

The European Forest Convention - is the forest now safe?

Deutscher Forstverein e.V.
66.Tagung des DFV
29. Mai - 2. Juni
International Forestry Cooperation
Seminar Series 5
Thursday, 30 May

Jan Heino
Chair of the Intergovernmental
Negotiating Committee for
a Legally Binding Agreement on
Forests in Europe



Oslo Ministerial Mandate for Negotiating a LBA on Forests in Europe

- Signed in Oslo (Norway) at the FOREST EUROPE Ministerial Conference by 40 countries, incl. the EU and its MS, Norway, the Russian Federation, Switzerland, Turkey and others
 - Established the Intergovernmental Negotiating Committee (INC)
 - Mandate for developing a legally binding agreement on forests in Europe

The Intergovernmental Negotiating Committee (INC)



- **Chair:** Mr. Jan Heino (Finland);
- **Rules of Procedures** (as per Oslo Mandate);
- the **Bureau:** the Chair of the Committee and representatives of Austria, Czech Republic, France, Norway, Poland, Russian Federation, Turkey and Ukraine, Spain as permanent observer;
- Time frame for negotiations: December 2011 - 30 **June 2013**

§ 23 of the Oslo Mandate specifies the tasks of the INC

- "To develop a holistic legally binding framework agreement for forests"
- The Committee shall address inter alia the following possible subjects (abbreviated):
 - Ensure **sustainable forest management**;
 - Maintain and enhance **forest resources**;
 - Increase the **resilience of forests**;
 - Enhance the contributions of forests to the **mitigation of climate change**;
 - Maintain and enhance the **protective and productive potential** of European forests;
 - Halt the loss of **forest biodiversity** in Europe and combat desertification;

§ 23 of the Oslo Mandate specifies the tasks of the INC

Create conditions to contribute to a **green economy, employment...**;

Maintain and enhance **the cultural and social functions**;

Reduce... **illegal logging and associated trade**;

Improve the **forest base**;

Enhance **participation and cooperation** on forests at local, national, regional and global levels;

Other substantive considerations as per § 24 of the Oslo Mandate

The INC will consider:

- "the possibility of the LBA being brought under the United Nations umbrella"
- "the importance of securing effective participation of stakeholders"
- the importance of flexibility;
- global discussions on international arrangements on forests and post-Rio+20 agenda;
- other international agreements;

INC membership and arrangements

- Currently there are 43 Parties to the INC (INC is open to all countries from Europe and Central Asia)
- 33 organizations and one state hold observer status
- Secretariat is provided by FAO; supported by the Liaison Unit Madrid and the European Forest Institute, according to the tasks assigned by the Oslo Mandate
- Results of the INC be presented to the Extraordinary FOREST EUROPE Ministerial Conference in November in Madrid

Roadmap for the INC process

What happened so far:

(intense inter-sessional work)

What will happen next:

Depending on the outcome of the negotiations at INC4 the draft Agreement may be forwarded for adoption to the UN System, or be adopted at the Extraordinary FOREST EUROPE Ministerial Conference

Current status of the negotiations - substantive §§

*** Draft Negotiating Text for a legally binding agreement on forests in Europe (DNT) as of 5 April 2013 - key document:**

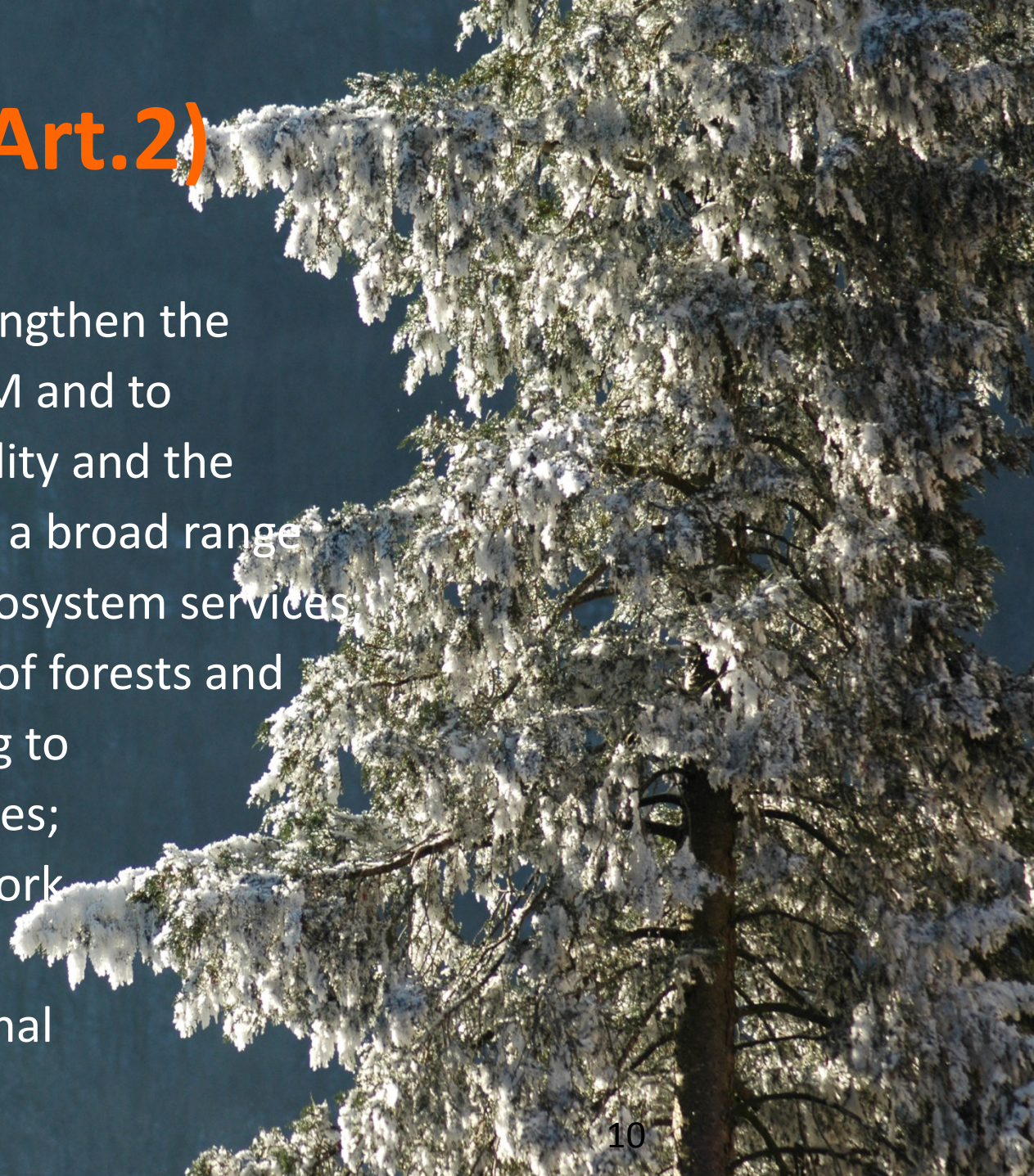
·Preliminarily many paragraphs are agreed upon

·Substantive issues to be discussed and agreed at INC4 include:

- *Terms and Definitions* (Art.2)
- *Principles* (Art.3)
- *Commitments* (Art.5-11) incl. *Forest resources* (Art.4), *Forest biodiversity* (Art.8), *Protective functions* (Art.9), *Socio-economic functions of forests* (Art.10), *Monitoring and reporting* (Art.11)
- *Compliance* (Art.15)
- *Final clauses* (Art. 12-26)

Objective (Art.2)

- * To reinforce and strengthen the implementation of SFM and to ensure multifunctionality and the long-term provision of a broad range of goods and forest ecosystem services;
- * To enhance the role of forests and forestry in contributing to solving global challenges;
- * To provide a framework for fostering national actions and international cooperation;



Objective (Art. 2)

- * 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;
- * To ensure that forests contribute effectively to sustainable development and the well-being of society by providing economic, environmental, cultural and social benefits at all levels.



Principles (abbr.)

- * Each Party is responsible for the SFM on its own territory incl. implementation
- * Good governance and enabling conditions for sfm, including clear and secure land tenure and ownership rights etc.;
- * Active participation of forest owners and other stakeholders in implementing policies;
- * Cross-sectoral cooperation and coordination and adequate consideration of SFM in the development of sectoral policies;
- * Sustainable forest management should contribute to the sustainable development of Parties





Draft Commitments are clustered according to SFM Criteria

Article 4. General provisions

**Article 5. Forest resources and their contribution to
global carbon cycles**

Article 6. Forest health and vitality

Article 7. Productive functions of forests

Article 8. Forest biodiversity

Article 9. Protective functions of forests

Article 10. Socio-economic functions of forests

Article 11. Monitoring and reporting

(DNT as of 5 April 2013)

Current status of the negotiations - institutional arrangements

- Rules, bodies, procedures and final clauses (Art. 12-26) under negotiations
- INC recommends to bring the Agreement “under the United Nations umbrella” – agreed at INC3
- INC4 will consider if the Agreement should be adopted under UN auspices/ UN System auspices, or should stay as a non-UN serviced by an organ/organization of the UN system
- Overview of options - Bureau’s Non-paper of 4 April 2013 (based on responses from FAO, UNECE, UN-OLA, UNEP)

Institutional provisions

- * COP = Conference of the Parties
- * Right to vote
- * Secretariat
- * Compliance mechanism
 - * Settlement of disputes
- * Amendments to the LBA
- * Adoption and Amendments of Annexes to the LBA
 - * Protocols
 - * Depositary
 - * Signature



Institutional provisions

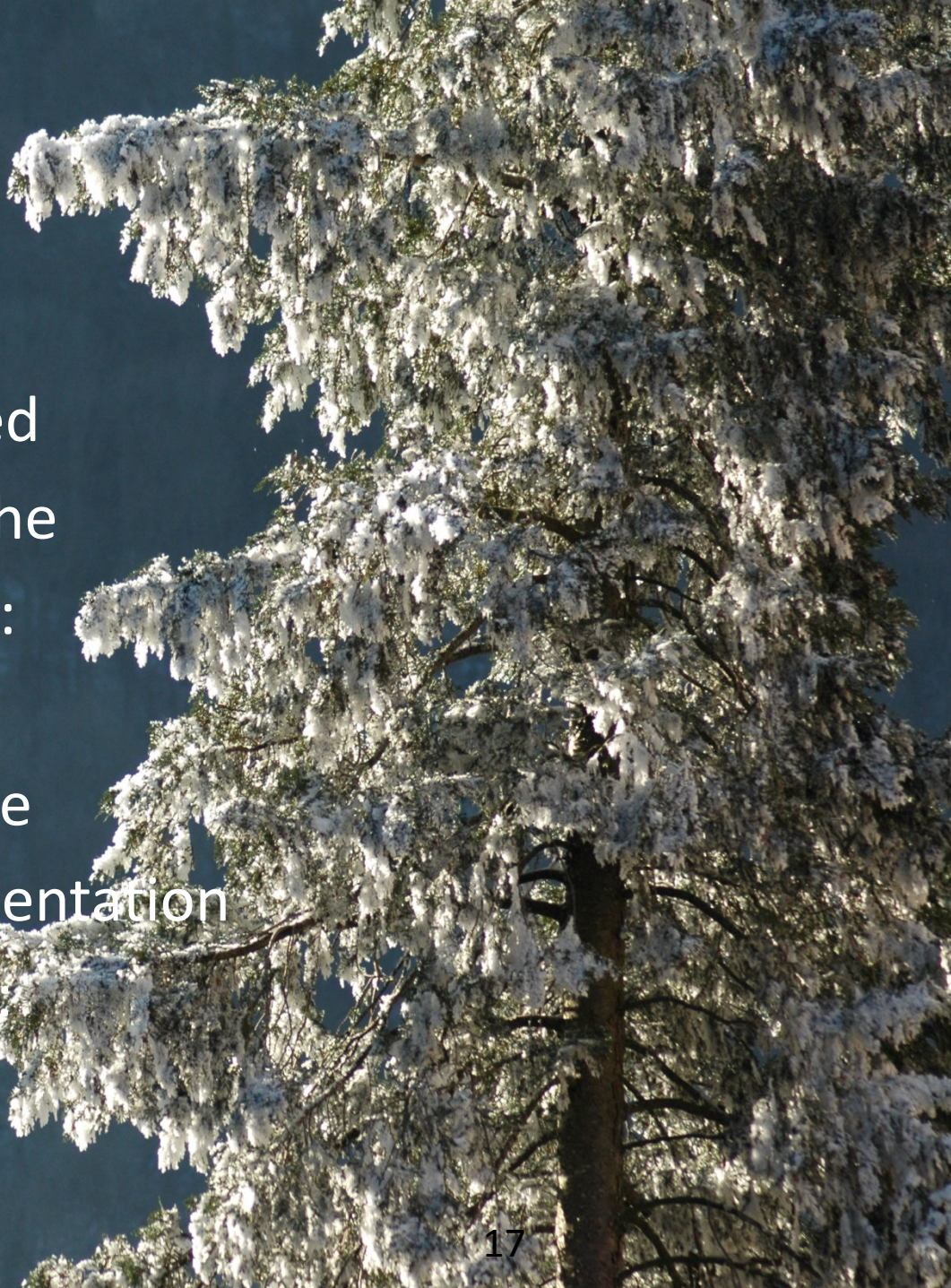
- * Ratification, acceptance, approval or accession
- * Entry into force
- * Reservations
- * Withdrawal
- * Authentic texts

Annex on Arbitration
Annex on Conciliation



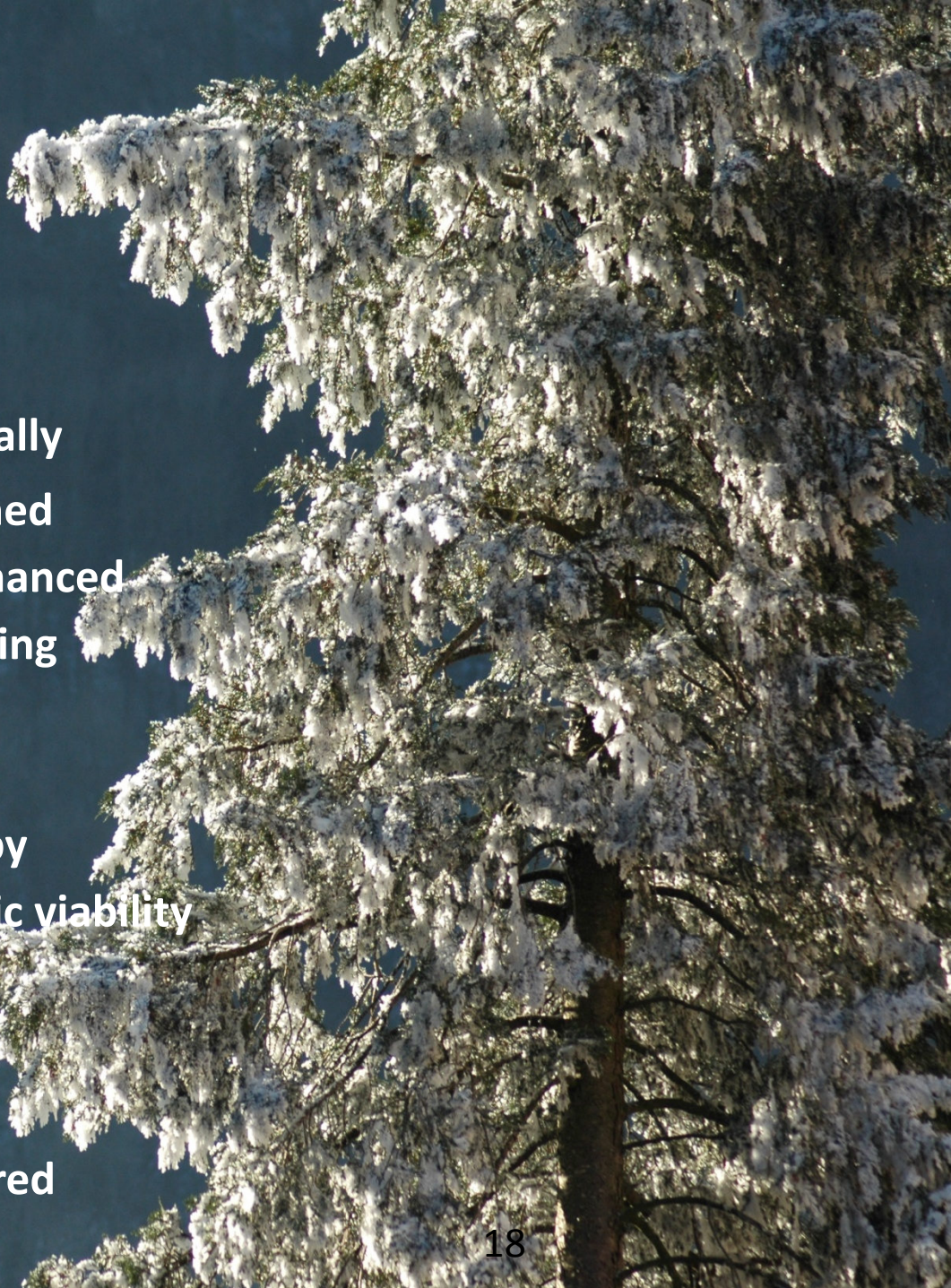
Consequences of a LBA

- *SFM will be legally defined
- * New policy situation at the regional and national level: phase of implementation
- * Countries agree to ensure SFM through own implementation
- *National implementation new elements - alignment



Consequences of a LBA

- * Forest owners will be treated equally
- * Level playing field will be established and regional level cooperation enhanced
- * Implementation of SFM and ensuring multifunctionality using a LBA
- * Good balance between pillars of sustainability strongly supported by Parties, incl. emphasis on economic viability
- * The long-term provision of a broad range of forest ecosystem services and goods derived from them are ensured



Summary remarks

These negotiations mark a historic step,
but not without a history

The FOREST EUROPE process
has been working since 1990 and
has successfully produced policy
tools and mechanisms for SFM

Now, there is a need to focus
on the BIG PICTURE:

- * based on assessed progress to date
and the remaining gaps in the
implementation
- * aim to address new and
emerging challenges
- * aim to secure renewed
political commitment for forests



INC process: the final phase

- * We have done 3/4 of the work
- * Intense week of negotiations on 10-14 June in INC4 in Warsaw, Poland
- * Aim to conclude the entire draft text
- * Spirit of compromise and recognition of mutual interests will be crucial
- * Political will and constructive spirit strongly in place so far - that is needed at the very end also

After INC: adoption, signature, approval, ratification and, entry into force



Thank you !

Jan Heino

Chair of the INC

Ministry of Agriculture and Forestry, Finland

Senior Executive Specialist

jan.heino@mmm.fi

www.forestnegotiations.org

Secretariat:

INC-Forests@fao.org

INC-Forests@foresteurope.org

INC-Forests@efi.org

