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Statut consultatif spécial auprès du Conseil économique et social des Nations Unies (ECOSOC)
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Newsletter No. 2

At the dawn of 2017, shortly after the celebration of the World Wetlands Day under the banner of disaster risk reduction (www.worldwetlandsday.org/en), this newsletter outlines some highlights of interest to environmental law at national and international levels.

Legislative progress against global warming. As of 8 February 2017, the Paris Climate Agreement had 129 Contracting Parties representing 81.49% of global greenhouse gas (GHG) emissions. Obviously, one of the catalytic effects of the Agreement is the multiplication of national laws and regulations relating to climate change. In 2016-17 alone, *FAOLEX* (www.fao.org/faolex/en) identified nearly 120 texts, adopted in forty countries. Examples include: Tuvalu's Climate Change and Disaster Survival Fund Act 2016 (<http://extwprlegs1.fao.org/docs/pdf/tuv152292.pdf>); Kenya's Climate Change Act 2016 (<http://extwprlegs1.fao.org/docs/pdf/ken160982.pdf>); Colombian Ordinance of 2016 on the National Climate Change System (<http://extwprlegs1.fao.org/docs/pdf/col157701.pdf>); Brazilian State of Mato Grosso Law of 2017 establishing a state policy on climate change (<http://extwprlegs1.fao.org/docs/pdf/bra162111.pdf>). In Sweden, a draft Climate Bill, expected to become effective in January 2018, aims to completely eliminate net GHG emissions by 2045.

To support the operationalization of the Paris Agreement, the Environmental Law Institute in Washington D.C. developed a *Model Law on mitigation and adaptation to climate change*. Centered on the implementation of nationally determined contributions (NDCs), it is meant to reinforce the guidance provisions in the Paris Agreement and Decision 1/CP.21 on NDCs by giving them a legally binding character through national legislation. The law must include, as an attachment, the relevant country's NDC, setting the minimum emission targets for mitigation and the adaptation measures to be undertaken. To enforce the law, a Mitigation and Adaptation Management Authority must be created, with a mandate to prepare an annual budget to meet the obligations laid down in the act and an annual report on anthropogenic GHG emissions and carbon sinks, as well as on progress achieved in implementing the NDC. The Model Law is available in Arabic, Chinese, English, French, Portuguese, Russian and Spanish (www.eli.org/climate-energy/eli-model-law-implementing-nationally-determined-contributions).

Strengthening international forestry tools. In 2015, ECOSOC decided to strengthen both the United Nations Forum on Forests (UNFF) and the International Arrangement on Forests, by extending the latter until 2030. It also extended to the same date the timeframe for achieving

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the targets set by the Non-legally Binding Instrument on all Types of Forests, renaming it the *United Nations Instrument on Forests*. Finally, it created a working group to propose a strategic plan 2017-2030 and a quadrennial programme of work 2017-2020 for UNFF (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/259/77/PDF/N1525977.pdf?OpenElement>). In 2016, these proposals were formulated by an open-ended intergovernmental ad hoc expert group. Subsequently, they were negotiated and endorsed by the working group at a meeting held in New York from 16 to 20 January 2017, and ultimately adopted by UNFF itself at a special session on 20 January 2017. *The United Nations Strategic Plan for Forests (2017-2030)* thus established for the first time is a milestone of significant progress. In line with the 2030 Agenda for Sustainable Development, it is based on six objectives and 26 associated targets, including specifically an increase by 3% of the world forest cover by 2030, or an expected gain of 120 million hectares (www.un.org/esa/forests/forum/2017-working-group-and-special-session/index.html).

Simultaneously, at the World Economic Forum in Davos, a fund for combatting deforestation was launched to raise \$400 million by 2020 to preserve some 5 million hectares of forests (www.weforum.org/press/2017/01/400-million-fund-launched-in-davos-to-stop-tropical-deforestation-and-boost-farming).

Nuclear waste in a cross-border context. On January 16, Portugal submitted to the European Commission a complaint alleging that Spain had authorized the construction of a nuclear waste storage site 100 km from the border without having assessed its environmental impact on the Portuguese territory, invoking a violation of Directive 2014/52 /EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (<http://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:32014L0052&from=EN>), especially a failure to enter into consultations regarding the potential transboundary effects of the project. Stay tuned.

Universal Declaration of Humankind Rights. Comoros was the first state to approve this Declaration, which France had advocated for adoption by the UN General Assembly. This is all the more timely that on 24 January the General Assembly focused its annual high-level dialogue on the synergies between sustaining peace and sustainable development, while safeguarding the planet. The Declaration was also endorsed by four cities – Strasbourg, Paris, Colmar, Chateau-Thierry – and remains open for signature by associations and individuals. It is available in several languages (<http://droitshumanite.fr/DU/the-declaration-in>), and a book was recently dedicated to it, entitled *Déclaration universelle des droits de l'humanité illustrée*

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<https://www.amazon.fr/D%C3%A9claration-universelle-Droits-l'Humanit%C3%A9-Illustr%C3%A9e/dp/2812315660>).

The CIDCE prepared a first draft of the text on April 28, 2015 (Declaration of the Rights of Humanity on the Preservation of the Planet – https://cidce.org/wp-content/uploads/2016/08/CIDCE_De%CC%81claration-des-droits-de-l%E2%80%99humanite%CC%81-relatifs-a%CC%80-la-pre%CC%81servation-de-la-plane%CC%80te_28_avril_2015.pdf). It was taken up and improved by a working group led by Corinne Lepage, former French Minister of the Environment at the request of President Hollande. Four members of CIDCE actively participated in drafting the Declaration.

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