Preparations for the Extraordinary Ministerial Conference

This document was prepared by the FOREST EUROPE GCC with the view to facilitate discussions and decisions to be taken at the ELM to be held in Valladolid on 4-5 February 2014. It presents the background information and two options for the way forward towards the Extraordinary FOREST EUROPE Ministerial Conference (EMC).

1. At the FOREST EUROPE Ministerial Conference, 14 - 16 June 2011, hosted in Oslo by the Government of Norway and organized jointly with the Government of Spain, the ministers adopted the Oslo Mandate for negotiations of the legally binding agreement (LBA) on forests in Europe and decided to take further international action and established an Intergovernmental Negotiating Committee.

2. Four sessions of the Intergovernmental Negotiating Committee were convened during 2012-2013. The Committee elaborated the substantive part of the agreement through negotiations at INC1 (Vienna, 2012), INC2 (Bonn, 2012), INC3 (Antalya, 2013) and its resumed session (St. Petersburg, 2013), and INC4 (Warsaw, 2013) and concluded ad referendum on the substantive part of the text. This includes: Preamble, Article 1. Terms and definitions, Article 2. Objective, Article 3. Principles, Article 4. General Provision, 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. The INC also recommended that that the LBA should be brought under the United Nations umbrella.

3. At the Resumed Fourth Session of the INC held in Geneva on 7-8 November 2013 the Committee concluded its work. The Committee negotiated in good faith; however the full agreement was not reached due to significant differences of views on some issues, including on institutional arrangements, civil society participation in the future Conference of Parties and compliance. The Committee decided to transmit the draft text of the legally binding agreement to the Extraordinary FOREST EUROPE Ministerial Conference for consideration and for possible decision on appropriate actions.

4. According to the Oslo Mandate an Extraordinary FOREST EUROPE Ministerial Conference should be held within six months after completion of the INC work (paragraph 29). The INC will report to the Extraordinary FOREST EUROPE Ministerial Conference solely. Thus, the ELM will not provide any input to the draft LBA nor can it give any guidance at this stage to the INC Parties on the outstanding issues.

5. The Expert Level Meeting as a decision-making body of FOREST EUROPE between ministerial conferences will guide preparations of the Extraordinary FOREST EUROPE Ministerial Conference and to this end it should consider and decide on the
format and the aim of this Conference. Thus, the ELM will be invited to decide on the process towards, the aim and the format of this meeting.

6. The INC did not recommend “appropriate actions” to be taken by the ministers. Consequently, for the appropriate preparations of the EMC, the ELM needs to explore and define the aim of the Extraordinary FOREST EUROPE Ministerial Conference.

7. The following options on a way forward may be considered by the ELM:

**Option 1** – An Extraordinary FOREST EUROPE Ministerial Conference aims at adopting a decision on prolongation of the Oslo mandate in order to finalize the negotiations.

The ELM may wish to consider recommending the ministers to decide on a prolongation of the Oslo mandate in order to finalize the negotiations. Should FOREST EUROPE members consider such option feasible, the ELM would be invited to prepare a draft for a Ministerial decision on a prolongation of the Oslo mandate in order to finalize the negotiations as appropriate, and may wish to request the GCC and the Liaison Unit to take appropriate actions to facilitate the process to this end. Such option may require one more ELM and appropriate preparatory meeting(s) before the Extraordinary FOREST EUROPE Ministerial Conference.

Should Parties be ready to choose option 1, the Extraordinary FOREST EUROPE Ministerial Conference consequently would aim at adopting a prolongation of the Oslo mandate in order to finalize the negotiations and deciding on any other relevant guidance.

**Option 2** – An Extraordinary FOREST EUROPE Ministerial Conference aims at endorsing the LBA.

Should Parties stand ready to keep the current momentum of the political will and the spirit leading to a possible compromise despite the fact that the INC has ended its work, the ELM may wish to decide on a preparatory process aimed at resolving all outstanding issues of the draft LBA before the Extraordinary FOREST EUROPE Ministerial Conference.

This option would require appropriate preparatory meeting(s), with the aim of concluding negotiations at the Extraordinary Ministerial Conference. Should such option be considered feasible, the ELM could explore, plan, and decide on a preparatory process and its procedures with the aim of elaborating recommendations to the ministers on all outstanding issues to facilitate their decisions. The ELM may wish to request the GCC and the Liaison Unit to take appropriate actions to facilitate further process.

8. The Expert Level Meeting will consider and make recommendations about the format of the Extraordinary Ministerial Conference once the aim of the Extraordinary Ministerial Conference is decided, including the duration and timing of the conference.
The Expert Level Meeting is invited to:

- Decide on the aim and make recommendations on the format of the Extraordinary Ministerial Conference (EMC);

- **Provide inputs to and guidance on further actions** on the preparatory steps for a way forward towards the EMC;

- Request the GCC and the Liaison Unit to take appropriate actions to facilitate further preparations.