forests and forestry in contributing to solving global challenges;
- iii. To provide a framework for fostering national actions and international cooperation;
- iv. To maintain, protect, restore and enhance forests, their health, productivity, biodiversity, vitality and resilience to threats and natural hazards, and their capacity to adapt to climate change as well as their role in combating desertification;
- v. To ensure that forests contribute effectively to sustainable development, livelihoods and the well-being of society by providing economic, environmental, cultural and social benefits at all levels.]

b. Treaty provisions:

- i. Scope of application of the FLBA [including ~~(or “~~EU) (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.

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<sup>2</sup> The EU proposal seeks to replace the partial list from the Oslo Mandate included by the Secretariat in the original draft with the complete list from the DNT.

**D. Methods of work**

1. The FLBA-NG shall adopt its own rules of procedure, consistent with ~~[consistent with~~ on the basis of the, EU] rules of procedure of the Economic and Social Council and UNECE [based on the parameters contained in the Ministerial Decision, EU] 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 UNECE Committee on Forests and the Forest Industry- [UNECE Committee on Forests and the Forest Industry. The COFFI chair will provide periodic updates on the progress of the FLBA-NG to EXCOM EXCOM, EU, USA, Ukraine] The COFFI [FLBA-NG, US] chair [chair chairperson, US] 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 [jointly<sup>3</sup>, EU] by both ECE and FAO<sup>4</sup> XB staff to be located in ~~[XB staff to be located in-through, EU] the Joint ECE-FAO Forestry and Timber Section in Geneva. [The FLBA-NG will be served, exclusively by extrabudgetary sources, by the Joint ECE-FAO Forestry and Timber Section in Geneva, TBD]~~
5. The Chairperson of the FLBA-NG will provide periodic updates to the Bureau of COFFI, as appropriate. ~~[The Chairperson of the FLBA-NG will provide periodic updates to the Bureau of COFFI, as appropriate, US, EU]~~

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<sup>3</sup> [Subject to the consideration and deliberation ~~[deliberation~~ approval, USA, EU] by the appropriate FAO body., EU]

ANNEX I

Albania	Latvia
Andorra	Liechtenstein
Armenia	Lithuania
Austria	Luxembourg
Azerbaijan	Malta
Belarus	Monaco
Belgium	Montenegro
Bosnia and Herzegovina	Netherlands
Bulgaria	North Macedonia
Croatia	Norway
Cyprus	Poland
Czech Republic	Portugal
Denmark	Republic of Moldova
Estonia	Romania
European Union	Russian Federation
Finland	Serbia
France	Slovak Republic
Georgia	Slovenia
Germany	Spain
Greece	Sweden
Holy See	Switzerland
Hungary	Tajikistan
Iceland	Turkey
Ireland	Turkmenistan
Italy	Ukraine
Kazakhstan	United Kingdom
Kyrgyzstan	Uzbekistan

ANNEX II

Alpine Convention	FERN
Association Internationale Forêts Méditerranéennes (AIFM)	Foresters' Association for a Green Turkey
Bioversity International	FSC* - Forest Stewardship Council
BWI (Former IFBWW)* - Building and Wood Workers' Internationale	Friends of the Earth Europe
Carpathian Convention	Greenpeace International*
CEI-BOIS* - European Confederation of Woodworking Industries	IFSA* - International Forestry Students' Association
CEPF* - Confederation of European Forest Owners	IIASA* - International Institute for Applied Systems Analysis
CEPI* - Confederation of European Paper Industries	ILO - International Labour Organization
CEETTAR - European Organisation of Agricultural, Rural and Forestry Contractors	ITTO - International Tropical Timber Organization
CIC - International Council for Game and Wildlife Conservation*	IUCN (International Union for Conservation of Nature)
COPA-COGECA - Committee of Professional Agricultural Organisations and General Committee for Agricultural Cooperation in the European Union	IUFRO** - International Union of Forest Research Organisations
Council of Europe	Mediterranean Model Forest Network (MMFN)
Council of European Foresters (CEF)	Montreal Process
EFI - European Forest Institute	PEFC*- programme for the endorsement of forest certification
ELO* - European Landowners' Organisation	Pro Natura - Friends of The Earth Switzerland
EOMF - European Observatory of Mountain Forest	Regional Environmental Center For Central and Eastern Europe (REC)
EOS - European Organisation of the Sawmill Industry	UEF - Union of European Foresters
European Federation of Building and Woodworkers (EFBWW)	UNDP - United Nations Development Programme
European Investment Bank (EIB)	UNEP - United Nations Environment Programme
EUSTAFOR - European State Forest Association	UNFF - United Nations Forum on Forests
FECOF - Fédération Européenne des Communes Forestières	USSE - Union of Foresters of Southern Europe
	World Bank
	WWF - World Wide Fund for Nature International

\* Active consultative status with ECOSOC as of 1 September 2018 [UNECE and FAO were deleted]

\*\* Organizations placed on the Roster under heading "C" by virtue of their consultative status with other United Nations bodies or the specialized agencies (FAO)