CHAIR’S SUMMARY

of discussions at the First Week of the Third Session of the Intergovernmental Negotiating Committee for a Legally Binding Agreement on Forests in Europe

28 JANUARY TO 1 FEBRUARY 2013, ANTALYA, TURKEY

1. This Chair’s summary relates to discussions that took place during the first week of the Third Session of the Intergovernmental Negotiation Committee for a Legally Binding Agreement on Forests in Europe (INC3), on 28 January - 1 February 2013, Antalya, Turkey.

2. INC3 agreed to suspend the session on 1 February and resume in St. Petersburg, the Russian Federation, on 3-5 April 2013, following the generous invitation of the Government of the Russian Federation.

3. The sessions in Antalya were attended by delegates from 35 parties. Representatives of one country, as well as 16 intergovernmental organizations and international and national non-governmental organizations were in attendance, as observers.

4. Mr Jan Heino (Finland), the chairperson of the Committee, opened and chaired the session. On behalf of the Committee, the Chair expressed its gratitude to Turkey for hosting INC3. Mr Ismail Üzmez, Deputy General Director of Forestry, General Directorate of Forestry, Turkey, welcomed the Committee. The Chair also made opening remarks explaining some of the challenges facing the Committee as it continued to consider the Draft Negotiating Text. He reminded the Committee that its mandate is to complete its work no later than 30 June 2013.

5. The Committee adopted the draft annotated Agenda as contained in Document1/INC3. The documents considered by the Committee are listed in Annex A.

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

7. The Chair presented his proposal for the organization of work for the INC3, as set out in the annotated provisional agenda. The Committee agreed with the proposed organization of work suggesting addressing the “Roadmap” as early as possible.

8. The Chair introduced Document 2/INC3 Draft negotiating text for a legally binding agreement on forests in Europe () and invited detailed consideration. The Committee then continued discussing and negotiating the document section by section, starting from General Provisions. The Draft Negotiating Text as per 1 February 2013, 18.30 hrs is attached as Annex C.

9. There was also a discussion of the Analytical document on some of the key aspects involved in deciding on bringing the legally binding agreement under the United Nations umbrella (Document 5/INC3) and its Annexes, following brief presentations by EFI, FAO, UNECE and UNEP. The
Committee expressed its thanks to all those who had provided information on this complex matter. It was agreed that, after the resumed INC3 session in St. Petersburg, the Chair should write to the Secretary-General of the United Nations and to the Director-General of FAO to seek their views on technical issues that might arise if the UN or FAO, respectively, were invited to be the Depositary for the LBA.

10. In addition to plenary sessions, there were discussions in two Working Groups and in informal contact groups. Working Group 1 (co-chaired by Ms. Katerina Ventrubova and Prof. Piotr Paschalis-Jakubowicz) gave detailed consideration to the possibilities for bringing the legally binding agreement on forests in Europe under the United Nations umbrella. Working Group 2 (co-chaired by Mr. Ingwald Gschwandt and Mr. Tamer Otrakcier) gave detailed consideration to the compliance paragraphs in Document 2/INC3. A Co-Chair’s summary of the discussion in Working Group 1 is attached at Annex D. The informal contact groups addressed the following issues: sustainable production and consumption; forests biodiversity; and compliance.

11. The Committee also considered the Updated roadmap for the negotiation process (Document 3/INC3). It welcomed the document and, in addition to deciding to resume INC3 in St. Petersburg, agreed that a legal expert group be established and working at the resumed third session of the Committee with the task of examining the Final Clauses in the Draft Negotiating Text. It was noted that a clear roadmap is needed from now to INC4, from INC4 to the extraordinary ministerial conference, and as appropriate, for the period after that conference. The Committee agreed to further consider key issues for deciding on bringing the agreement under the United Nations umbrella at the resumed INC3 Session in St. Petersburg. It was also noted that the resumed session in St. Petersburg should discuss whether and when the INC would draft a resolution transmitting the Draft Negotiating Text to the extraordinary ministerial conference to be held later this year in Madrid. The Committee also invited the Bureau to prepare draft Annexes to the LBA for consideration at the resumed third session and requested the secretariat to provide a further update of the roadmap following the end of the suspended session of INC3.

12. Following an invitation from the Government of Poland, the Committee decided that INC4 will take place on 10-14 June 2013 in Warsaw, Poland.

13. The Committee was briefed on the current financial status of the Trust Fund. The Chair invited the Parties to give consideration to the support they can provide to the remaining negotiation process.
ANNEX A:

List of documents

Document 1: Annotated provisional agenda for the third session
Document 2: Draft negotiating text for a legally binding agreement on forests in Europe
Document 3: Updated roadmap for the negotiation process
Document 4: Compilation of submissions of the text proposals on compliance for a legally binding agreement on forests in Europe
Document 5: Analytical document on some of the key aspects involved in deciding on bringing the legally binding agreement under the United Nations umbrella – Note by the Chair

Annex 1.1 Information provided by the European Forest Institute (1)
Annex 1.2 Information provided by the European Forest Institute (2)
Annex 2 Information provided by FAO
Annex 3.1 Information provided by UNECE
Annex 3.2 Information provided by Under-Secretary General for Legal Affairs of the United Nations
Annex 3.2.1 Secretary-General's Bulletin. Procedures to be followed by the departments, offices and regional commissions of the United Nations with regard to treaties and international agreements.
Annex 4 Information provided by UNEP
Annex 5 An analytical document – part 1

ANNEX B:

Organizations granted the status of Observer organizations to the Intergovernmental Negotiating Committee for a Legally Binding Agreement on Forests in Europe at INC3

CEF (Council of European Foresters)
DKM Doğa Koruma Merkezi (Nature Conservation Centre, Turkey)
Forest Management Board, Kosovo
FoEE (Friends of the Earth Europe)
ANNEX C:

Draft negotiating text for a legally binding agreement on forests in Europe as of the end of INC3 Plenary session on the afternoon of 1 February 2013

(Attached in a separate file)
ANNEX D

Co-Chair’s summary of discussion of Working Group 1 on possibilities for bringing the Legally Binding Agreement on Forest in Europe under the United Nations umbrella

30 January 2013

Working Group 1 agreed to seek further clarifications from EFI, FAO, UNECE and UNEP regarding the questions contained in paragraph 19 of the report of INC2 as well as the questions raised during the Plenary discussion on 29 January on the subject, and on this basis clarify Parties’ intentions and preferences regarding paragraph 24(g) of the Oslo mandate. The Working Group noted that this requires a political decision and underlined the need for clarity regarding conditions and procedures in order to take an informed decision. The representatives of the UN organizations noted that they only provided clarifications and that responding to any information request from the INC is the prerogative of the executive heads of the UN organizations.

- Bringing the Agreement under the UN umbrella may be done in different manners as described in Document 5. Different options have different budgetary implications and require different procedures for approval. Any further step to be taken depends on the option chosen. In any case, a decision from the appropriate governing bodies through the established process of the organizations is required.

- Depending on the decision on the method of bringing the Agreement under the UN umbrella the governing bodies concerned would include the European Forestry Commission and the Council for FAO; the Timber Committee, the Economic Commission for Europe or its Executive Committee for UNECE; and the Governing Council for UNEP (and the General Assembly for UNECE and UNEP for a treaty adopted outside of the UN or if regular budget funds are used). The calendar of the governing body sessions, which largely defines the length of the decision process, should be considered.

- In all cases financing a secretariat for the Agreement would require extra-budgetary resources.

- The organizations noted that they use the UN Common System of Salaries, Allowances and Benefits. However, a reliable estimate on the total cost of the secretariat may only be provided once further details on number and grade of staff as well as functions and work programme of the secretariat is specified.

- The Working Group considered the benefits of inviting the organizations to describe, in the light of the progress being made in the negotiations during INC3, possible secretariat arrangements and the associated costs based on their experience in servicing treaties.
• In the absence of a definitive decision on a permanent secretariat it is possible to establish an interim secretariat. The organizations confirmed that extra-budgetary funds for this purpose would be needed.

• EFI expressed its readiness to be considered for secretariat services and noted that it also needs to seek approval from its governing body. It further noted the ability to respond quickly to such a request.

• The representative of the Government of Germany explained further their offer of hosting the secretariat in Bonn and stressed that this offer is independent of the Agreement being under the UN umbrella and valid for both an interim and a permanent secretariat.

• Some Parties expressed a strong preference for bringing the Agreement under the UN umbrella and saw merit in all three UN organizations (FAO, UNECE, UNEP) involved in providing its secretariat. Some indicated that FAO could play the lead role. The possible contribution of EFI was also considered.

• It was noted that a clear roadmap is needed from now to INC4, from INC4 to the extraordinary ministerial conference, and for the period after that conference. Particular attention should be paid to intersessional activities to facilitate a decision on bringing the Agreement under the UN umbrella and on the secretariat arrangements.