
Intergovernmental Negotiating Committee for a Legally Binding Agreement on Forests in Europe

Bureau Meeting

Prague, 23-24 November, 2011

Report

1. Opening of the meeting

1. The meeting of the Bureau of the Intergovernmental Negotiating Committee (INC) for a Legally Binding Agreement on Forests in Europe was held on 23-24 November 2011 in Prague, Czech Republic.
2. The meeting was opened by the Chair on 23 November at 15.00 hrs after a brief welcoming speech by Ms. Katerina Ventřubova (Czech Republic) on behalf of the Czech Republic, host of the meeting.
3. Mr. Jan Heino (Chair), Mr. Ingwald Gschwandtl (Austria), Ms. Katerina Ventřubova (Czech Republic), Mr. Jacques Andrieu (France), Mr. Knut Øistad (Norway), Mr. Piotr Paschalis-Jakubowicz (Poland), Mr. İsmail Belen (Turkey), Ms. Lyubov Polyakova (Ukraine) and Mr. Jose Maria Solano (Spain) were present. Mr. Panfilov (Russian Federation) sent his regrets to the Chair.
4. The Secretariat was represented by Ms. Małgorzata Buszko-Briggs (Forest Europe Liaison Unit), Ms. Ana Belen Noriega (Forest Europe Liaison Unit Madrid), Mr. Peter Csoka (FAO), Ms. Ivonne Higuero¹ (UNEP) and Mr. Ilpo Tikkanen (European Forest Institute). The UNECE Secretariat could not attend the meeting.

2. Adoption of the Agenda

5. The Chair presented the draft agenda and explained his intention to qualify the meeting as informal due to recent discussions regarding interpretations of the provisions of the Oslo Mandate and divided views among countries, in particular in the light of the outcome of the recent UNECE EXCOM meeting. He stressed that by qualifying the Bureau meeting as informal the risk of not having all member countries participating in the process would be minimized.
6. The status of the meeting was discussed. Several members explained that they hold authorization from their governments to participate in this meeting formally, as appointed Bureau members, not as private individuals. The Chair recalled the legal advice from the UNECE Secretariat regarding lacking legitimacy of this Bureau and noted that this meeting was announced as informal meeting. He asked the Bureau members for flexibility in qualifying the meeting for the sake of not losing other members. All members agreed that such risk should be minimized.

¹ In part, see paragraphs 7 and 9

7. Ms. Higuero (UNEP) explained that UNEP had understood from the Oslo Ministerial Mandate that the negotiations of the LBA would be taking place under an independent body (Intergovernmental Negotiating Committee-INC) serviced by UN bodies and therefore working in accordance with UN rules, procedures and practices. UNEP had also understood, from recent discussions in the UNECE EXCOM, that it was apparent that some countries had a similar interpretation.
8. Members reiterated the mandate and the role of the Bureau, which are clearly based on the Oslo Mandate. The Bureau agreed that the meeting was to be “conducted in full accordance with the Oslo Ministerial Mandate for Negotiating a Legally Binding Agreement on Forests in Europe” and agreed that the intention with the meeting was to facilitate participation in the INC process of all countries and all invited partners in the secretariat. Further, the Bureau stated unanimously that the purpose of the meeting was:
 - To exchange information on the developments since the 1st Bureau meeting held on 5-6 September 2011 in Joensuu, Finland
 - To discuss on how to facilitate active participation in the negotiations by all Signatories of FOREST EUROPE listed in the annex of the Oslo Mandate
 - To discuss on how to facilitate active participation of all invited agencies in servicing the negotiations.
9. Bureau members agreed to continue the meeting by focusing on the way forward. Ms. Higuero (UNEP) explained that some countries are of the opinion that until the INC is established the Chair and the Bureau members are not regarded as elected. She informed that UNEP was waiting for the nature of the body to be clarified by the countries in the EXCOM before proceeding with servicing the negotiations process using UN resources. Depending on what the clarification brings, UNEP may need to seek its Governing Council approval for their participation. Ms. Higuero then stated that UNEP could participate in a meeting of an informal nature only. Because the Bureau did not make such a distinction (see para 8, second sentence) she stated there was no mandate for UNEP to stay in the meeting. After clarification of the status of the meeting the Bureau adopted the provisional agenda without changes.

3. Report on the most recent UNECE EXCOM meeting

10. Chair reported to the Bureau on his participation in the EXCOM meeting on 15 November 2011 and summarised the current status of discussion.
11. Bureau members recognized the discussion at the EXCOM and expressed their appreciation to the Chair for the report and for his active participation and attempts in facilitating possible solution.
12. Bureau members discussed how to facilitate full participation by countries in the negotiations and invited organizations for servicing the INC at length. The Bureau underlined that all possibilities should be explored in seeking for a solution, noting that the issue is pending in the UNECE EXCOM.
13. The Bureau members underlined that the Bureau must stick firmly to the Oslo Mandate, be fully transparent and clearly inform about its intentions to facilitate participation of all countries and all invited UN agencies.

4. Report from INC Bureau audio – meeting held on 15 November 2011

14. Chair noted that the Bureau audio–meeting held on 15 November 2011 did not work well and apologised for some members not being able to participate due to timing and technical problems.
15. He summarized the meeting with the help of an unofficial record kindly prepared by UNEP and asked for comments. He also informed about his follow up communication with some representatives.
16. Bureau members thanked the Chair for organizing this meeting and underlined the high importance of maintaining regular contact between the members in order to facilitate the negotiation process.

5. Expected next steps and assessment of situation for the INC process based on existing facts, incl. information from the EXCOM chair, countries, the EU, secretariat members and other stakeholders

and 6. Discussion about the way forward

17. Agenda item 5 and 6 were addressed jointly with the focus on possible future steps and way forward.
18. Bureau members exchanged views on possible ways forward and minimizing damage to the process caused by different understandings of the status of the INC.
19. The Bureau noted that the INC is an intergovernmental body, established by the Oslo Mandate at the FOREST EUROPE Ministerial Conference, and which within its life span does not report to FOREST EUROPE, or any of its governing bodies, and that the INC is not receiving any instructions from anyone then itself, in accordance with the Rules of Procedure as adopted by the Ministerial Conference in Oslo, 14-15 June 2011.
20. It was further underlined that paragraph 22 of the Oslo Mandate, and relevant provisions of the annexed Rules of Procedure specify the role of the Chair and the Bureau as the only structure mandated with the task of facilitating the work of the INC in fulfilling its mandate.
21. The postponement on the INC1 was discussed. The Bureau briefly exchanged information on preparations in their countries for the INC1. Some Bureau members underlined that in the current situation it is important to focus on substantive issues, not only on procedural ones.
22. One of the questions addressed by some Bureau members was how to better facilitate preparations on substantive issues, given the stage of preparation of national delegations to the postponed INC1, while giving some countries necessary time for clarifying their procedural questions as well as to some UN organizations for clarifying their mandates for servicing.
23. The Bureau further discussed possible new dates for the INC1 as well as duration.
24. The Bureau noted that the INC, in accordance with the Oslo Mandate, has to commence its work in 2011, and that INC1 should be held as soon as possible, without losing the momentum and taking into account possibilities for practical arrangements of a session.

25. Some members underlined the importance to keep open and regular communication with all countries and proposed to commence the work of the INC in 2011 with an intermediate step before INC1, by notifying countries on voluntary options for submitting views on possible elements of a legally binding agreement on forests in Europe with the intention to set the stage for an open and inclusive discussion at INC1.
26. After subsequent discussion, the Bureau decided that the INC1 should be held as early as possible in 2012, preferably late January/early February. The Bureau decided to make a final decision on possible dates for INC1 at the next Bureau meeting, after exploring technical possibilities for conducting a session, possible location and costs implications.
27. The Bureau requested the secretariat to:
 - assess possible costs of a session to be held early 2012
 - elaborate suggestions for necessary revision of the documents for INC1
 - elaborate a proposal on notification to the countries for voluntary submissions
28. Mr Solano (Spain) informed about the outcome of the recent meeting of the General Coordinating Committee (GCC) of FOREST EUROPE, held on 10-11 November 2011 in Munich, Germany. He informed that individual member countries of the GCC expressed their readiness to support the negotiation process with some additional resources. This readiness was further confirmed by Mr. Øistad (Norway) on behalf of Norway.
29. The Bureau also discussed secretariat arrangements in order to make sure that the negotiation process is serviced properly.
30. Several Bureau members stressed the importance to keep on board all invited UN organizations as members of the secretariat but underlined urgency to continue preparations to INC1.
31. After hearing the confirmation from the secretariat members present on their readiness to service the INC and the negotiation process the Bureau decided to continue working temporarily with LUM, EFI and FAO as active secretariat members. It was also decided to prepare the issue of allocation of tasks among secretariat members for the next Bureau meeting.
32. Some Bureau members expressed their hope for rapid clarification of mandates for the UNECE Secretariat and UNEP in order to jointly servicing the INC.

7. Possible further promotion of technical and other preparations for the first session of the INC

33. The Bureau considered possible enhancement of better information sharing and transparency regarding facilitation of preparations to the INC1 and agreed to share on line reports from its meetings.

8. Financial issues and fund raising needs - exchange of views

34. The Bureau discussed an idea of creating an arrangement in order to make it possible for interested countries to provide voluntary financial contribution in support of the process.

35. The Bureau concluded that it could be further discussed at the next meeting.

9. Date and venue of the next meeting.

36. The Bureau decided to hold its next meeting on 14 December, 2011 in Brussels and accepted the kind offer of Norway to host this meeting in the premises of the Mission of Norway to the EU.

10. Other matters

37. No other matters were raised.

11. Closure of the meeting

38. The Chair closed the meeting on 24 November at 12:30.
