

**IMPACT OF CLIMATE CHANGE AND
ENVIRONMENTAL DEGRADATION ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS
IN THE SOUTHERN MEDITERRANEAN**



NOVEMBER 2023





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Bibliographic Information

Title: Impact of climate change and environmental degradation on Economic, Social and Cultural Rights in the Souther Mediterranean

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Publisher and editor: EuroMed Rights with support of Marta Cavallaro.

Photo Credits: Belga Agency, Reuters and Ark Media/MAP

Date of initial publication: November 2023

Pages: 55

Original Language: English

ACRONYMS

CFR	European Charter of Fundamental Rights
COP	United Nations Climate Change Conference of the Parties
CSO	Civil society organisation
GDP	Gross domestic product
GHG	Greenhouse gasses
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant of Economic, Social and Cultural Rights
MENA	Middle East and North Africa Region
NDCs	Nationally Determined Contributions
PA	Paris Agreement
SDGs	Sustainable Development Goals
UN	United Nations
UNCC	United Nations Framework Convention on Climate Change

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EXECUTIVE SUMMARY

Climate change is an extremely urgent issue to the Middle East and North African region. Due to its geography and climate, the region is particularly vulnerable, and at the same time it does not have the resources, political governance and social protection structures to adapt and mitigate an impact which is already being felt. While the United Nations, in recent years, have acknowledged it is an independent right “to live in a clean, healthy and sustainable environment”, the implications of climate change and environmental degradation also violate a range of other human rights, including economic, social and cultural rights.

The MENA is the world’s most water-stressed region, over 60 per cent of its population has insufficient access to drinkable water and food insecurity is staggering. Food systems (meaning all activities related to food production) are both impacted by climate change and major contributors to climate change. With MENA food systems heavily reliant on imports combined with export-oriented production they are vulnerable to global shocks including those caused by weather extremes.

Weather extremes also severely impact livelihoods and employment. The compounded effects of climate change and environmental degradation impact vulnerable people the most, including women who often form the social protection system of the family, in particular in a region with no universal life cycle based social protection.

Failure to redress environmental degradation including pollution continues to be a major threat to public health. The region is one of the wealthiest in fossil fuels in the world, whose extraction is linked to significant damage to the environment and health.

The impacts of climate change and environmental degradation may compound other factors that force people to migrate. But while there is no clear definition of “climate-induced migration”, research suggests that this happens mostly on short distances, adding to already high numbers of internally or regionally displaced.

The region has many localised civil society initiatives fighting for climate justice, a better environment or safer working conditions, but many are active in relative isolation, and can experience political

persecution like that faced by other human rights defenders. As was witnessed at the COP27 in Egypt, civil society voices are often silenced, including environmental and climate defenders.

As in the rest of world, climate action in the MENA region is urgent. MENA governments must take action to expedite a just transition and must ensure that civil society can contribute to that agenda without fear of reprisals. And the EU, member states and the global civil society must apply their leverage to assist in these objectives. Furthermore, international institutions, including international financial institutions, must support and encourage the setting up of social protection floors and the establishment of human rights based sovereign food systems.

It is also crucial that the international community recognises and acts on the fact that high CO2 emitters bear responsibility for the impact endured by low-emitters like countries in the MENA region, for example through compensatory schemes including loss and damage funds.

This report aims to contribute to the inclusion of climate justice into civil society and human rights action, contextualised in the MENA region. It provides trend analysis and an overview of concepts and fields for civil society to consider when engaging in the field of climate justice.

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INTRODUCTION

This report explores the impacts of climate change and environmental degradation on economic, social and cultural rights in the MENA region. It also presents the main transnational instruments for climate action and the role of civil society in promoting climate and environmental justice in the region.

Commissioned by EuroMed Rights, this report was written by Sarah Zaarour, a Brussels-based expert working on issues related to just transition, and climate and environmental justice in Europe and the MENA region.

EuroMed Rights is one of the largest and most active networks of human rights organisations in the Euro-Mediterranean region. Founded in 1997, EuroMed Rights encompasses 68 organisations from 30 countries. It strives to protect human rights and democracy in the Southern and Eastern Mediterranean regions and influence policies of major European actors towards these regions.

Environmental rights are human rights

1. The Universal Declaration of Human Rights and the EU Charter of Fundamental Rights

The climate crisis represents an existential risk to Humanity and affects the enjoyment of a range of human rights starting with the most fundamental, the right to life, without which other rights cannot be enjoyed. Living requires clean water, food, sanitation, and health - other rights threatened by climate change.

The right to life is enshrined in Article 3 of the **Universal Declaration of Human Rights (UDHR)** and **Article 2 of the European Charter of Fundamental Rights (CFR)**. It puts negative obligations on States, forbidding them from taking life, and positive ones, requiring them to take steps to protect the lives of their citizens. The rights to health, food and medical and

social protections are guaranteed by Article 25.

The Universal Declaration is completed by the **International Covenant on Civil and Political Rights (ICCPR)** and the **International Covenant of Economic, Social and Cultural Rights (ICESCR)**, which requires parties to respect, protect, and fulfil the cultural, economic, and social rights of everyone in their territory or subject to their jurisdiction. Article 7 b) of the ICESCR provides for safe and healthy working conditions. Article 9 enshrines the right to social security, including social insurance. Article 11 provides that children and young persons should be protected from economic and social exploitation. Article 12 recognises the right to the highest attainable standard of physical and mental health and states' responsibility in improving environmental and industrial hygiene; and preventing, treating and controlling epidemic, endemic, occupational and other diseases; Article 15 protects cultural rights.

Article 35 of the CFR calls for “a high level of human health protection in the definition and implementation of all Union policies and activities”. Article 37 provides that “a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development”.

In 2019, in a landmark decision, the Netherlands' top court ordered the Dutch Government to do more to cut carbon emissions, saying climate change was a threat to human rights. But it is only in last year that the UN recognised “**the right for everyone, everywhere, to live in a clean, healthy and sustainable environment**”. Resolutions from the Human Rights Council in April 2021 and the UN General Assembly on 28 July 2022 added this fundamental human right to other universal rights. The resolution, which passed with 161 votes in favour, zero against and 8 abstentions is not legally binding on the 193 UN Member States. But it was long overdue, and it should help human and environmental rights advocates in challenging policies and projects that harm the environment and human rights.

2. The United Nations Framework Convention on Climate Change (UNFCCC)

Concerns over the environment date back to the 1960's. The world's first international conference to discuss them, the United Nations' Conference on the Human Environment, was held in Stockholm as early as 1972. The adoption twenty years later of the **United Nations Framework Convention on Climate Change (UNFCCC)** at the Rio Earth Summit (1992), marked a new step forward in international cooperation.

The UNFCCC's objective was the “**stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system**” (Art.2). It also called for annual sessions of the Conference of the Parties (COP) to further cooperation.

In 1997, the Parties to the UNFCCC adopted the **Kyoto Protocol**, the first legally binding instrument, which established obligations for so-called developed countries only, to reduce their greenhouse gas (GHG) emissions for the period 2008–2012. The success of the Protocol was hindered by a set of different obstacles. The Protocol was first hindered by its limited geographical scope. Of the 192 Parties (191 states and the EU as a regional organization) to the Protocol, only 37 were subject to binding emission reduction targets. As a matter of fact, the Protocol was based on the principle of “common but differentiated responsibility and respective capabilities”, that acknowledges that, while climate change is a universal problem that all States

have an obligation to address, the historical responsibility and individual capabilities of each country should guide the extent of their individual efforts. For this reason, the Protocol placed a heavier burden on developed countries on the basis that they were seen as historically responsible for the current high levels of GHG emissions in the atmosphere. In this way, countries treated back then as developing that have become large emitters throughout time – like China, India, Brazil, and South Africa – faced no restrictions on their emissions and were only asked to adopt policies to promote growth. Additionally, the Protocol was never ratified by the United States. Secondly, while its text was adopted in 1997, the Treaty entered into force only in 2005, at a time when the emissions reduction targets that had been set years before were already outdated and deemed too low to keep up with growing emissions.

In 2015, the UN launched the **2030 Agenda for Sustainable Development** and its **17 Sustainable Development Goals (SDGs)**, which aim to end inequalities, poverty, improve health and spur economic growth – all while tackling climate change and working to preserve oceans and forests. COP21 which was held in Paris the same year was a turning point. Considerable scientific evidence of global warming and empirical experience pushed world leaders under UN leadership to make “bolder” statements than in previous COPs. Most importantly, the **Paris Agreement (PA)** was adopted during COP21, entering into force on 4 November 2016. By November 2021, 196 UNFCCC Parties had signed it. The key general objective of the PA is also a warning: “hold the global average temperature rise to well below 2 °C above pre-industrial levels, and pursue efforts to limit the increase to 1.5 °C”, to avoid catastrophic consequences. This requires cutting emissions by roughly 50 per cent (relative to 2010) by 2030. Emissions should be reduced as soon as possible and reach net-zero¹ by 2050.

To achieve the main goal of the PA, State Parties opted for a bottom-up voluntary approach, different from the top-down mechanism set by the Kyoto Protocol. Instead of being legally bound to cut their own emissions through specific quotas set by the Treaty, every 5 years Parties to the PA must submit to the UNFCCC national climate action plans, known as Nationally Determined Contributions (NDCs), which indicate their pledges to reduce emissions and to adapt to the impacts of climate change. Countries must report on/ update their NDCs every two years and, even if no mechanism compels States to set specific emissions cuts, each target should go beyond previous ones. National commitments are therefore voluntary and set by States themselves, something that has raised serious concern related the lack of enforceability and sanctioning mechanisms when Parties do not comply with their plans. All countries in the region signed and ratified the PA, and even though they vary largely in terms of contents and ambition, all have submitted NDCs, except Libya.

As for **the link between climate change and human rights**, the PA makes some very short but encompassing references to it in its preamble. The international community thus avoided setting up specific human rights-oriented obligations in the Treaty’s provisions. Paragraph 8 of the PA’s preamble emphasizes “**the intrinsic relationship that climate change actions, responses and impacts have with equitable access to sustainable development and eradication of poverty**”. Paragraph 9 recognises “**the fundamental priority of safeguarding food security and ending hunger**”. Paragraph 10 stresses on “**the imperatives of a just transition of the workforce and the creation of decent work and quality jobs.**” And Paragraph 11 acknowledges “**that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development,**

as well as gender equality, empowerment of women and intergenerational equity”.

The Glasgow UN Climate summit (COP26), which was held in November 2021, raised unprecedented levels of excitement and hope, following years of stalled discussions, a global pandemic and unprecedented natural disasters which affected hundreds of millions around the world in the two years preceding COP26. The Glasgow Climate Pact (GCP) reinforces the concept of Just Transition.

Finally, during the COP27 that was held in 2022 in Egypt, the issue of loss and damage – which had strongly been advocated by developing countries for years – was put in the agenda for the first time and a decision was reached to establish the first loss and damage fund. However, this landmark decision still leaves many questions open in terms of implementation of the fund, as explained further below.

3. Constitutional guarantees in countries of the Southern Mediterranean

All countries in the Southern Mediterranean ratified the Universal Declaration of Human Rights², and all have signed and ratified the Paris Agreement³. However, the rights to life, to health, and to a safe environment are not always guaranteed in the countries’ supreme laws.

The right to life is explicitly guaranteed in Tunisian (Art.22), Algerian (Art.38) and Moroccan (Art.20) constitutions. These protections can be narrowly understood as the protection of physical integrity from violence.

Similarly, **the right to health** is often limited to right to healthcare and social protection. It is guaranteed in Egyptian (Art.18), Moroccan (Art.31), Tunisian (Art.38) and Algerian (Art.63), constitutions.

In addition to these, some constitutions include specific provisions regarding **the protection of water**, its rational use or access to drinking water and its preservation for future generations, including Art. 21 and 63 of the Algerian Constitution. Several articles in the Egyptian constitution are dedicated to water including article 44, in which “The state commits to protecting the Nile River, rationalizing and maximizing its benefits, not wasting its water or polluting it”. Moroccan (Art. 31) and Tunisian (Art.44) constitutions also make access to water a constitutional right.

Finally, **the right to a healthy environment** is guaranteed in Algerian (Art. 21), Egyptian (Art.46), Moroccan (Art.41), Palestinian (Art.10) and Tunisian constitutions (Art.45).

Linkages between climate change and human rights are beyond dispute both at global and regional level.

Climate change and environmental degradation are affecting fundamental rights. Several countries in the region have enshrined these rights in their constitutions and have adopted environmental laws and created cabinet-level bodies responsible for the environment, sustainable development or energy transition.

But constitutional guarantees and regulations are not enough. The extent of their implementation is poor. Ministries dealing with environment and social justice are often underfunded and less influential than ministries of economy or development and citizens struggle to hold governments and companies to account.



IMPACTS OF CLIMATE CHANGE AND ENVIRONMENTAL DEGRADATION IN THE MENA REGION

The Sahara makes up the largest part of North Africa, the Arabian Desert covers almost entirely countries in the Arabian Peninsula and the Syrian Desert a big part of the Levant, **one of the driest regions** on Earth.

Historically high, temperatures in the MENA region have soared in recent years, and temperatures above **50 degrees** Celsius during summers are no longer exceptional. Long periods of extreme temperatures in recent decades have accelerated drought and desertification, increased forest fires, water depletion, sandstorms and flash floods.

1. Access to water

Water and climate change are inextricably linked. Extreme weather events exacerbated by climate change, increasing temperatures and prolonged droughts are already making water more scarce, unpredictable and polluted in different areas of the world. As shown by the last report published by UN Water (2020), climate change is already affecting the water availability, quality and quantity for basic human needs, threatening the effective enjoyment of the human rights to water and sanitation for potentially billions of people.

With 10 out of 17 of planet's driest countries, the MENA is the world's most water-stressed region (Willem Hofste, Reig, and Schleifer 2019) and **over 60 per cent of its population has insufficient access to drinkable water**, according to the World Bank (2017). The global average water availability per person is close to 7,000 m³/person/year, but it is six times less in the MENA region, at around 1,200 m³/person/year (UNICEF n.d.). Global warming and rapidly growing populations have resulted in a steep decline of water stocks, threatening the regional achievement of the 6th SDG on the need to ensure availability and sustainable management of water and sanitation for all. **At stake is the human right to water and sanitation, that entitles everyone to have access "to sufficient, safe, acceptable, physical accessible, and affordable water for personal and domestic use"** (United Nations General Assembly

2010) and “**to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity**” (United Nations General Assembly 2016). The top priority issue for governments in the region is to ensure water security, through desalination, rational use of water and better distribution systems. However, politicization and weaponization of water resources, degradation of water infrastructure and increasing water management challenges have posed until now major obstacles.

In countries dependent on freshwater from rivers, the construction of dams in upstream countries diverted away vital water resources. With a population of 104 million, **Egypt** is the most populous country in the region. Heavily dependent on the Nile River shared by nine other countries, its water dependency ratio⁴ is a striking 97 per cent. There are disputes over water sharing between Egypt and Ethiopia (Maina 2022), and between countries sharing the Euphrates-Tigris Basin (Keynough 2021), Turkey, Syria and Iraq, and Iran.

In **Syria**, a decade of conflict led to widespread destruction of water facilities across the country. With 40 per cent less drinking water than a decade ago, access to safe drinking water is a challenge affecting millions (ICRC 2021).

Lebanon, with a population of 7 million is one of the least populous countries in the region. Despite this, and having larger water resources than its neighbours, the country faces acute and recurrent water shortages, particularly during summers, due to increased demand, diminishing reserves and a lack of storage infrastructure.

Jordan is one of the world’s driest countries. 90.3 per cent of the population resides in urban areas (Jordan Ministry of the Environment 2021). The country is highly vulnerable to water scarcity and access to drinking water is a top concern. Jordan relies on water flowing from Israel and wastewater treatment.

In addition to common environmental stress factors, the Israeli occupation is a major factor of climate vulnerability in **Palestine** (UNDP 2013). The Palestinian Authority has limited control over its land, natural resources, and economy. Under the Oslo Accords signed in 1993, Israel has control of 80 per cent of water resources in the West Bank (B’TSELEM 2016), with the 20 per cent only going to Palestinians. The agreement has resulted in Israel controlling water and consuming four times more per person than Palestinians. The 900 million USD Red-Dead plan agreed in 2013, which aims to boost water supplies from the Red Sea for Israel, Jordan and Palestine, provides that Palestine buys 32 million m³ of water from Israel.

Today, the MENA region produces, at high environmental cost, half of the world’s desalinated water. The Gulf region has some of the biggest water desalination plants in the globe. Egypt is building 20 desalination plants and plans to build 18 more. However, desalination, which discharges highly concentrated brine back the sea, increases coastal erosion and has a negative impact on marine life.





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PIERRE & CARROT

2. Access to food

Food systems are both impacted by climate change and major contributors to climate change (International Food Policy Research Institute 2022). On the one hand, they are estimated to contribute to more than a third of the global GHG emissions (Intergovernmental Panel on Climate Change 2022), placing food production at the centre of the attention as both a driver of global warming and a critical sector for mitigation and adaptation strategies. On the other hand, climate change is a growing threat to food systems. Rising temperatures, changing precipitation patterns, and extreme weather events, among other of its effects, are already reducing agricultural output and disrupting food supply chains (FAO 2015). Therefore, climate change poses a direct threat to the enjoyment of the human right to food, defined as “the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture” (Committee on Economic, Social and Cultural Rights 1999).

In 2019, the UN Food and Agriculture Organisation reported that 52 million people suffered from chronic undernourishment in the MENA region (UN 2019). Regional food production systems are currently under pressure by water scarcity exacerbated by climate change, as shown in the previous paragraph. Climate variability and increasingly recurrent extreme weather events, such as droughts and floods, add to the picture and further destabilise food production and accessibility. Finally, poor economic and environmental policies make the region among the world’s most dependent on food imports and most vulnerable to food shortages, such as the one resulting from Russia’s war on Ukraine. The economic shock to global food supply chains produced by the war deeply affected several MENA countries depending heavily on wheat supplies from Ukraine and Russia. When the war broke out, Libya, Tunisia and Yemen imported from Ukraine and Russia over 50 per cent of their wheat supplies, with figures rising to 75 and 80 per cent in Sudan and Egypt (UNCTAD 2022).

Egypt is an emblematic case. While the Egyptian population is growing fast, climate change is deteriorating its food production capabilities. For example, the Nile Delta region, which makes up 60 per cent of the country’s food production, is expected to lose significant parts of its cultivated land in the coming decades (Egyptian Ministry of Environment 2022). The costs of climate change impacts on the Egyptian agriculture sector alone are estimated at USD1.84 billion per year over the next 30 years (International Food Policy Research Institute 2022). The country is the world’s second biggest producer of table olives after the EU but saw its production fall by about 60-80 per cent during 2021 harvest season because of changing weather patterns due to climate change, according to the local Climate Change Centre affiliated with the Egyptian Ministry of Agriculture (Emam 2021). Rising temperatures are causing a decrease in yields of basic crops such as wheat, potatoes, corn, sugar beets and cotton, while the ongoing dispute with Ethiopia and Sudan over the waters of the Nile River (Al Monitor 2022), on which Egypt heavily depends, only adds further uncertainty to the country’s food production. Moreover, the Russian invasion of Ukraine has created additional pressure for net food importers like Egypt, by further exacerbating the rise in global food prices that had already been sparked by the COVID-19 pandemic. Since the invasion, Egypt has become a poster child for the dysfunctions of the global food system that forces many countries into a “double dependence” – heavily reliant on a few staple imports and hostage to a handful of exporters to deliver those essential goods (Lei Win and Mounir 2022). Egypt, where wheat products represent between 35 and 46 per cent of caloric intake per person, is the world’s largest importer of wheat, with imports accounting for about 60 per cent of total wheat consumption in the country (International Food Policy Research Institute 2022). When the war broke out, the country lost access to 82 per cent of its imports (Lei Win and Mounir 2022), something that forced households to cut back on daily

food consumption and raised concerns about rising levels of hunger in the country.

3. Deterioration of health

As an environmental problem, climate change is different from the more traditional areas of pollution (related to water, waste or air quality). Greenhouse gas emissions are “invisible, odourless and impalpable” (Godet 2020). But when considering impacts of climate change on health, those of environmental degradation, which states can and should control, must be included. This is the approach that has been recently adopted by the international community, as reflected by the landmark United Nations General Assembly resolution passed in July 2022 that recognises **“the right to a clean, healthy and sustainable environment as a human right”** (United Nations General Assembly and Spijkers 2022). The resolution further states that “the impact of climate change, the unsustainable management and use of natural resources, the pollution of air, land and water, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in services provided by ecosystems interfere with the enjoyment of a clean, healthy and sustainable environment”, while underlining that “environmental damage has negative implications, both direct and indirect, for the effective enjoyment of all human rights”.

In **Lebanon**, widespread corruption has led to economic, governmental, financial and environmental crises which have impacted social and economic rights beyond any forecast. Access to water and to power is limited and unreliable, to a large extent due to mismanagement of resources. Pollution is prevalent. According to the World Health Organization, Beirut’s pollution is three times higher than maximum environmental standards. Numbeo, one of the world’s largest user databases, ranks Lebanon the 6th most polluted country in the world. Local environmentalists warn that “power generators, traffic jams, lack of industrial waste monitoring, and the mismanagement of all environment-related issues, are all contributing factors to the ever-worsening disaster, which has turned into a public health crisis” (Suleiman 2019).

In a report published in October 2022, the Lancet medical review outlined the magnitude of the many overlapping and interconnected health impacts of climate change (van Daalen et al. 2022). Specifically, between 2000 and 2020 heat-related mortality, associated with global warming and exposure to increasingly common heatwaves, increased by 57 per cent in Europe only. Other than direct health impacts, heat exposure is proved to undermines people’s livelihoods and the social determinants of health by reducing labour capacity, while changing environmental conditions are contributing to the transmission of various infectious diseases.

Against this backdrop, global reliance on fossil fuels for energy production still remains strong, as proved by the energy crisis sparked by the Russian invasion of Ukraine. While the energy sector still accounts for almost three quarters of the overall amount of GHG emissions (Ritchie, Roser, and Rosado 2020), extractive industries coupled with extreme urbanisation have resulted in significant air, soil and water pollutions, with devastating impacts on citizens’ health across the region.



الإغاثة الطبية الفلسطينية

فلسطين
Palestine

4. Extractive industries

The MENA is one of the world's wealthiest regions in fossil fuel and phosphate reserves (OPEC 2022). In 2021, it held over 55 per cent of the Organization of the Petroleum Exporting Countries' (OPEC) crude oil reserves. Algeria and Libya are highly dependent on oil and natural gas exports. Morocco is the world's second phosphate exporter after China. Jordan, Egypt and Tunisia respectively hold the 5th, 8th and 10th positions in the world's top phosphate exporters (Carlson 2020). Algeria has important phosphate reserves too. Across the region, the energy sector is invariably the biggest source of GHG emissions. Fossil fuels power almost everything, including extractive industries.

Extraction is hazardous and has resulted in recent decades to land degradation, and air, soil, and water pollution.

Gas flaring, which is inherent to gas extraction and is prevalent worldwide, is a huge source of pollution. According to the World Bank, the amount of gas that is currently flared each year – about 144 billion cubic meters – could power the whole of sub-Saharan Africa (World Bank n.d.). Unlit and partially burning flare gases emit a potent mix of carbon dioxide, methane and black soot that are harmful to health, particularly for those living near oil fields. Methane is 80 times more potent than carbon dioxide in its first 20 years in the atmosphere. In a report published in May 2022, Unearthed, Greenpeace UK's investigative journalism desk, revealed decades old methane leak at Hassi Messaoud (Sandler Clark 2022), Algeria's biggest oil extraction site and city to 150,000 people. While the impact of the leak on the local population's health is still to be further explored, the environmental damage is clear considering the major contribution to climate change of methane emissions in the atmosphere.

Fracking has caused immense damage too. Shale gas exploration relies on hydraulic fracturing or fracking, that is a process that uses high-pressure fluid injections to shatter rock formations and extract natural gas. Fracking is water-intensive and leaks millions of tons of methane. Mixed with huge quantities of precious water resources, hundreds of highly toxic chemicals are later released, polluting air, soil and ground water. Fracking has had disastrous consequences on environment in Southern Algeria, including loss of non-renewable water resources, multiplication of open-air toxic waste pits, poisoned livestock and birds. Impacts on the health of local communities are unknown.

Fracking is also a major threat to the Albian aquifer, the world's largest groundwater aquifer. Twice the size of France, it spans three countries, Algeria (70 per cent), Libya (20 per cent) and Tunisia (10 per cent). Exploration stopped in 2016, following waves of protests, but a lot of damage was done. The adoption of a new Hydrocarbon Law in 2020 regulating fracking led to renewed anti-fracking protests, with demands taken up in by the Hirak movement⁵.

In Hassi R'Mel, Algeria's biggest gas exploitation site, a new gas reservoir was recently discovered, pushing further in time the need to exploit shale gas. But Algeria's ministry of energy recently disclosed that exploitation was still in its evaluation phase, and exploration of shale gas will sooner or later resume.

Phosphate reserves feature as the next source of pollution and dangers to human health. In Morocco, which holds 75 per cent of the world's phosphate reserves, numerous studies including from the World Nuclear Association and Greenpeace, have established that Moroccan

phosphate has particularly high concentrations of cadmium and uranium, two heavy metals linked to an increase in cancers, kidney failure and bone disease. Extraction contaminates the air and water, affecting marine life and fish around discharge points (White 2015). In Morocco, phosphate is exploited by the Office Chérifien des Phosphates SA, the world's first exporter of crude phosphate, phosphoric acid and phosphate fertilizers. There is pressure not to talk about health risks linked to these industries (El Hali 2017) and media coverage is rare or biased, often focusing on economic aspects rather than public health and safety (Medias24 2022). Cadmium is dangerous for workers. Used in a myriad of by-products, including fertilisers, it is dangerous for local and foreign consumers too (Brut 2021).

Jordan, Tunisia and Algeria also extract phosphate. In Tunisia's region of Gabès, twenty factories extract and transform phosphate into phosphoric acid and fertilizer. Production ramped up since the revolution, after protests in the region led to tripling the number of employees in the industry, up to 27,000. However, environmental regulations are not respected. Air pollution has deeply affected local communities. **"For its 150,000 inhabitants, pollution has become a daily battle. Nearly half of the patients received at emergencies have respiratory pathologies. Children suffer from asthma very early, lung cancer is common"**. The level of pollutants in drinking and irrigation water is high, and five million tons of phosphogypsum were dumped in the sea around Gabès in recent decades (Blaise 2020), destroying marine life.

Green hydrogen, extracted by splitting water molecules into hydrogen and oxygen, is often described as the next key energy vector for achieving global decarbonisation. Green hydrogen production technologies are increasingly experiencing a renewed wave of interest, as the possible uses for hydrogen are expanding across multiple sectors including power generation, manufacturing processes in industries such as, fuel cells for electric vehicles, heavy transport, green ammonia production for fertilizers, and electricity grid stabilization (Kobina Kane and Gil 2022). Many countries in the Middle East, especially in the Gulf, are striving to become major players in the green hydrogen industry. As for North Africa, Egypt announced last year its willingness to turn the Suez Canal Economic Zone into a global production hub of green hydrogen and ammonia, while Algeria plans to gradually switch its EU exports from natural gas to green and green hydrogen via its pipelines and liquified natural gas terminals.

However, according to several experts and climate reporters, green hydrogen might not be so green after all (Krupp 2022). First, its production requires the large-scale exploitation of water resources, that are already being threatened by climate change. Secondly, hydrogen poses health and safety risks to communities, as it is even more volatile and flammable than fracked gas. Incidents with hydrogen pipelines might pose serious dangers to communities located near that infrastructure. Additionally, hydrogen is currently stored as ammonia, a hazardous chemical that can cause death in high concentrations. Finally, any hydrogen leakage could undermine the benefits of green hydrogen in terms of GHG emissions, given that hydrogen is an indirect greenhouse gas—meaning it combines with other compounds in the atmosphere to cause warming—that is five times more potent than carbon dioxide over a 100-year timeframe (Derwent et al. 2006).



V-455

V-4

5.5

SBD

16



5. Urban concentration

Today, an average 78 per cent of people across the MENA region live in cities (STATISTA 2021), generating pollution from sewage and solid waste. **Extreme urban concentration** is exacerbated by skyrocketing population. The population of the MENA region has increased fivefold since the 1950s, according to the UN Department of Economic and Social Affairs (UNDESA), from just under 110 million in 1950 to 569 million in 2017 (UNDESA 2017). It is expected to further double to over 1 billion inhabitants by 2100. With a population of 104 million, Egypt is the most populous country in the region, and its population is forecasted to exceed 165 million by 2050. Demographics put pressure on cities and natural resources. Poor solid and liquid waste management has affected ecosystems, agriculture, marine life and quality of drinking water. Expanding landfills release increasing volumes of methane in the air. Waste is also openly burnt, emitting high levels of CO₂.

With poor urban planning and public transport networks, tens of millions of cars pour in growing urban centres, exacerbating air pollution. Lack of air quality regulations and control means air pollution levels in MENA's largest cities are among the highest in the world, with the average urban resident breathing in air that exceeds by more than 10 times the level of pollutants considered safe by the WHO (World Bank 2022): **"Air pollution causes about 270,000 deaths a year in the region (more than deaths from traffic accidents, diabetes, malaria TB, HIV/AIDS and acute hepatitis combined)."**

Even before the energy crisis struck the world, there was a growing gap in the region between those who have access or can afford electricity, and those who don't or can't. In Lebanon, power cuts have become common during summers, with electricity only available a few hours per day. This affected the population as a whole and put lives of people in hospitals at risk (R. Bryce 2021). The shortages, due to the country's financial woes and corruption, were heightened by the energy crisis (Christou 2022).





6. Increased gender inequality and gender-based violence

Negative consequences of climate change extend to entire populations, but women and girls are the most at risk and the most affected. A report published in April 2022 titled “**Accelerating the Race to Net Zero Through Gender Equity,**” by Aon and Women+ in Climate Tech (2022), found that women globally are 14 times more likely to die in climate events and four times more likely to be displaced because of climate.

Climate change is not gender neutral: the consequences of it aren’t equal for all and they are greater for vulnerable populations, especially women in all their diversity. Research has shown that climate change exacerbates existing gender inequalities.

When it comes to gender inequalities, the MENA region remains the furthest away from parity in the world, with a 62.6 per cent parity score (World Economic Forum, 2023). In a region with this high level of gender inequality, **climate crisis is worsening the feminisation of poverty, increasing gender-based violence and unpaid domestic and care work.**

Gender inequalities are aggravated by climate change in different ways (Kvinna till Kvinna 2022):

- The impact of climate change upon women’s livelihoods will be bigger as they constitute 50 per cent of the agricultural and fishing labour force.
- Increased food insecurity, as women in MENA own less than 10 per cent of agriculture lands.
- Reinforcement of stereotypical gender roles in society, with women being expected to take on unpaid work (care of young, the sick and the elderly), adding a double or triple care burden.
- Additional pressure on young girls, who would be pushed to leave school to support their families and to forced marriage.
- Loss of livelihoods forcing women to move into informal sector, where there are higher risks of violence and exploitation, especially in displacement situations.
- Increased health problems because of the threat to human health provoked by climate change, especially for pregnant and lactating women.
- Increase of violence against women and girls.

Water scarcity and degradation of natural resources can aggravate conflict or insecurity. It is known that conflict affects disproportionately women and girls, increasing the prevalence of gender-based violence and sexual violence and restricting the mobility of women and girls to jobs and essential services, preventing them to enjoy their human rights (World Bank, 2011). As an example, in the MENA region, water scarcity has hit rural and agricultural areas first. Women and girls living in remote rural areas, including in Egypt, Syria, Tunisia, and Morocco, must travel long distances to collect water. In addition to back pain, traveling to water pumping areas, toilets, or open defecation sites also leaves women and girls vulnerable to disease, harassment, abuse, and sexual violence (Hasian 2021). The loss of livelihoods also increases child marriage and teenage pregnancies rates, two factors that puts the lives of girls at risk.

7. Displacement and migration

In recent decades, extreme weather events in the region claimed tens of thousands of lives and damaged as many homes, pushing millions into extreme poverty. Climate change and depleting water resources have accelerated internal displacement, urbanisation and migration.

The MENA region is one of the world's biggest hosts of refugees and internally displaced people (UNHCR 2017). In 2020, 32.8 million people from the region migrated or were forcibly displaced, 44 per cent remaining in the region. In the same year, there were around two million newly internally displaced people due to natural disasters, with around 17 million internally displaced due to conflict, according to a study published last year by the UN Economic and Social Commission for Western Asia UN-ESCWA (2022). Concerningly, numerous climate forecasts indicate that parts of the region is likely to cross the survivability threshold in the few coming decades due to heat stress, if no drastic measures are taken (Kennedy 2021).

The lack of definition of the phenomenon of “**climate-induced migration**” provides concerning opportunities to politicise the debate around the topic and present it as a security issue. A politicised approach to climate-induced migration, in turn, entails risks of securitisation of climate-induced migrants, i.e., their representation and framing as a security issue and/or threat and, consequently, their criminalisation.

The climate induced migration discourse tends to see climate change as a direct driver of mobility in the Global South, thereby obscuring historical and geohistorical explanations. Speaking of migration directly induced by climate change might be the best trick of avoid responsibility, by shifting the attention from the causes of the climate change vulnerability to its consequences. **Climate change is not the direct cause of vulnerability leading to migration; it is rather a multiplier of pre-existing vulnerabilities, inequalities and injustices.**

Migrants move because of an array of factors in addition to environmental stress. **Research provides evidence that environmental change does influence migration patterns, but not in the dramatic and direct fashion implied in apocalyptic scenarios.** In particular:

- Most environmental migration does not range a great distance, as usually people move just far enough to find better conditions with no relocation in another state/continent representing no 'burden' to the Global North.
- Long distance migration might be an expensive project that not everyone (especially the poorest) has the resources to afford. For people in the Global South affected by climate change, who maybe lost their source of income due to environmental change, it is often harder to have the possibility of migrating.
- As environmental degradation advances, affecting people's livelihoods and incomes, their ability to migrate is sharply reduced. People in many cases decide/are forced to stay. But no one speaks of climate immobility (Walker, 2021).

Mobility needs to be accepted as a necessary response to climate change vulnerability by understanding movement as the founding condition of human life. Humans have always been moving according to weather, soil conditions, presence of certain animals, and other factors, and this has been a key condition for the survival of human life.





8. Impact on economy and labour market

The MENA region's severe challenges with inequality are reflected in its labour market: with few exceptions, countries in the region are affected by high unemployment rates, the absence of universal social protection and an enormous informal sector accounting for more than a fourth of official GDP (World Bank, 2019). At 20 per cent, women's participation in the labour force in the region is the lowest in the world, whilst unemployment among youth, at 26 per cent on average, is the highest (World Bank Group, 2022). This makes the labour force even more shocks induced by climate change.

The changes induced by climate change in temperature, precipitation, and extreme weather events, such as floods, droughts, are disrupting livelihoods and increasing the vulnerability of workers in these regions. This disruption is often exacerbated by the lack of social and economic protections, such as adequate labour laws, social security, and health and safety regulations, which disproportionately affect vulnerable parts of the population including workers in the informal labour market that enjoy no security. This, in turn, can lead to job losses, poverty, and increased vulnerability to exploitation.

Climate change is also impacting the right to a safe and healthy workplace. Extreme weather events can increase the risk of workplace accidents, and exposure to environmental hazards, such as air and water pollution, can have long-term health impacts on workers. Many workers in the Global South lack access to adequate protective equipment, health care, and compensation for work-related injuries, which can make them more vulnerable to the impacts of climate change.

The role played by the State in the domestic allocation and distribution of the revenues coming from its natural resources' exports is often linked to dynamics of political acquiescence, corruption, clientelism and collusion between the private and the public sector. As part of a vicious cycle, structural corruption and clientelism impede economic growth by preventing transparent economic opportunities open to the public (Schwarz 2008).

As for the environmental degradation, polluting extractive industries have affected many sectors and their workers, including agriculture, biodiversity, apiculture, forestry, fisheries, and tourism, with millions of jobs lost and millions more at risk in the coming years. In a report published in February 2022, the World Bank stated the human and economic cost of air pollution and degraded seas and coastlines was immense, representing over three per cent of GDP in some countries of the MENA region. The economic cost of air pollution alone is around USD141 billion per year, or two per cent of regional GDP (World Bank 2022).

It is not until the cost of pollution was priced that natural resources and humans' wellbeing were given any value. Today the World Bank says: "Healthy blue assets are at the epicentre of trade, tourism and industry in MENA and while more needs to be done, many countries do now recognize the urgent need to protect this vital natural capital through reforms, regulations, partnerships and investments."

In **Tunisia**, desertification, industrial and residential pollution affect key sectors including agriculture and fisheries, are affecting workers' health and economic rights of entire local communities (Azouni 2022) who have little prospects for earning decent wages in these industries or others.

In **Algeria**, where oil and gas are extracted at high environmental costs, the local population often sees no benefits from the exploitation of its land. This is the case especially in Southern regions that still remain economically marginalised. Youth unemployment is a big problem that the Government has historically tried to tame by buying social peace with benefits, subsidies, and loans (Boubekeur 2022). But this is neither satisfactory nor sustainable. Large-scale protests by the unemployed movement erupted there in 2021.

Fossil fuels and extractive industries in the MENA region support economies and jobs in the short term, but generate pollution and accelerate global warming, drought, and poverty in the medium and long terms. Green jobs can be created in the energy sector, in public transport, infrastructure, biodiversity, afforestation, waste reduction and management, in ecotourism, in the health sector, and a in wide range of services. Greening the economy is a net generator of jobs and can help eradicate poverty, where traditional economies have failed. An analysis of studies around the world conducted by the World Resources Institute (WRI), the ITUC, and the New Climate Economy (NCE) project (Jaeger et al. 2021), demonstrates that climate-friendly investments create more jobs than unsustainable investments, even in the near term (ITUC n.d.). However, there is strong resistance in the region to moving away from obsolete economic models.

9. Impacts on cultural rights

The environment includes traditional habitats and heritage, which are also threatened by climate change and environmental degradation. From Morocco to Libya, the desert oases of the Sahara's region are disappearing. A report published by the Yale School of Environment (E. Bryce 2016) states that "the decline of oases has several causes, including the overexploitation of groundwater and neglect as residents feel the pull of urban migration. But most notable are regional shifts in the climate, as temperatures rise and precipitation declines".

The Tunisian Forum for Economic and Social Rights declared the oasis system of Gabès, a thousand-year-old agricultural treasure, under threat. So is the 4000 years-old oasis of Tozeur. Local cultures including dates and olives are affected by climate change. Throughout the region, eroding coastlines, over-exploitation and decline of rivers in downstream countries, are pushing people to abandon these regions. Millenary cultures and rich traditions are disappearing with them.

Governments in the region recognise the impacts of climate change, but few highlight impacts of environmental degradation. Some, as Jordan and Tunisia, highlighting in their NDCs impacts of "climate change on the most vulnerable social groups: the poor, women, children, disabled people, refugees and the unemployed⁶," plan to engage local communities in planning and designing local adaptation plans, including improving emergency relief, social protection, and supporting projects in favour of local communities exposed to extreme weather events.



10. Civil Society initiatives for environmental rights

The MENA region did not witness civil society climate actions in the scale of those seen in Europe or other regions in the world. Civil society is still grappling with democratic transition and economic hardship, and until recently, there was very little coverage of environmental and climate issues. It is important to highlight the key role of investigative journalism in reporting climate change and environmental degradation. Outlets publishing such stories include Tunisian Inkyfada, Egyptian Mada Masr, Daraj in Lebanon and ARIJ, a leading media foundation based in Jordan, dedicated to promoting investigative journalism across the Arab world.

Citizens too are filming, posting photos on social media and informing the world about the plight facing their communities. Overall, not enough is published, but environmental concerns and climate action are gaining traction and entering in the public debate. Civil society plays a key role in this shift.

Feminist movements and organisations in the MENA region have had so far a weak engagement in the climate change agenda, being a topic that it is under discussed and underrecognized. Having said that, there is a growing interest in the intersection of climate justice and gender justice (Kvinna till Kvinna 2022). This is mainly due to: i) sense of danger from climate change impact, exacerbated by the covid pandemic and the debates around post-covid 19 with a focus on climate justice; ii) the rise of eco-feminist movements worldwide and the window of opportunity created by the Commission on the Status of Women (CSW66), held in March 2022, which had as a priority topic the interconnections between climate change and gender equality (UN Women, 2022).

In the **Tunisian** region of Gabès, where ecosystems and communities have been damaged by phosphate extraction (Al Jazeera 2013), production was ramped up since the revolution, but safety conditions worsened and citizens' protests have resumed. Under the slogan "Stop pollution, I want to live," the Stop Pollution movement, launched in 2018, calls on the Tunisian government to dismantle the Tunisian Chemical Group (GCT) and others extracting phosphate in the region (Azouni 2022). In October 2022, days before COP27, it organised a camp for climate justice, bringing together 400 Tunisian and international activists in the oasis of Gabès, to raise awareness on pollution and risks to oases in the region.

Another group, Youth for Climate Tunisia, launched in 2019, demands the enforcement of environmental regulations and the protection of vulnerable communities through digital campaigns and on-the-ground mobilisation (CIVICUS 2022). Other youth groups raise awareness on the protection of environment, oases, and sustainable agriculture and coastal zones.

In **Southern Algeria**, thousands from local communities and the unemployed movement protested in 2014 in In Salah, calling for an end of **fracking** and the cleaning of polluted sites. The movement rapidly spread in the country and the government reacted with strong reprisals, arresting dozens in 2015 and sentencing 16 people including prominent environmental rights' defenders, to jail terms of up to two years for participating to protests or expressing views on social media (Amnesty International 2021). Their demands were taken up in 2019 and 2020 by the Hirak movement, which has now lost momentum. The government keeps a tight grip on civil society, but many small, low-profile groups, including women cooperatives, operate at local level to preserve biodiversity, local agriculture, habitat, marine life and oases.

In **Morocco**, protests by workers in the phosphate industry are rare and they are about jobs. The government keeps tight control on the issue and not much filters out regarding impacts and costs of phosphate extraction on workers, communities and ecosystems. Various low-profile groups, mainly youth groups, organise activities or implement projects to raise awareness on the environment, including for the protection of oases and coastal zones. The UN Population Fund (UNFPA) supported the launch in July 2022 of “We-Men Engaged for Change”, a coalition acting for social, climate and gender justice in Morocco (El Haïti 2022).

In **Egypt**, authorities have imposed “arbitrary funding, research, and registration obstacles that have debilitated local environmental groups”, said Human Rights Watch in a report published in September 2022. Restrictions and repression have had a deterring effect on environmental activists, silencing them or forcing them into exile (Human Rights Watch 2022). This includes crackdown on the Egyptians Against Coal movement, launched in 2012 but which disappeared after the advent of Abdel Fattah al-Sisi as president in 2014. Egyptian climate voices are not welcome at COP27, held in Egypt in November 2022 (Lakhani 2022).

In **Lebanon**, a branch of Extinction Rebellion was launched, conveying the group’s three key demands: Governments must tell the truth about environment; they must act to reduce gas emissions; and they must consult citizens on their plans (Pratty 2019). Women play a key role in promoting green transition (UN Lebanon 2022).

In **Jordan**, there is opacity on impacts of the phosphate industry. However, workers of the Jordan Phosphate Mines Company (JPMC) recently disclosed labour rights’ abuses and denial of social and health protections (Business & Human Rights Research Centre 2020). In September, retired workers staged a sit-in in front of the company’s headquarters in Amman to demand the company remains responsible for their health insurance (Jordan24 2022). In Jordan too, young people are the keenest climate activists (UNICEF Jordan 2020). Founded in 2014, the Gren Generation Foundation (GGF)⁷ aims to raise awareness on environmental issues among youth. It organised since 2016 several marches for climate across the country. UNICEF implements projects to foster Youth’s Engagement for Climate Action.



KEY INSTRUMENTS IN THE CONTEXT OF GREEN TRANSITION

The UNFCCC, the Kyoto Protocol and the Paris Agreement all call for financial assistance from Parties with more financial resources to the less endowed and more vulnerable to climate change. The rationale underlining developed countries' obligation to assist developing countries in implementing their climate objectives and commitments lies in the principle of "common but differentiated responsibility and respective capabilities". Developed countries, as they are historically responsible for climate change and better equipped to prevent it and cope with its consequences, are to provide financial resources to those suffering the worst consequences of a crisis that they contributed very little to.

Multilateral instruments are therefore crucial to help developing countries' green transition. Funding is channelled through multilateral instruments (within and outside the UNFCCC), bilateral, and a growing number of national climate change funds. Green finance can be disbursed through international and regional development partners, funds, and investors in multiple types of financial modalities, including grants, green bonds and blended finance (see Annex II). The following section will explore some of the most promising green finance avenues, including funds for adaptation and mitigation measures, the recent attention devoted to loss and damage mechanisms, as well as and the main tools promoted by the European Union.

1. Adaptation and Mitigation

Under Article 11, both the UNFCCC and the Kyoto Protocol encourage developed country Parties to mobilise climate finance through bilateral, regional, and multilateral channels. The Paris Agreement reaffirms the principle of financial assistance in its Article 9 stipulating that "developed country Parties shall provide financial resources to assist developing country Parties with respect to both mitigation and adaptation" (Intergovernmental Panel on Climate Change 2001). **Mitigation efforts refer to all the actions taken to stabilize GHG concentration in the atmosphere, either by reducing emissions, enhancing sinks and reservoirs**

(Intergovernmental Panel on Climate Change 2001). On the other hand, **adaptation refers to all the adjustments in our ecological, social and economic systems to moderate potential damages or to benefit from opportunities produced by climate change** (Intergovernmental Panel on Climate Change 2001).

As for the climate finance pledges made on a global scale, during COP15 held Copenhagen in 2009, developed countries committed to the collective goal of mobilizing USD 100 billion per year by 2020 for climate action in developing countries⁸. The same goal was reiterated and extended to 2025 during COP21 held in Paris in 2015. Two years ago, during COP26, government leaders also agreed to mobilize USD 450 million for locally led adaptation initiatives in developing countries and to double 2019 climate finance flows by 2025⁹. Despite such pledges, the mobilisation of climate finance to help vulnerable countries and communities to adapt to the climate emergency has been lower than predicted. According to a recent report published by the United Nations Environmental Programme (UNEP) (2022) ahead of last year's COP27, in 2020 adaptation and mitigation finance flows fell at least USD 17 billion short of the USD 100 billion pledged annually to developing countries. As for now, a significant and unprecedented scale-up in funding would be needed to meet the goal of doubling 2019 finance flows by 2025, as promised at COP26 (United Nations Environmental Programme 2022).

At a regional level, determining the share and impacts of multilateral and bilateral funding for adaptation strategies and mitigation in the MENA region requires in-depth research. This section provides an overview.

A dozen funds support green transition in the MENA region, some funding mitigation, some adaptation, and others doing both. These include the Green Climate Fund (GCF), the Concentrated Solar Power initiative (CSPI) of the Climate Investment Fund (CIF), which supports energy transition and integration in the Mediterranean region, and the Least Developed Countries Fund (LDCF) which provides climate resilience finance for the 46 least developed countries in the Global South. At COP26, twelve governments pledged USD 413 million for the LDCF (Global Environment Facility 2021).

CIF's Clean Technology Fund (CTF) provided USD 930 million in concessional financing to develop solar power and renewable energy capacity in Morocco, Egypt, Tunisia, Jordan, and Libya, out of which USD 600 million for Morocco's renewable energy targets. It funded the Noor Concentrated Solar Power (CSP) Plant, the largest solar complex of its kind in the world. With a 510-megawatt output, the Noor CSP plant provides clean energy for approximately two million Moroccans (CIF 2022).

In June 2021, the World Bank approved a USD 500 million investment programme to support recovery from the COVID-19 pandemic and boost the green economy in Jordan. Jordan should receive an additional USD 250 million from the Asian Infrastructure Investment Bank (AIIB).

These are just some examples of multilateral aid in the region. These funds are key in improving rational use of resources and reduce unemployment and poverty. Multilateral aid to support groups affected by climate change continues to be channelled by the World Bank and dedicated UN agencies supporting environment, habitat, biodiversity, sustainable agriculture (UNEP), migration (IOM), food security (FAO), women and children (UNICEF), sustainable jobs (ILO), etc.

Multilateral and bilateral aid help countries to transition but developing countries must also invest in their own transition. In the region, mitigation and adaptation ambitions differ from one country to another, as well as the funding expected from international donors. Several countries in the region have estimated the cost of their national mitigation adaptation plans, specifying how much they can cover and how much they need from international donors.

In 2021, Egypt received USD 10.27 billion in aid to implement its SDGs in 2021. Under the UNFCCC, the country seeks at minimum USD 246 billion in international aid to meet its pledge to cut around 15 per cent¹⁰ of its GHG emissions by 2030. In terms of national effort, the country became in 2020 the first in the MENA region to fundraise for green transition through bonds, selling over USD 750 million in five-year green bonds. Last year it announced plans to increase their number and issuance frequency (Reuters 2021), and to turn the Suez Canal Economic Zone into a global production hub of green hydrogen and ammonia. The government signed billion-worth contracts in the run-up to COP27, planning to ink around USD 25 billion in green energy deals during the UN climate conference.

2. Loss and Damage

Loss and Damage is a key issue for all those countries, including in the MENA, with low contribution to the world's GHG emissions that are paying the highest price for global warming. Although there is no commonly agreed definition of loss and damage within the UNFCCC, the expression is usually used to indicate the negative impacts of climate change that occur despite, or in absence of, mitigation and adaptation (Liao et al. 2022). **“Damages” refer to goods – often vital infrastructures – disrupted by climate disasters that can be repaired, while “losses” refer to what has been completely lost forever – such as human lives and biodiversity.** When used in the context of climate change negotiations, **loss and damage refers to the request of compensation for the destructive impacts of climate change to be paid by the countries who have contributed and benefited the most from it to those which are suffering its worst consequences.** Being thought as a form of reparation for harms already caused by the climate crisis, loss and damage funding is inherently past-oriented. Here stands the main difference from resources allocated to assist adaptation and mitigation measures, whose character is future-oriented, as they aim to finance future efforts to reduce GHGs emissions and build resilience against global warming.

Funding for loss and damage has become a central issue in the discussion for climate justice, as it entails holding the biggest fossil fuel polluters for the suffering caused by global warming and addressing the inequalities behind the climate crisis. This is why reaching a consensus on the matter has proved impossible until recently. Industrialised countries have been hesitant to commit to any measure that might indicate their legal or financial responsibility for climate change, in the fear that doing so might unleash an avalanche of lawsuits and incalculable future commitments (Kaminski 2022). For this reason, they have historically preferred to focus on less controversial and politicised adaptation and mitigation finance.

Before the last COP27, held in Egypt in 2022, little developments had been made towards the establishment of a financial mechanism to compensate climate loss and damage. The issue first appeared in climate negotiations in 1991, when Vanuatu, a small island state located in the Pacific Ocean, proposed creating an international insurance mechanism to make sure that small island developing states would be compensated for the impact of sea level rise. It came back on the agenda in 2013 when the Warsaw International Mechanism was created¹¹ to promote knowledge

and information exchange on managing climate change loss and damage, strengthen dialogue and coordination among stakeholders, and enhance mutual support between countries. Two years later, countries' reluctance to address the issue of loss and damage also played a key role in the drafting of the PA. Article 8 of the Paris Agreement recognizes "the importance of averting, minimizing and addressing loss and damage associated with adverse effects of climate change." But, when the text was adopted by State Parties, it was made explicitly clear that Article 8 provided no legal basis for invoking any form of liability or obligation to compensate¹². The Santiago Network¹³ and the Glasgow Dialogue¹⁴ were created in 2019 and in 2021 respectively to promote dialogue between the Parties and to provide them with technical assistance.

Concrete steps for the establishment of a financial mechanism were only made last year during COP27. For the first time, the issue of loss and damage was included in the event's agenda, that saw the agreement on how to measure climate losses and damages in terms of money and on how to establish a mechanism for compensation as one of the goals of leaders' negotiations. In the landmark decision published on 20 November 2022 after days of intense debate on the matter, COP27 adopted the fund. The details of how the fund will work will take time to be defined and are likely to be at the heart of next year's COP¹⁵ agenda. Overall, little money has however been pledged for loss and damage so far. Only five countries - Austria, Belgium, Denmark, Germany and Scotland - have committed to pay loss and damage. Their combined pledges are under USD 250 million (Abnett 2022). Finally, COP27 raised strong concerns that the future fund could be undermined by the lack of progress on emissions' reductions and phase-out of fossil fuels.

3. European instruments

The **EU's 2021-2027 budget and the NextGenerationEU** recovery instrument amount to over EUR two trillion. This unprecedented budget aims to repair the economic and social damage caused by the coronavirus pandemic and help green transition in Europe. Of the overall amount of funds, 30 per cent will be spent to fight climate change. A EUR 40 billion Just Transition Fund will support EU regions relying on fossil fuels to diversify and transit. One third of the EUR 1.8 trillion investments from the NextGenerationEU Recovery Plan, and the EU's seven-year budget altogether will finance the European Green Deal. The Deal was adopted by the EU in 2020, following a landmark declaration of the European Parliament in 2019 declaring climate change an emergency. With the adoption of the **Green Deal**, the EU committed to reduce its GHG emissions by 55 per cent by 2030, compared to 1990 levels, and to achieve carbon neutrality by 2050. Then, the European Investment Bank pledged to bar funding for fossil fuel projects from the end of 2021.

With an overall budget of EUR 79.5 billion for the period 2021-2027, the **EU Neighbourhood, Development and International Cooperation Instrument (NDICI)**¹⁶, "Global Europe", supports the EU's external action and makes the EU the world's biggest public donor for development. Climate objectives reportedly account for around 45 per cent of the funds. Despite the significant gap between internal and external budgets, the EU is the biggest public donor for climate action in the developing world. It granted developing countries EUR 23,2 billion in 2019 to fight climate change and pledged an additional EUR 4 billion at COP26. In December 2021, the EC adopted two major programmes for the period 2021-2027, each worth EUR 1.5 billion, that can support advocacy for climate justice.

The Global Europe Civil Society Organisations¹⁷ will support civil society organisations (CSOs) outside of the EU. Most of it, EUR 1.33 billion, will promote an inclusive, participatory, empowered, and independent civil society and democratic space in Partner countries, and an inclusive and open dialogue with and between CSOs. Actions include country-specific strategies (“Roadmaps for Engagement with Civil Society Organisations”), Financial Framework Partnership Agreements, cooperation with foundations, and enhancing the Policy Forum for Development. A new global initiative will monitor the environment in which CSOs operate.

The Global Europe Human Rights and Democracy programme¹⁸ steps up EU support in promoting and protecting human rights and fundamental freedoms, democracy, the rule of law and the work of CSOs and human rights defenders around the world. The programme will promote and protect the universality of human rights, strengthen the rule of law and accountability for human rights violations and abuses, and defend the full and effective exercise of fundamental freedoms, including the freedom of expression, supporting independent journalism and media.

The EU also offers aid for urgent humanitarian crises resulting from climate change. Earlier in 2022, it announced an EUR 18 million funding to support humanitarian organisations in Algeria, Egypt and Libya and help vulnerable people affected by conflicts, instability or displacement¹⁹.



KEY ISSUES AND ADVOCACY AVENUES TO ADDRESS IMPACTED HUMAN RIGHTS IN THE REGION

Climate change and environmental degradation have already had measurable harmful effects in the MENA region and the harm will only increase in the years to come. Voluntary international pledges made at COP26 are insufficient to reach the PA's key goals. Based on them, the planet is on track to warm 2.5 degrees Celsius, UNEP warned. This will affect everyone in society: women, children and men, people living in rural and urban areas, workers and job seekers, migrants, the poor, the ill, the healthy and the rich. But the vulnerable will be affected the most. The effects of climate change and environmental degradation are dangerous, foreseeable. Without decisive climate action, large parts of the MENA region may become uninhabitable in the coming decades (Powell 2017; Vohra 2021). Governments that value stability should urgently prioritize climate action and just transition. Greening economies fast and supporting the population, in particular women, workers and vulnerable groups, is crucial to reducing and adapting to risks.

Civil society was a driving force for the adoption of more ambitious green transition plans in the EU. It is the driving force in the struggle for democratic transition in the MENA region, and it should be empowered to demand just transition and climate and environmental justice in one of the most vulnerable and impacted regions by climate change and environmental degradation.

1. Key concepts: climate justice, environmental justice and rule of law, just transition

It is important, in this context, to examine the scope of the notions of Climate justice, Environmental Justice and rule of law, and Just Transition, and how civil society can harness their potential.

Climate justice addresses the fair share of responsibilities to deal with climate change. It relates causes and effects of climate change and historical responsibilities. Any consideration of climate justice is premised on the recognition that climate change is not a neutral phenomenon as it stems from unequal historical responsibilities, and it is impacting already differently worldwide

peoples and communities. As such, climate justice echoes notions of equality, human rights, but also responsibility and repair. The concept is related to intergenerational equity, referring to our current environmental obligations to future generations, as well as intragenerational equity, referring to the injustices that climate change is already producing today between peoples belonging to the same generation.

Climate justice considerations are reflected in several legal principles addressing environmental and climate change, such as the principle of common but differentiated responsibilities, and mentioned in different legal instruments, such as the UNFCCC and the Paris Agreement. Article 3 of the UNFCCC includes a provision that “**the Parties should protect the climate system for the benefit of present and future generations of humankind**”. Article 4 introduces the concept of common but differentiated responsibilities by stating that “**developed countries (industrialized countries and economies in transition) recognized that they bear a greater responsibility for the effects of GHG emissions than developing countries, and therefore should also take a greater part of the burden to reduce their emissions and take other measures.**” The Paris Agreement makes limited reference to climate justice. However, the Treaty acknowledges that climate change is a common concern of humankind, and therefore “**Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity**”. Paragraph 13 also notes “the importance for some of the concept of ‘climate justice’, when taking action to address climate change”.

Environmental justice refers to the attribution to people of the right to influence the choices concerning the environment in which they live. It is a broader concept compared to climate justice as it addresses the unfair exposure of poor and marginalized communities to harms associated with resource extraction, hazardous waste, and other land uses (Schlosberg 2007). The concept of environmental justice is fulfilled when inhabitants are granted the right to access the use of their environment’s resources (regardless of ethnicity, gender, nationality, and income) and the right to be able to be part of and influence the constitutive process of collective associated life. The idea of environmental justice is premised on the recognition that the burden of environmental degradation does not fall equally on peoples all over the world both at a local and a global level. As such, environmental justice advocates have tried to politicize the environmental debate to bring to the fore the political, social and economic inequalities that are often entailed in instances of environmental injustices. The global environmental justice movement sees local communities, indigenous people and environmental defenders oppose unequal policies and power dynamics in terms of waste management, exploitation of natural resources, colonial legacies in soil exploitation, climate change historical responsibilities and current mitigation strategies, natural disaster management, and other issues.

Environmental rule of law is another key concept, which **protects human and constitutional rights, public health, and supports sustainable economic and social development**” (Fulton 2019). The concept is a legal one as it integrates environmental needs with the essential elements of the rule of law that makes persons, institutions and entities accountable to laws that are publicly promulgated, equally enforced and independently adjudicated²⁰. The term was first established by the UN Environmental Programme in its [Decision 27/9 on Advancing Justice, Governance and Law for Environmental Sustainability](#), that invited Governments and relevant organisations to reinforce international, regional and sub-regional cooperation to

combat noncompliance with environmental laws (UNEP 2004). In the Decision, Members States recognised the growing importance of rule of law in the field of the environment in order to reduce violations of environmental law and to achieve sustainable development overall. In this regard, it is important to mention the decision by the European Parliament in March 2023 to include a definition of ecocide in the negotiations on the Environmental Crime Directive, which is backed by strict penalties for companies and individuals guilty of crimes against the environment (Euractiv, 2023).

Developed by the trade union movement in the 1980's, **Just Transition** addresses social and economic impacts of climate change, and demands the protection of workers in transitioning economies, and, increasingly, the acceleration of greening industries and creating green jobs²¹. It is based on the premise that everyone, regardless of race, gender and social status, should receive fair treatment in the green transition, which is also a societal transformation. The idea behind the concept of just transition is that transitioning means many things, first of all change. The debate about how to move from the current fossil fuel era to more sustainable lifestyles imply choice that are bound to affect unequally people and community. For this reason, changes will need to be socially accepted and negotiated through inclusive processes. As a matter of fact, a just transition foresees elements of distributive justice (in terms of equal distribution of resources both spatially and socially), procedural justice (in terms of equal and meaningful participation to decision-making processes), and capabilities (in terms of ensuring peoples' ability to pursue safe, healthy, and secure livelihoods).

Just Transition is a key notion in multilateral negotiations and agreements. Paragraph 10 of the PA stresses on **"the imperatives of a just transition of the workforce and the creation of decent work and quality jobs."** The Glasgow Climate Pact recognises **"the need for support towards a just transition"**; countries are urged to prepare **"long-term low greenhouse gas emission strategies (...) towards just transition to net zero²² emissions by or around mid-century"**. The reference to Just Transition in COP26's key agreements is considered a major win for the global trade union movement, and a key step towards the implementation of the International Labour Organisation's (ILO) Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All²³, which require tripartite social dialogue between the government, employers and unions at national level, for the adoption of Just Transition Plans, which should be in place in every country in the world by 2030.

2. Key fields of action: empowering civil society to demand climate and environmental justice

Both the UNFCCC and the PA recognises the role played by civil society and local communities in understanding climate change challenges and developing local, inclusive, and just policies and plans to address them. Article 6 of the UNFCCC seeks to involve civil society by encouraging Parties to **"promote and facilitate (...) (i) the development and implementation of educational and public awareness programmes on climate change and its effects; (ii) public access to information on climate change and its effects; (iii) public participation in addressing climate change and its effects and developing adequate responses; and (iv) training of scientific, technical and managerial personnel."** While in the UNFCCC the reference to public participation in addressing climate change is rather generic, the PA specifically emphasizes **"enhanced public and private sector participation in the implementation of NDCs"** (Article 6.8).

The following section will explore regional trends in civil society participation and activism on climate change. Common strategies, as well as common obstacles will be outlined. A final paragraph will be specifically devoted to the phenomenon of climate change strategic litigation.

Even if the focus is here placed on commonalities, it is important to bear in mind that the regional trends outlined below are always to be contextualised to the specific socio-economic-political situations proper of each national context. Contextualisation is fundamental to avoid essentialising and homogenising climate goals, problems, advocacy, and activism strategies that might differ between countries in the region.

3. Climate activism in MENA: strategies and obstacles

Climate and environmental activism has taken different forms inside the region. Civil society organizations have engaged with national authorities in different ways, depending on the socio-economic-political opportunities available in each single context.

Advocates for climate and environmental justice have sometimes opted for small-scale, informal, and localised actions targeting specific demands related to natural resources access and environmental services (Sowers 2017). More institutionalised forms of mobilisation have developed out of the recent spread of environmental NGOs, whose number has increased rapidly in the region in the last decade. The effectiveness of civil associations has, however, been often limited by several obstacles, including lack of access to information, funding needs, governmental restrictions and prohibitions, etc., as outlined below more in detail.

Finally, the MENA region has also witnessed forms of political protests, strikes and campaigns on the street, resembling initiatives such as Fridays for future strikes that originated in Europe. However, popular resistance campaigns often gradually lose momentum as they encounter several obstacles such as police repression, complex bureaucracies, and political attacks to freedom of assembly and expression (Sowers 2017). This is also why virtual platforms such as social media remain the primary platform for expressing opinions across climate activists, as they provide better opportunities to practice freedom of expression without interference from authorities (Sowers 2017).

Civic space for climate action in MENA countries has been hindered by several obstacles affecting the ability of CSOs to exist, function, and act. A study carried out by the International Centre for Non-Profit Law (2021) sheds light on climate and environmental activism in Iraq, Jordan, Lebanon, Morocco, and Tunisia, with a focus on the common challenges and barriers faced by civil society. According to the study, climate activism in the region still appears as a scattered – and sometimes confused – landscape: there is no single CSO specialised and competent in climate change issues, but rather different groups acting as charities, implementing development projects, advocating for policy and legal reforms, providing professional services (International Centre for Non Profit Law 2021). Groups advocating environmental rights in the region are in any case few and have limited scope. Additionally, no professional environmental watchdogs operate in the region and not many in-depth reports are published despite the crucial need to monitor impacts of environmental degradation and climate change, expose abuses by governments and corporate interests, and demand action and reforms.

The most common obstacles faced by MENA climate activists are often linked to problems of

limited access to information and knowledge, lack of engagement in decision-making spaces, bureaucratic obstacles, attacks to freedom of assembly, and lack of resources and funding often resulting in donor dependency.

Limited access to information is experienced by CSOs in different ways. Sometimes policy documents, reference studies, national reports, etc. on climate change are produced and available in only English, something that leads to a lack of understanding by local communities of the problem and the solutions that are being taken to address it (International Centre for Non Profit Law 2021). Lack of data and of information accessibility and transparency pose additional challenges. In Lebanon, for instance, civil society is unable to access parliamentary meetings or minutes and cannot review draft laws before ratification (International Centre for Non Profit Law 2021).

Lack of engagement and access to decision-making spaces is another common barrier to climate activism in the MENA region. Most of the time governments do not involve CSOs in the setting and implementation of national agendas and policies on the topic. In other occasions, governments might allow activists accreditation to join national and international conferences and events without providing capacity building for them to be fully involved and engaged in the process (International Centre for Non Profit Law 2021).

A third obstacle is represented by bureaucratic obstacles and procedures. In Morocco, for instance, creating and running an NGO is allowed as long as authorities have full insight into its activities (International Centre for Non Profit Law 2021). Registering and planning every single activity is not impossible, but rather time-consuming, especially when the counterparts are old-fashioned administrative systems. CSOs face several bureaucratic obstacles such as delays in providing legal recognition, or delays in receiving approval from authorities to organise public events.

Attacks to freedom of assembly are another common concern among climate activists in the region. Morocco is a paradigmatic example in this case as well. Law No. 76 of 2002 guarantees freedom of assembly, but several requirements must be respected. Specifically, authorities must be notified in advance of any public meeting and must be communicated the date, subject, and exact time and place of the event, as well as the names, professions, addresses of the organisers, and a certified copy of their national identity cards (International Centre for Non Profit Law 2021). Such requirements potentially hinder freedom of assembly, especially when authorizations are unjustifiably stalled.

Finally, a major challenge hindering the active participation and impact of climate CSOs is weak internal financial management and sustainability tools. In 2020, there were around 80 grassroots organisations working in conservation in the MENA region, most of them struggling to operate due to lack of funding, difficulty to access it, or restrictive national laws. In Jordan, for instance, most CSOs active in the field of climate justice depend on external funding to survive (International Centre for Non Profit Law 2021). A similar situation is found in Lebanon, where many of the CSOs working on environmental or climate-related issues are volunteer-based. This limits their capacity to do the work that is needed and makes most of their activities donor driven (International Centre for Non Profit Law 2021). The limited availability of funds also increases competition between organizations, something which in turn affects their ability to collaborate and coordinate together. In Lebanon, such obstacles have been exacerbated by the current financial and political crisis. Many CSOs, for instance, are currently struggling in accessing

funds from abroad that are often frozen in bank accounts due to the financial crisis (International Centre for Non Profit Law 2021). Morocco shares the same dynamics of donor dependency and limited funding. The reliance on donor funds and calls for proposals often creates situations whereby CSOs do not get to choose what projects they want to work on and risk becoming implementers of activities set on an external agenda rather than local needs (International Centre for Non Profit Law 2021).

In such a context, facilitating access to EU and international climate finance for non-state actors is an important way to empower civil society organisations and support their space action in this area (European Economic and Social Committee 2018). In a region that is already receiving a multifaceted flow of development aid, the role of international agencies and donors is crucial. However, funding should always be conditioned to the respect for the rule of law, fundamental freedoms and economic, social and cultural rights in recipient countries. Additionally, aid should be conditioned to the governments' efforts to implement and enforce climate justice through participatory approaches to engage all stakeholders and CSOs in environmental and climate policies concerning the future of society in the region. Such conditionality measures would allow donors to allocate the needed resources, while contributing to the creation of a social and political environment more conducive and enabling for CSOs active in the field of climate and environmental justice.

4. Climate change litigation

Climate change litigation refers to cases brought before administrative, judicial, and investigatory bodies, both national and international, to raise an issue of fact or law regarding climate change causes and impact (Markell and Ruhl 2011). A report published by UNEP (2021) showed a surge in such court cases and the increasing role of litigation in addressing the climate crisis. As of 2020, the report stated, at least 1,550 climate change cases were filed in 38 countries (39 including EU courts). While climate litigation is concentrated in high-income countries, the report's authors expect it to grow in the global south – the report lists recent cases from Colombia, India, Pakistan, Peru, the Philippines and South Africa.

Plaintiffs included NGOs, political parties, children, senior citizens, migrants, and indigenous peoples, groups that often stand at the forefront of climate change, affected by extreme weather, rising seas, and pollution. Key findings in the report include:

- Violations of “climate rights”, i.e. cases are increasingly relying on fundamental human rights including the right to life, health, food, and water.
- Failures of governments to enforce commitments on climate change.
- “Greenwashing” and non-disclosures, when corporate messaging contains false or misleading information about climate change impacts.

Human rights (HR)-based climate change litigation refers to all the cases brought forward on the basis of human rights legislation (both domestic and international). It stems from increased awareness of climate change's impacts on human rights, and highlights the underlining link between climate change and HR violations, which has only been partially addressed in national and international legislation. It is seen as an alternative to achieve recognition and secure damages, with climate negotiations proving too slow and ineffective to deliver solutions.

HR-based cases often aim to advance action on climate change, seeking to encourage important

societal change that goes beyond the single dispute examined in court. Despite the absence of enforcement mechanisms at international level, HR-based litigation seeks to make States accountable for their contribution to climate change and environmental degradation. Finally, HR-based cases are about people, emerging from NGOs, foundations, activists, lawyers, and academics striving to advance the current global climate agenda.

At national level, HR-based claims were brought before domestic courts based on HR obligations set in domestic laws or in international commitments. One case that has gained great public attention is the Urgenda case, brought against the Netherlands before a national court in 2015 by Urgenda, an environmental foundation, and a group of 886 Dutch citizens. The claim was that dangerous climate change affected their right to life and private life, and the Netherlands were responsible because of their insufficient climate action in reducing greenhouse gas emissions. In 2019 the Dutch Supreme Court decided in favour of the applicant and asked the State to set more ambitious emissions' reduction targets.

The international institutions that have examined most HR-based climate change litigation include regional bodies such as the European Court of Human Rights, the Court of Justice of the EU, and the Inter-American human rights Commission and Court, as well as some UN Human Rights Treaty bodies such as the HR Committee and the Committee on the Rights of the Child. The African Commission on Human and People's Rights has issued multiple resolutions on climate change and HR in Africa, calling for more research on impacts of climate change on the rights of African people.

Climate change litigation is increasingly used as a tool to influence corporate behaviour in relation to climate change and/or raise public awareness about the responsibility of major emitters. Most cases were brought against fossil fuel companies (involved in the extraction, refining and sale of fossil fuels) for their role in exacerbating climate change. Today, there is large consensus that extractive and other polluting industries bear a heavy responsibility in environmental degradation and the acceleration of climate change. For decades, international oil companies and state-owned corporations in the MENA have made huge profits at the expense of the environment and local communities.

Most cases against fossil fuel companies seek to establish corporate liability for contributions to climate change, often including arguments about deception and disinformation on the part of the companies (Setzer and Higham 2021). Some claims were also brought over the failure of some companies, fund managers and/or their fiduciaries to manage climate change risk (Setzer and Higham 2021). Finally, a few cases have a broader scope, seeking the recognition of corporate human rights responsibilities. Specifically, *Milieudefensie et al. v. Royal Dutch Shell plc.* relied on human rights law to define the scope of corporate duty of care and due diligence obligations under national tort law. The District Court in the Hague interpreted Shell's duty of care in the light of the right to life and right to respect for private and family life (provided by the European Court of Human Rights (ECHR) and the ICCPR), the UN Guiding Principles on Business and Human Rights, the Paris Agreement and IPCC reports (Macchi and Zeven 2021). In a landmark decision, it ordered the company to cut its global carbon dioxide emissions by 45 percent by 2030, compared with 2019 levels (Macchi and Zeven 2021).

Cases like this often seek decisions from courts to force fossil fuel companies to adopt climate targets in line with the Paris Agreement. They also raise public awareness on the role played by private companies in the exacerbation of climate change. Today, companies are increasingly asked

to assess and disclose impacts in Environmental, Social, and Governance (ESG) information. In a positive move, 300 business totalling a value of 1.5 trillion, urged world leaders, ahead of COP15 global talks on biodiversity, to force large companies to assess and disclose their impact on nature by 2030 (Portala 2022). However, this requires national regulations and strict accountability mechanisms, which are not in place in most regions of the world, including the MENA region.

Nevertheless, several points of contention and controversial legal arguments have prevented the success of HR-based climate change litigation. The first is related to standing rights (Curry 2019), with plaintiffs required to provide proof of the direct harm they have suffered as a consequence of the defendants' action. Similarly, it is difficult to establish a causal link between climate change and the alleged harm and rights violation (Guruparan and Moynihan 2021). Equally difficult is the establishment of a link between a single State's actions and climate change acceleration.

Other questions include whether HR-based litigation can look into prospective and abstract harm (such as the likely disappearance of an island due to future sea-level rises). Or the need for States to balance climate commitments with other public interests, based on the assumption that curbing emissions can have profound economic and social consequences (Curry 2019).

Climate litigation is gaining traction in some regions around the world including Latin America and Africa, but little developments have so far been recorded in the MENA region. However, and despite its limits, HR-based climate change litigation has proved an effective avenue to advance the climate agenda and influence climate negotiation, raising awareness and inspiring change.



CONCLUSION

Driven by industrial activities, growing populations and rapid urbanisation, climate change and environmental degradation have had catastrophic consequences in the Southern Mediterranean region, affecting health, livelihoods and vital access to water and food. As a result, social, economic and cultural rights there are severely curbed.

These consequences are felt more strongly by the poor, women, migrants and marginalised groups.

Worryingly, conflicts and poor governance have left the region unequipped to care for its environment and its people. Dependence on natural resource extraction has a hefty cost on the environment and local economies, whilst investments to mitigate impacts on populations and protect them from compounding crises remain insufficient.

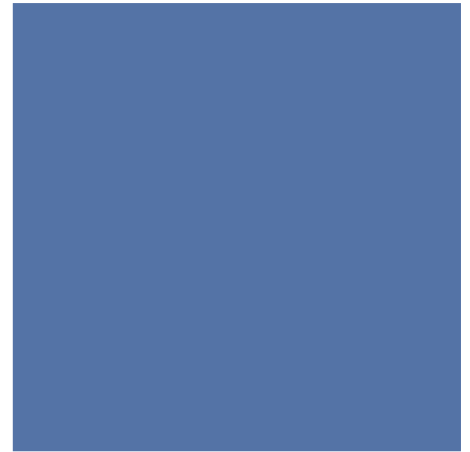
Furthermore, external factors, such as colonial legacies, trade agreements and economic reforms pushed by international financial institutions have weakened economies in the region, by prioritising exports over sustainable and self-sufficient production.

Climate change is a transnational emergency that must be treated as such. Considering differentiated historical responsibilities, countries, the wealthiest in particular, should support and fund climate adaptation and mitigation, including the United Nations' Loss and Damages Fund.

This report highlights avenues of environmental action for CSOs and activists, but little is currently seen in the region. The civic space for climate action in MENA countries is hindered by various obstacles affecting the ability of CSOs to exist, function, and act. Climate and environmental activists are human rights defenders and, as such, must be protected.

Governments in the region should also take action to expedite a just transition and ensure that

civil society can contribute without fear of reprisals. And the EU, its member states and the global civil society must support them. Finally, international institutions, including international financial institutions, must enable the development of sovereign food systems and social protection floors, to protect livelihoods and social, economic and cultural rights in the region.



ACKNOWLEDGMENTS

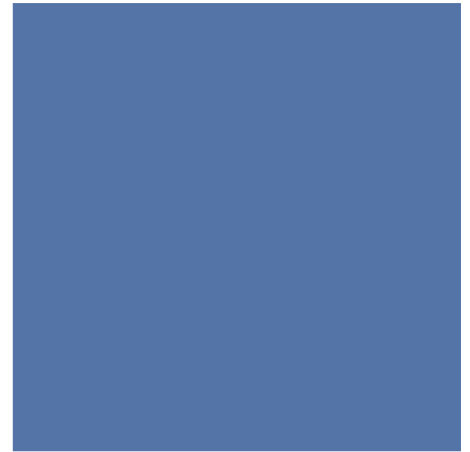
EuroMed Rights would like to thank the Danish-Arab Partnership Programme (DAPP) and Fondation de France for their financial support towards this report.

The contents of this report are the sole responsibility of EuroMed Rights and can under no circumstances be regarded as reflecting the position of the Danish-Arab Partnership Programme (DAPP) or Fondation de France.



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Endnotes

- 1 Net-zero : balancing greenhouse gas emissions with their removal.
- 2 The Palestinian Constitution enshrines and protects basic human rights and liberties. Israel, as the Occupying Power signed UDHR and covenants, which apply in Palestinian Territories.
- 3 All countries in the Arab world are Parties to the Paris Agreement except Saudi Arabia.
- 4 Indicator expressing the percent of total renewable water resources originating outside the country.
- 5 An Algerian protest movement against President Abdelaziz Bouteflika's rule and state corruption most active in the period 2019-2021.
- 6 Jordan NDC 2021
- 7 For more information, visit <https://ggfjo.org/>
- 8 For more information, visit <https://unfccc.int/topics/introduction-to-climate-finance> (last access: 10/03/2023)
- 9 For more information, visit <https://www.unep.org/news-and-stories/story/what-does-cop26-mean-adaptation> (last access: 10/03/2023)
- 10 Egypt NDC : Average of 15 per cent GHG reduction by 2030 compared to BAU : 33 per cent GHG reduction in electricity Generation, Transmission, and Distribution; 65 per cent GHG reduction in oil and gas sectors ; 7 per cent in Transport (expansion of Cairo's metro, bus public transport, increase of natural gas car stations, etc.) These 3 sectors represented 43 per cent of Egypt's total GHG emissions in 2015.
- 11 For more information, visit <https://unfccc.int/topics/adaptation-and-resilience/workstreams/loss-and-damage/warsaw-international-mechanism> (last access: 10/03/2023)
- 12 See paragraph 51 of the UNFCCC Decision 1/CP.21 Adoption of the Paris Agreement, available here <https://unfccc.int/resource/docs/2015/cop21/eng/10a01.pdf#page=2> (last access: 10/03/2023)
- 13 For more information, visit <https://unfccc.int/santiago-network/about> (last access: 10/03/2023)
- 14 For more information, visit <https://unfccc.int/event/glasgow-dialogue> (last access: 10/03/2023)
- 15 COP28 will be held in 2023, in the United Arab Emirates.
- 16 For more information, visit https://ec.europa.eu/commission/presscorner/detail/pt/ip_21_1267
- 17 For more information, visit https://ec.europa.eu/commission/presscorner/detail/en/IP_21_6792
- 18 For more information, visit https://ec.europa.eu/commission/presscorner/detail/en/ip_21_6695
- 19 For more information, visit <https://south.euneighbours.eu/news/humanitarian-aid-eu-allocates-eu18-million-algeria-egypt-and-libya/>
- 20 For more information, visit <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/promoting-environmental-rule-law-0> (last access: 30/03/2023)
- 21 See: Just Transition, ITUC leaflet. Available here: <https://www.ituc-csi.org/IMG/pdf/01-Depliant-Transition5.pdf>
- 22 Net zero or carbon neutrality: balancing greenhouse gas emissions with their removal.
- 23 For more information, visit https://www.ilo.org/wcmsp5/groups/public/@ed_emp/@emp_ent/documents/publication/wcms_432859.pdf



THANK YOU !