Vienna, Austria, 27 February-2 March 2012

Intergovernmental Negotiating Committee for a Legally Binding Agreement on Forests in Europe
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OPENING OF THE SESSION (Item 1)

1. The First Session of the Intergovernmental Negotiation Committee for a Legally Binding Agreement on Forests in Europe (INC1) was held at the United Nations Office at Vienna, Austria, from 27 February to 2 March 2012.

2. The session was attended by delegates from 35 countries and one member organization. Representatives of one country, as well as 16 intergovernmental organizations and international non-governmental organizations, as observers, were also in attendance.

3. In opening of the session, the secretariat referred to paragraph 21 of the Oslo Ministerial Mandate for Negotiating a Legally Binding Agreement on Forests in Europe (Oslo Mandate) establishing the Intergovernmental Negotiating Committee, where ministers responsible for forests nominated Mr. Jan Heino (Finland) for the chairmanship of the Committee. The Committee welcomed Mr. Heino as the chair.

4. The Chair made opening remarks and invited H.E. Lars Peder Brekk, Norwegian Minister of Agriculture and Food, co-chair of the Forest Europe Ministerial Conference in June 2011, to address the Committee.

5. Minister Brekk expressed his satisfaction with the ambitious decisions approved in Oslo, stressing that sustainable forest management should be part of the solution to meet changing needs of society. Mr. Brekk highlighted important elements of the “Oslo Ministerial Decision: European Forests 2020” and stressed the historic decision in the “Oslo Ministerial Mandate for Negotiating a Legally Binding Agreement on Forests in Europe” providing the mandate for this Committee. He invited the Committee to keep up to the ambitious mandate, including on the timetable. He pointed to the need for flexibility from all parties and extended his best wishes for the first and subsequent meetings for elaborating a legally binding agreement on forests in Europe.

6. The Chair addressed the Committee emphasizing the importance of the tasks in front of it and expressed his desire to make this process a success.

7. The European Union and its Member States as well as the Russian Federation also made opening statements highlighting the opportunities and challenges in negotiating a legally binding agreement.

ADOPTION OF THE AGENDA (Item 2)

8. The Committee adopted the draft annotated Agenda as contained in Document 1. The documents considered by the Committee are listed in Annex A.

ORGANIZATIONAL MATTERS (Item 3)

9. The Committee welcomed the following Bureau members who were nominated in accordance with the Oslo Mandate:
Mr. Ingwald Gschwandtl of Austria,
Ms. Katerina Ventrubova of the Czech Republic,
Mr. Jacques Andrieu of France,
Mr. Arne Ivar Sletnes of Norway,
Mr. Piotr Jakubowicz-Paschalis of Poland,
Ms. Alexandra Orekhovich of the Russian Federation,
Mr. Ismail Belen of Turkey,
Ms. Lyubov Polyakova of Ukraine,
Mr. Jose Maria Solano of Spain, as permanent observer.

10. The Rules of Procedure established by the Oslo Mandate were presented to the Committee as Annex 1 of Document 2. The Committee welcomed the Rules of Procedure.

11. In accordance with the Rules of Procedure Japan had notified the secretariat about its interest in being an observer. The Committee welcomed Japan as an observer country. Also in accordance with the Rules of Procedure, 23 organizations, as presented in Annex B, requested and were granted with observer status.

12. With reference to paragraph 27 of the Oslo Mandate the Chair informed the Committee that UNECE and UNEP were not in a position to service the negotiations and informed that the INC1 will be served by three secretariat members according to the division of work presented in the Oslo Mandate.

13. UNECE and UNEP delivered statements clarifying their position regarding servicing the INC.

14. The Chair presented his proposal for the organization of work for the INC1. The Committee expressed its agreement with the proposal.

POSSIBLE ELEMENTS OF THE LEGALLY BINDING AGREEMENT
(Item 4)

15. The Chair introduced the decisions of the Forest Europe Ministerial Conference, held in Oslo, 14-16 June 2011 (Document 2).

16. The secretariat presented the “Non-Paper on a possible legally agreement on forests in Europe” (Document 3).

General statements by Parties and observers

17. The following parties made general statements: Belarus, Croatia, the European Union and its Member States, Iceland, Norway, the Russian Federation, Switzerland and Ukraine. CEPF, COPA-COECA and USSE also made general statements as observers.

Possible structure of the LBA

18. The Chair presented the structure of the Non-Paper. Committee members provided inputs to the possible structure of the legally binding agreement. In further developing the structure from the Non-Paper, delegates suggested the inclusion of “scope” (geographical
and/or thematic), “principles” and “purpose”. It was noted that a section on “definitions” is needed and that purpose, objectives, goals should be covered in one block. It was also suggested that this block could be followed by “commitments”.

19. Based on the inputs received, a revised possible structure of the agreement was presented to the Committee for further consideration.

Possible main components of the LBA

20. Based on the initial guidance from the Committee the secretariat presented an annotated table of contents for the LBA. In reviewing this proposal the Committee engaged in an iterative process and agreed to give guidance for the development of the draft negotiating text as contained in Annex C, noting that it is a working document which contains language as used during the deliberations.

ROADMAP FOR THE NEGOTIATION PROCESS (Item 5)

21. The Committee considered the Roadmap of the Negotiation Process (Document 4) and established a roadmap for the negotiations as contained in Annex D, thereby reiterating its commitment to fulfill all tasks within its mandate. Some delegations underlined that the INC acts independently from other bodies and organizations, but the Committee expressed no view on this issue.

22. The Committee requested the Bureau to develop the first draft of the negotiating text. The Committee further requested, for the first draft negotiating text of the legally binding agreement, the English version be distributed as per timetable in Annex D, with versions in the other official languages to be made available as soon as possible thereafter.

23. The Chair provided the Committee with an overview of the financial status. Emphasizing the vital importance of sufficient resources for the INC process, the Chair reiterated the invitation to parties to support the INC process. Acknowledging the report, the Committee requested the Chair to provide a financial overview for the INC process to be considered in the context of the Roadmap at the next session of the Committee.

24. The Committee noted with appreciation the contributions made by the governments of Austria, France, Finland, Germany, Norway and Turkey.

25. With regard to the secretariat the Committee reiterated its commitment to fulfill the guidance provided by the Oslo Mandate, including a broad-based secretariat. The Committee recommended the Bureau to explore options and suitable steps in this regard. It also authorized the Bureau to consider adjustments in the allocation of responsibilities among secretariat members as and when needed.

OTHER MATTERS (Item 6)

26. The Committee adopted a draft agenda of INC2 as contained in Annex E.
REPORT OF THE SESSION (Item 7)

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

CLOSURE OF THE SESSION (Item 8)

28. The Chair closed the session at 15:00 on Friday, 2 March 2012.
ANNEX A:

List of documents

Document 1: Annotated provisional agenda for the first session


Document 3: Introductory note to the “Non-Paper on a possible legally binding agreement on forests in Europe”

Document 4: Roadmap for the negotiation process
ANNEX B:
Observer organizations to the Intergovernmental Negotiating Committee for a Legally Binding Agreement on Forests in Europe

<table>
<thead>
<tr>
<th>Organization</th>
<th>Description</th>
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<tr>
<td>Alpine Convention</td>
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<td>Biodiversity International</td>
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<td>BirdLife</td>
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<td>BWI (Building and Wood Worker’s International)</td>
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<td>CEI-Bois (European Confederation of Woodworking Industries)</td>
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<td>CEPF (Confederation of European Forest Owners)</td>
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<td>CEPI (Confederation of European Paper Industries)</td>
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<tr>
<td>Copa-Cogeca (European farmers European agri-cooperatives)</td>
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<td>Council of Europe</td>
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<td>EAA (European Association of Archaeologists)</td>
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<td>EFBWW (European Federation of Building and Wood Workers)</td>
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<td>EFI (European Forest Institute)</td>
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<td>ELO (European Landowners' Organisation)</td>
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<td>EUSTAFOR (European State Forest Association)</td>
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<td>FAO (Food and Agriculture Organization of the United Nations)</td>
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<td>FSC (Forest Stewardship Council)</td>
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<td>IFSA (International Forestry Students' Association)</td>
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<td>IUFRO (International Union of Forest Research Organisations)</td>
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<tr>
<td>Montreal Process</td>
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<td>PEFC International (Programme for the Endorsement of Forest Certification)</td>
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<tr>
<td>REC (Regional Environmental Center for Central and Eastern Europe)</td>
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<tr>
<td>UEF (Union of European Foresters)</td>
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<tr>
<td>UNECE (United Nations Economic Commission for Europe)</td>
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<tr>
<td>UNEP (United Nations Environment Programme)</td>
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<tr>
<td>USSE (Union of Southern European Forest Owners)</td>
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ANNEX C

ANNOTATED TABLE OF CONTENTS

LEGALLY BINDING AGREEMENT ON FORESTS IN EUROPE

Chair’s summary of INC1 guidance on developing the first draft negotiating text of the legally binding agreement on forests in Europe

Draft 2 March 2012 10:00

General:
The Non-Paper was considered a solid point of departure for a first draft negotiating text of the LBA.

There is a common understanding that the LBA will be a framework agreement with firm commitments that clearly add value and address all types of forests, with the option to subsequently elaborate thematically/geographically specific Protocols. The title is understood to require further discussion.

I. Preamble

- The preamble should be concise, focused and short;
- The purpose is to explain why the LBA exists (see para 17 of Oslo Mandate);
- clarify specific situation of European forests and forestry, including other wooded land and trees outside forests; recognize differences in context of ownership, culture, economic, environment etc.;
- include key references such as to the commitments contained in the Forest Europe (FE) Resolutions, Declarations and Decisions; include key references to relevant key international commitments related to forests (CBD, UNFCCC, CCD, NLBI); i.e. combine paras 25, 26, 27, 29 and possibly 28;
- further clarify risks and challenges that the LBA should address, aiming to make them more concrete/significant, current and future (para 6);
- highlight opportunities provided by forests and forest management, current and future;
- balance risks and opportunities as well as environmental (incl. dry zone issues), economic (incl. non-wood forest products, services) and social aspects (incl. food security, communities), emphasize multifunctionality;
- some of the principles could be included in the preamble (e.g. para 23 on sovereignty, possibly on country-cooperation);
- some of the text on purpose and/or goals could form part of the preamble; (e.g. reference to four global objectives on forests, Oslo Ministerial Decisions);
starting with the Non-Paper examples of preamble text, take out overlaps, repetitions, elaborate clusters of others (e.g. para 9 and 10), clarify wording (e.g. paras 20, 21), etc.

II. Definitions/ Use of Terms

- all essential key terms to be used in the LBA, and only these that should be covered in the text;
- to the extent possible and useful, use is to be made of the terms and definitions previously used by Forest Europe, (Resolutions¹, Declarations and decisions, the State of Europe’s Forests report), FAO’s Forest Resources Assessment, and other internationally agreed definitions contained in major relevant international commitments; considering the flexibility needed to adapt to new developments and possible future needs;
- a first draft of terms and definitions be developed as part of the first draft negotiating text of the LBA; intersession work is welcome;
- allow the use of existing national definitions in certain cases; balancing the need for harmonized information needs with costs and administrative burdens: there is a need to discuss specific cases as the LBA text elaboration process (e.g. definition of “forests”);
- ensure definitions are not conflicting or contradicting with those of other instruments;
- specify the source of definitions used.

III. Purpose and Scope [i.e. no specific chapter, text to be covered in other sections]

- the purpose of the LBA should be spelled out, referenced to paras 17, 23, 24 of the Oslo Mandate, possibly as a part of a section on goals;
- the “objective” text example in the Non-Paper is a good starting point for the purpose; provide direction, balancing economic, social and environmental aspects, capturing intention of Oslo Mandate paras 17 and 23;
- the scope should be specified explicitly, either in the preamble or the objectives section. It should clarify both the geographical scope and the topical scope;
- consider the topical scope to comprise forests and SFM related aspects (reference to criteria of SFM was made), topical scope is defined in the Oslo Mandate para 17 and 23;
- suggestion was made that the geographical scope could be as referred to in the Oslo Mandate Annex II, and this list could be part of the LBA; the LBA, however, should not necessarily remain closed in the longer term. It should thus aim to outline ways and conditions for other parties to associate themselves if they so wish.

¹ Specific reference was made to H1 and its definition of SFM, criteria of SFM
III. Objectives

- this section of the first draft negotiating text of the LBA should preferably contain one building block of “objectives”, not differentiating further into “overall objectives” and “goals”;
- objectives should set out firm commitments related to forests, sustainable forest management and multifunctionality of forests;
- the list of subjects contained in the Oslo Mandate para 23 should be carefully considered whether these can and should be included in the operational part (or, alternatively e.g. be referenced in the preamble);
- objectives are to be based on and consistent with existing commitments, particularly those made in the context of the FE process (esp. para 17 and 23 Oslo Mandate and Oslo Ministerial Decision European Forests 2020) and other relevant international commitments, such as the four Global Objectives on forests; (existing commitments on objectives are referred to in the preamble only);
- objectives should address/be derived from the risks and challenges as well as opportunities outlined in the Preamble;
- suggestions were made that the objectives should be practical in the sense that tangible measures and subsequent results and achievements can be envisioned, add value to the existing ones, and are able to be clearly communicated;
- the examples of goals contained in the Non-Paper are a good starting point; consider addressing afforestation reforestation, rehabilitation; On Non-Paper para 7 consider adding to forest owners: communities, cooperatives and workers;
- Targets are possibly not to be considered to be part of the LBA text, but reference should/can be made with regard to how these should be taken up in subsequent COP work, Parties could not agree to further guidance on targets but would like to consider this at a later stage and would see this in conjunction with commitments.

IV. Principles

- Principles are to be understood as principles to be applied in order to achieve the objectives set out in the LBA;
- the first draft negotiating text of the LBA could contain a separate section on principles (to be consistent with the preamble), but not necessarily;
- the section on principles in the Non-Paper chapter V “General Provisions” is a good starting point.

V. Commitments

- the chapter contains key obligations and commitments of the LBA, to be developed guided by in particular paras 23 and 24 of the Oslo Mandate;
- this section needs to be consistently derived from objectives stated in the LBA;
- aim cluster elements contained in the chapter; e.g.
  - tools elaborated/agreed in the FE process (C&I for SFM, NFP, etc.)
  - national policies and measures
- “add value to existing agreements”, “focus on practical applicability and cost-effectiveness”, “do not duplicate”, “be consistent and complementary with existing
international commitments” and “spell commitments out clearly” are general principles to follow for any parts to be taken up in the draft negotiation text;

- the text in the Non-Paper chapter V “General Provisions” is a good starting point, but not all points are relevant for a LBA, and some further topics might require consideration for being taken up;
- obligations contained in some points of the Non-Paper could be moved elsewhere (e.g. monitoring), some duplications removed, and some need further clarification or concretization (e.g. para 10, para 13, para 6 point 3);
- Monitoring, evaluation and reporting as part of the implementation provisions should be addressed, make clear the difference to “compliance”.

VI. Rules, bodies and other procedures

The first draft negotiation text in this section will possibly be rather generic until the substance / contents of the commitments is better understood and further developed. Strong legal expertise may be needed for this section. Parties are not yet ready to enter into a detailed discussion at this stage and this will be taken later.

Conference of the Parties

- the chapter contains key elements for the CoP of the LBA;
- elements of the CoP may have to be determined based on the decision of type of agreement, and the text in the Non-paper may need further clarification;
- Role of Observers at the COP was asked to be clarified by observer organization.

Secretariat

- the text in the Non-paper contains key obligations and commitments of the secretariat of the LBA, which will be important for the efficiency of the agreement (para 24f of the Oslo Mandate);
- the secretariat arrangements will depend on further guidance in particular on the possibility of the agreement to be brought under the UN umbrella (para 24g of the Oslo Mandate). The bureau is encouraged to set out options for discussion at INC2;
- well-functioning and cost-efficient secretariat arrangements should be ensured;
- include enabling provisions so that financial elements could be set out by COP, not in the LBA body text.

Annexes

- the text in the Non-paper contains key building blocks for the LBA;
- depending on the structure and the content of the agreement, the status of any annexes may need to be determined.

Amendments to the Agreement

- the text in the Non-paper contains key building blocks for the LBA;
- the procedures for amendments to the agreement will have to be determined by the agreement.
Protocols

- the text in the Non-paper contains key building blocks for the LBA;
- the question of Protocols will depend on the concrete content of the agreement;
- issues of setting up a complex legal construct may also need legal advice;
- Protocols could be thematic or geographical in scope;
- Protocols can be elaborated by working groups, using standard approaches.

Compliance

- the importance of compliance mechanisms were highlighted;
- two main elements of compliance were described: the kind of tool (hard or soft) and what institutional mechanisms that will be established to check the compliance of parties;
- the link between obligations and the type of compliance mechanism was highlighted, specifically the need to have consistency between targets, if any, and the compliance mechanism;
- it was proposed to include enabling clauses, timely development and regular assessments in the compliance mechanism;
- different alternatives need further exploration, including the role of monitoring, evaluation and reporting as part of the achievement or as a mechanism to evaluate progress in obligations set out by the agreement;
- as compliance depends on the substance of the LBA, it will be useful to reflect on how compliance mechanisms could be developed adequately in the LBA, including e.g. enabling clauses for subsequent work in COP/Protocols at INC2;
- the text in the Non-Paper might be kept as it is for the first draft negotiating text, and the issue be considered at INC2. Intersessional work is welcome.

Settlement of disputes

- the text in the Non-paper contains key building blocks for the LBA, but some of the elements (on becoming members) may need further clarification.

Right to vote

- it is understood that text on “regional economic integration organisations” should be applicable to all such bodies, including the EU.

Signature

- the procedures for signing of the agreement will have to be determined by the agreement.

Ratification, acceptance, approval or accession

- the procedures for ratification, acceptance, approval or accession will have to be determined by the agreement;
- the depositary will need to be clarified when it is decided if the agreement will be under the UN or not.
Entry into force

- delegates asked for clarifications in the text on this issue in the Non-Paper;
- as possible examples of a double trigger the number of countries and forest area was mentioned.

Reservations

- the reservation procedures may have to be determined by the agreement.

Withdrawal

- Procedures for withdrawal will have to be determined by the agreement.

Depositary

- As mentioned under “Ratification, acceptance, approval or accession”, the depositary will need to be clarified when it is decided if the agreement will be under the UN or not.

Authentic texts

- Language issues may have to be determined by the agreement.
### ANNEX D: Roadmap for the work of the Intergovernmental Negotiations Committee (2011-2013)

<table>
<thead>
<tr>
<th>Preliminary date</th>
<th>Activity</th>
<th>Expected results/Milestones</th>
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| July 2011 - December 2011| Inception Phase  
Organization of the secretariat, nomination of the Bureau members; Bureau preparatory meetings | Guidance on developing first draft negotiating text  
Decision on the work plan (Roadmap)  
Decision on intersessional actives and on modalities for the participation of stakeholders |
| 27 February 2012 – 2 March 2012 | INC1  
1. Organizational matters  
2. Providing guidance on developing first draft negotiating text  
3. Discussion on the work plan of the Committee, intersessional activities and modalities for stakeholder participation | The draft negotiating text considered and views incorporated into the advanced version  
Conclusion on the draft negotiating text section, wherever possible  
Updated work plan (Roadmap) |
| March 2012 – May 2012 | First draft of the negotiating text prepared on the basis of the INC1 guidance |  |
| 1 June 2012 | Draft negotiating text (English version only) circulated |  |
| April 2012 – August 2012 | Any other work requested by the Committee  
Preparations to INC2 |  |
| 3 - 7 September 2012 | INC2  
1. First reading of the draft negotiating text  
2. Detailed consideration of the amended draft negotiating text  
3. Consideration of possibility of bringing agreement under the UN umbrella (24.g.)  
4. Consideration of organization and streamlined secretariat arrangements (24.f.) | Parts of the text/chapters of the negotiating text concluded by the Committee |
| September 2012 – December 2012 | Intersessional work as requested by the Committee  
Preparations to INC3 |  |
| November 2012 | Distribution of the advanced draft of the negotiating text |  |
| December 2012 – early 2013 (tentatively) | INC3  
1. Further consideration of the draft negotiating text |  |
| January – May/June 2013 | Intersessional work |  |
| April 2013 | Distribution of the advanced draft of the negotiating text |  |
| January – May/June 2013 | Any other work requested by the Committee |  |
| May-June 2013 (tentatively) | INC4  
Final reading of the negotiating text | Conclusion on the negotiating text and all organizational arrangements |
| To be determined | FOREST EUROPE Extraordinary Ministerial Conference |  |
ANNEX E:

Draft Agenda for INC2

- Adoption of the Agenda
- Consideration of the draft negotiating text
- Roadmap for the negotiation process
- Other matters
- Report of the session
- Closure of the session