Intergovernmental Negotiating Committee for a Legally Binding Agreement on Forests in Europe
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1. The Second Session of the Intergovernmental Negotiation Committee for a legally binding agreement on forests in Europe (INC2) was held at the Deutsche Welle Building, Bonn, Germany, from 3 to 7 September 2012.

2. The session was attended by delegates from 37 countries and one member organization. Representatives of one country, as well as 18 intergovernmental organizations and international and national non-governmental organizations were in attendance, as observers.

OPENING OF THE SESSION (Item 1)

3. Mr. Jan Heino (Finland), the chairperson of the Committee, opened and chaired the session. On behalf of the Committee the Chair expressed their gratitude to Germany for hosting INC2.

4. The Chair made opening remarks explaining that the Bureau had prepared a draft negotiating text for consideration at this session, based upon the guidance provided by the Committee at its First Session.

5. The European Union and its Member States also made an opening statement.

ADOPTION OF THE AGENDA (Item 2)

6. The Committee adopted the draft annotated Agenda as contained in Document1/INC2. The documents considered by the Committee are listed in Annex A.

ORGANIZATIONAL MATTERS (Item 3)

7. The Chair informed the Committee that Turkey named Mr. Tamer Otrakçıer to replace Mr. Ismail Belen as the representative of Turkey on the Bureau.

8. In accordance with Rule 11.3 of the Rules of Procedure, four organizations, as listed in Annex B, requested, and were granted, observer status.

9. The Chair presented his proposal for the organization of work for the INC2, as set out in the annotated provisional agenda. The Committee agreed with the proposed organization of work.
CONSIDERATION OF THE DRAFT NEGOTIATING TEXT (item 4)

10. The Chair introduced the Draft negotiating text for a legally binding agreement on forests in Europe (Annex to Document 2/INC2) and invited general statements and views on the structure of the text.

11. The following parties made general statements: European Union and its Member States, Russian Federation, Belarus, Ukraine, Switzerland and Norway. Council of Europe, EUSTAFOR and CEPF made general statements as observers.

12. Parties thanked the Chair and the Bureau and welcomed the draft negotiating text as a good basis for consideration at the Second Session of the Committee.

13. The Committee provided general comments as well as concrete proposals on the Draft negotiating text for a legally binding agreement on forests in Europe (Document 2/INC2).

14. In addition to plenary sessions, there was also discussion in two Working Groups. The co-chairs of the Working Groups were Mr. Ingwald Gschwandtl and Mr. Tamer Otrakcier, and Mr. Arne Ivar Sletnes and Ms. Katerina Ventrubova, respectively.

15. The need for a thorough language check in all official languages of the Draft negotiating text was emphasised.

16. The Committee considered possible guidance for developing text on compliance and decided to invite parties to submit text proposals to the secretariat by 15 November 2012 (recommendation by the Secretariat).

17. The outcome from the discussions of the Draft negotiating text is contained within a revised version of the Draft negotiating text for a legally binding agreement on forests in Europe as of 7 September 2012 at the end of INC2 Plenary session, as attached at Annex D, for further consideration at the Third Session. The Committee suspended considerations of the Draft negotiating text at paragraph 13 of General Provisions.

18. There was discussion of the Information note on consideration of article 24g of the Oslo Mandate “the possibility of the agreement being brought under the United Nations umbrella” (Document 4/INC2). A presentation was made by the secretariat outlining options of bringing an agreement under the United Nations umbrella by inviting an organ of the United Nations, or a programme or one of its specialized agencies, to adopt it; or adoption of the agreement by a FOREST EUROPE ministerial conference. The implications of these options were discussed, including possible consequences for secretariat arrangements, cost implications, finance and the depositary. A number of other regional agreements were highlighted to illustrate a range of possible approaches.

19. The Committee requested the Chair to provide an analytical document on some of the key aspects involved in deciding on bringing the LBA under the United Nations umbrella, to be presented at its next session. The analysis should include the option of the agreement remaining
outside the UN system. Some of the elements include: information on the procedures for the adoption of agreements within the United Nations, its programmes or specialized agencies; information on agreements adopted outside of the United Nations system for which secretariat services are currently provided by a given body of the United Nations system; examples of global or regional agreements adopted outside the United Nations system that were later on brought under the United Nations umbrella and procedures used for doing so; whether the procedures as drafted in the LBA would have implications on bringing it under the United Nations umbrella; advantages and possible implications of bringing the LBA under the United Nations umbrella for the various options including synergies with other forest-related processes that may be achieved by doing so; financial aspects, including possible cost implications of the different options; possibility of secretariat services being provided by the United Nations, its programmes and specialized agencies or a combination of these; possibilities regarding an interim secretariat; and implications of staying outside the UN system, in particular in respect of international legal personality.

ROADMAP FOR THE NEGOTIATION PROCESS (Item 5)

20. The Committee considered the Revision of the roadmap of the negotiation process (Document 3/INC2). Within this item the Committee also considered the note by the Chair on the financial overview of the INC process requested by INC1. This note was made available during the session. The Committee took note of the information contained therein and underlined the need for continued support to the process.

21. The Committee was briefed on the current financial status of the Trust Fund. The Governments of Norway and Sweden informed the Committee about recent decisions on contributing to the Trust Fund. The Committee noted with appreciation the contributions made so far or planned.

22. The Government of Turkey offered to host INC3, which the Committee accepted by acclamation and thanked Turkey for the generous offer.

23. The Committee decided that INC3 will take place on 28 January – 1 February 2013 in Antalya, Turkey.

24. The Government of Poland informed the Committee of its intention to host INC4 at a time to be agreed later. The Committee took note of the offer with appreciation.

25. The Committee agreed to the Road map presented in Document 3 and recommended that the activities for INC3 be specified as:

1. Further consideration of the draft negotiating text, including compliance; terms and definitions; finance and secretariat arrangements including possible interim solutions; and consideration of possibilities for bringing the agreement under the UN umbrella.

26. In considering intersessional activities the Government of Spain offered to host an expert meeting on terms and definitions in November 2012. The Committee welcomed this offer and agreed that the report of this meeting could provide useful background information and be
submitted to the Secretariat by Spain in good time to be made available six weeks in advance of INC3.

27. The Russian Federation expressed her readiness to host an intersessional activity between INC3 and INC4 would the need for it arise, and further suggested that a decision be taken in this regard at INC3.

OTHER MATTERS  (Item 6)

28. The Committee adopted a draft agenda for INC3 as contained in Annex C.

REPORT OF THE SESSION (Item 7)

29. The Committee considered the report and decided to adopt it as amended.

CLOSURE OF THE SESSION (Item 8)

30. The Chair closed the session at 6.27 pm on Friday, 7 September 2012.
ANNEX A:

List of documents

Document 1: Annotated provisional agenda for the second session

Document 2: Draft negotiating text for a legally binding agreement on forests in Europe

Document 3: Revision of the roadmap for the negotiation process

Document 4: Information note on consideration of article 24 g. of the Oslo Mandate “the possibility of the agreement being brought under the United Nations umbrella”
ANNEX B:

Organizations granted with the status as Observer organizations to the Intergovernmental Negotiating Committee for a Legally Binding Agreement on Forests in Europe at INC2

Economic Forestiere Suisse (Swiss Forest Owners Association)
Friends of the Earth Switzerland - Pro Nature
German Forest Association
University of Goettingen
ANNEX C:

Provisional agenda for INC3

• Adoption of the Agenda

• Further consideration of the draft negotiating text, including compliance; terms and definitions; finance and secretariat arrangement, including possible interim solutions; and consideration of possibilities for bringing the agreement under the UN umbrella

• Roadmap for the negotiation process

• Other matters

• Report of the session

• Closure of the session
ANNEX D:

The Draft negotiating text for a legally binding agreement on forests in Europe as of 7 September 2012 end of INC2 Plenary session