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COP28 PROGRESS CRITICAL FOR ENSURING RIGHT TO WATER IN MENA

Climate change is harming the human rights of billions of people across the globe, with disproportionately worse impacts on individuals and groups already subjected to multiple and intersecting forms of discrimination and marginalization.¹

In the Middle East and North Africa (MENA), where water is already vanishingly scarce, climate change is exacerbating water crises. Whether or not MENA governments can ensure the right to water for current and future generations depends on the steps these governments take to plan for and protect people from the predictable harms of the climate crisis, as well as other, intersecting crises that make people more vulnerable to climate harms. This includes better management, distribution and sustainable use of all available water.

MENA countries have significantly varying capacities to cope with the shared challenge of exacerbated water scarcity. High-income fossil fuel producing states in MENA have a greater capacity than their lower-income and lower-middle income regional neighbors, many of which are grappling with economic crises, the harms of conflict, or both.

Concrete, bold and human rights consistent commitments by governments at the 28th Conference of the Parties (COP28) to the United Nations Framework Convention on Climate Change (UNFCCC) are critical for ensuring the right to water in MENA, but the obstacles are immense. For the second year in a row, the UN's key climate conference is being hosted in MENA, this time in the United Arab Emirates (UAE), a high-income fossil fuel producing state with one of the highest per capita emission rates in the world and effectively no civil space. Despite the challenges, at COP28, activists, civil society groups, and Amnesty International are pushing for progress on multiple fronts that are crucial for people's right to water in MENA, including, but not limited to, fossil fuel phase out and increased and improved climate finance.

THE CLIMATE CRISIS IS SEVERELY EXACERBATING WATER SCARCITY IN MENA

MENA is the most water stressed region in the world.² In 2023, the World Resources Institute (WRI) found that the vast majority of the population in MENA was grappling with extremely high levels of water stress, meaning that demand for water by households, agriculture and industry across the region was using up the vast majority of the available renewable water supply or even outpacing it.³

In recent years, water has become increasingly scarce. In the early 2000s, MENA experienced its longest and most intense drought in the last 900 years.⁴ In 2022, the *Lancet*, a leading, peer-reviewed scientific journal, reported that some areas of MENA experienced more than 10 extra months of extreme drought in 2012-21 compared to 1951-60—the most significant increase in the world.⁵ Droughts endanger the right to water, as well as other human rights, including to food, health and, in extreme cases, life.⁶ Droughts affect livelihoods, can be devastating to small-scale farmers, and displace people from their homes.⁷

¹ Amnesty International, *Fatal Fuels: Why Human Rights Protection Urgently Requires a Full and Equitable Fossil Fuel Phase Out*, 13 November 2023 (Index: POL 30/7382/2023), <https://www.amnesty.org/en/documents/pol30/7382/2023/en>

² See, for example, UNESCWA, *Water Development Report 9: Groundwater in the Arab region*, September 2022, <https://www.unescwa.org/publications/water-development-report-9>

³ World Resources Institute (WRI), "25 Countries, Housing One-Quarter of the Population, Face Extremely High Water Stress," 15 August 2023, <https://www.wri.org/insights/highest-water-stressed-countries>

⁴ Intergovernmental Panel on Climate Change (IPCC), *Special Report on Global Warming of 1.5°C*, 2018, available at <https://www.ipcc.ch/sr15>, p. 200.

⁵ *Lancet*, *The 2022 report of the Lancet Countdown on health and climate change: health at the mercy of fossil fuels*, 25 October 2022, [https://www.thelancet.com/article/S0140-6736\(22\)01540-9/fulltext](https://www.thelancet.com/article/S0140-6736(22)01540-9/fulltext), p. 1628.

⁶ *Lancet*, *The 2022 report of the Lancet Countdown on health and climate change* (previously cited), p. 1628.

⁷ Some academics credit recent droughts with having already led to a steep decline in agricultural productivity and displacing thousands in parts of MENA. IPCC, *Special Report on Global Warming of 1.5°C* (previously cited), p. 200-201.

Climate change is severely exacerbating water scarcity in MENA.⁸ In 2018, the Intergovernmental Panel on Climate Change (IPCC) found that "climate change is already affecting people, ecosystems and livelihoods all around the world,"⁹ including by drying out the Mediterranean region, which encompasses North Africa and parts of the Middle East. This drying, including exacerbated water scarcity and increased risk of extreme drought, was already observable at global warming levels of less than 1°C.¹⁰ Climate attribution studies have found that recent heatwaves and multi-year droughts in MENA were made more likely to occur or more severe due to human-caused climate change.¹¹

Levels of drying in MENA are expected to increase with higher levels of global warming. If temperatures rise beyond 1.5°C, the Mediterranean is set to become a "hotspot of dryness change"¹² and witness "an expansion of desert terrain and vegetation... causing changes unparalleled in the last 10,000 years," the IPCC warned.¹³ Even if heating is limited to under 2°C, people inhabiting river basins in MENA will be "newly exposed to chronic water scarcity."¹⁴

EVEN DURING CRISES, MENA GOVERNMENTS MUST ENSURE PEOPLE'S RIGHT TO WATER

International human rights law guarantees the right of everyone to safe and clean drinking water.¹⁵ In MENA, tens of millions of people lack access to basic drinking water services.¹⁶

Many countries in MENA are wrestling with crises, including the effects of conflict, economic crisis and staggering debt, which can exacerbate water stress and limit the ability of governments to grapple with the ongoing and upcoming harms of the climate crisis. During conflicts in Yemen, Iraq, Israel/Palestine, Syria and Libya, governments, armed groups and other non-state actors have attacked water infrastructure, impeded water access, adopted discriminatory water policies and

⁸ While climate change has made things hotter everywhere, MENA is expected to experience some of the strongest heating, with associated increases in dryness. IPCC, *Special Report on Global Warming of 1.5°C* (previously cited), p.177, 189-190, 196, 200-201, 213-216. Regional climate models find MENA is heating rapidly and precipitation decreasing overall, but becoming more volatile, with some parts of MENA set to witness more droughts and others more flash floods. UNESCWA and others, *Arab Climate Change Assessment Report: Main Report – Executive Summary*, 2017, available at <https://www.unescwa.org/publications/riccar-arab-climate-change-assessment-report>, p. 20-23.

⁹ IPCC, *Special Report on Global Warming of 1.5°C* (previously cited), p. v, 36, 177-179.

¹⁰ IPCC, *Special Report on Global Warming of 1.5°C* (previously cited), p. 196, 200.

¹¹ In 2023, World Weather Attribution (WWA) found that the extreme heat in Morocco, Algeria and parts of southern Europe would have been "almost impossible without climate change," and that human-caused climate change made multi-year droughts in Iraq, Syria and Iran significantly more severe and will make such droughts significantly more frequent. WWA, "Human-induced climate change compounded by socio-economic water stressors increased severity of drought in Syria, Iraq and Iran," 8 November 2023, <https://www.worldweatherattribution.org/human-induced-climate-change-compounded-by-socio-economic-water-stressors-increased-severity-of-drought-in-syria-iraq-and-iran>; WWA, "Extreme April heat in Spain, Portugal, Morocco & Algeria almost impossible without climate change," 5 May 2023, <https://www.worldweatherattribution.org/extreme-april-heat-in-spain-portugal-morocco-algeria-almost-impossible-without-climate-change>. By October 2023, Carbon Brief cited scientific studies finding that the 2015 Egyptian and the 2014 Southern Levant drought had been made more severe or more likely to occur as a result of human-caused climate change. Carbon Brief, "Mapped: How Climate Change Affects Extreme Weather Around the World," <https://www.carbonbrief.org/mapped-how-climate-change-affects-extreme-weather-around-the-world> (accessed 8 November 2023).

¹² IPCC, *Special Report on Global Warming of 1.5°C* (previously cited), p. 200.

¹³ IPCC, *Special Report on Global Warming of 1.5°C* (previously cited), p. 36, 179.

¹⁴ IPCC, *Special Report on Global Warming of 1.5°C* (previously cited), p. 213.

¹⁵ The right to water is derived from the right to an adequate standard of living, health, adequate housing and food under the International Covenant on Economic, Social and Cultural Rights (ICESCR). Other international human rights treaties protect the right to water, including the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), as does international humanitarian law, which applies during conflict. UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment 15: The Right to Water (Articles 11 and 12), 20 January 2003, UN Doc. E/C.12/2002/11, paras. 3-4. In MENA, almost all states have ratified the ICESCR. While Saudi Arabia and the UAE have not ratified the ICESCR, both have ratified the CRC and CEDAW. By virtue of their membership in the United Nations, Saudi Arabia and the UAE are obligated to uphold the law and standards set out in the Universal Declaration of Human Rights, including the right to an adequate standard of living.

¹⁶ UNESCWA, *Climate finance for water in the Arab region*, 2023,

<https://www.unescwa.org/sites/default/files/event/materials/2301673E-ClimateFinance-Water-ArabRegion-PolicyBrief-WEB.pdf>, p. 2.

practices, or failed to maintain critical water infrastructure.¹⁷ Multiple countries in MENA, including Lebanon, Tunisia, Egypt and Jordan, are facing debt crises, which impact the resources these states can dedicate to realizing rights.¹⁸

The UN Committee on Economic Social and Cultural Rights (CESCR) has repeatedly reiterated that MENA governments have obligations to uphold the right to water during economic crisis, conflict, and when facing extreme water scarcity, including due to the climate crisis.¹⁹ Regardless of resource constraints, states have certain core obligations under the right to water, including non-discrimination.²⁰

While climate change is making water scarcer, whether or not people's right to water is met depends not only on how much water there is, but also how MENA governments manage, distribute and use that water. In a 2018 study, the World Bank highlighted poor water governance as a key driver of water insecurity in MENA.²¹ Human rights bodies, experts and groups, including the CESCR and the UN Special Rapporteur on the right to water, have repeatedly found that negligence, mismanagement, discrimination, and direct attacks have harmed people's right to water in MENA.²²

International human rights law provides guidance to MENA governments on areas to prioritize in water policy to ensure they can uphold the right to water for current and future generations, particularly in the context of the climate crisis.

First, MENA governments must ensure that water is available, accessible, affordable and of sufficient quality for all without discrimination.²³ Each person should have a water supply within safe reach that is sufficiently safe, offers an adequate amount, and is continuous to cover their personal and domestic needs, like drinking, washing clothes, preparing food, and staying clean.²⁴ Water should be affordable.²⁵ It need not be free, but no one should be denied access to water because they cannot afford to purchase it. States can use a range of techniques to ensure water is affordable, ranging from progressive pricing policies, including charging more to larger water users like big agriculture and industry, to implementing comprehensive social protection programmes. Amnesty International has called for a universal social protection regime that is made available to everyone worldwide in the face of ongoing and upcoming crises, including climate change.²⁶

¹⁷ While access to improved water supply and sanitation significantly increased in MENA since 1990, the World Bank reported in 2018, conflict had reversed that progress in many countries. World Bank, *Beyond Scarcity: Water Security in the Middle East and North Africa*, 2018, <http://hdl.handle.net/10986/27659>, p. xxxvii. In September 2023, Storm Daniel triggered the collapse of two dams in Derna, Libya, which had not undergone maintenance for decades. Amnesty International, "Libya: Lift restrictions on media and facilitate relief efforts in wake of catastrophic floods," 21 September 2023, <https://www.amnesty.org/en/latest/news/2023/09/libya-lift-restrictions-on-media-and-facilitate-relief-efforts-in-wake-of-catastrophic-floods>. Amnesty has documented warring parties in MENA impeding water access and destroying vital water sources. See, for example, Amnesty International, "Israel/OPT: Israel must lift illegal and inhumane blockade on Gaza as power plant runs out of fuel," 12 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/israel-opt-israel-must-lift-illegal-and-inhumane-blockade-on-gaza-as-power-plant-runs-out-of-fuel>; Amnesty International, "Syria: 'Surrender or starve' strategy displacing thousands amounts to crimes against humanity," 13 November 2017, <https://www.amnesty.org/en/latest/press-release/2017/11/syria-surrender-or-starve-strategy-displacing-thousands-amounts-to-crimes-against-humanity>; Amnesty International, "Iraq: Islamic State's destructive legacy decimates Yezidi farming," 13 December 2018, <https://www.amnesty.org/en/latest/press-release/2018/12/iraq-islamic-states-destructive-legacy-decimates-yezidi-farming>.

¹⁸ In 2022, Debt Justice reported that Tunisia, Egypt, Yemen, Lebanon and Jordan were all in a debt crisis, and Morocco at risk of a public debt crisis. Debt Justice, Debt Data Portal, 2022, <https://data.debtjustice.org.uk>

¹⁹ CESCR, Concluding Observations: Iraq, 27 October 2015, UN Doc. E/C.12/IRQ/CO/4, para 5; CESCR, Concluding Observations: Bahrain, 4 August 2022, UN Doc. E/C.12/BHR/CO/1, paras 10-11; CESCR, Concluding Observations: Lebanon, 24 October 2016, UN Doc. E/C.12/LBN/CO/2, paras 12-15.

²⁰ CESCR, General Comment 15 (previously cited), para. 37.

²¹ World Bank, *Beyond Scarcity: Water Security in the Middle East and North Africa* (previously cited), p. xxvi.

²² CESCR, Concluding Observations: Yemen, 23 March 2023, UN Doc. E/C.12/YEM/CO/3, paras 57-58; CESCR, Concluding Observations: Bahrain (previously cited), paras 34-35; CESCR, Concluding Observations: Israel, 12 November 2019, UN Doc. E/C.12/ISR/CO/4, paras 9-10, 44-47; UN Special Rapporteur on the human rights to safe drinking water and sanitation (UNSR on water), Report: *Visit to Tunisia*, 11 July 2023, UN Doc. A/HRC/54/32/Add.1, paras. 47-104; UNSR on water, Report: *Visit to Jordan*, 5 August 2014, UN Doc. A/HRC/27/55/Add.2, paras. 13-64; UNSR on water, Report: *Visit to Egypt*, 5 July 2010, UN Doc. A/HRC/15/31/Add.3, paras. 17-70.

²³ CESCR, General Comment 15 (previously cited), para. 2.

²⁴ CESCR, General Comment 15 (previously cited), para. 12.

²⁵ CESCR, General Comment 15 (previously cited), para. 26-27.

²⁶ Amnesty International, *Amnesty International calls for universal social protection, as overlapping crises leave hundreds of millions facing disaster*, 10 May 2023 (Index: POL 40/6589/2023), <https://www.amnesty.org/en/documents/pol40/6589/2023/en>

There should be no discrimination in access to water, yet significant inequalities in access to water exist in MENA, for example between urban and rural communities, between wealthier and poorer communities, and between racial groups.²⁷ Lack of access to sufficient and safe water impacts a range of other human rights, including to an adequate standard of living, health, sanitation, food and life.

Second, whether people's right to water is met depends on the efforts states make to ensure water use is sustainable for current and future generations, including by ensuring that water is not over-extracted. In 2018, the World Bank described MENA as a "global hotspot of unsustainable water use," noting that MENA is using "far more water than is available on a renewable basis" and that, in some countries, more than half of water withdrawals are unsustainable.²⁸

For MENA governments, increasing water scarcity due to the climate crisis increases the urgency of monitoring water reserves, reducing unsustainable extraction, decreasing water waste, and assessing whether state or private actors' conduct will harm water availability and the natural ecosystem. Yet, over the last decade, human rights mechanisms have found various MENA governments to have allowed the extreme overuse of non-renewable groundwater,²⁹ failed to monitor and regulate illegal well drilling,³⁰ and not done enough to prepare for droughts.³¹ While high-income fossil fuel producing Gulf states have invested some of their significant resources in increasing their water supply, by, for example, building and running energy-intensive desalination plants, they have paid less attention to ensuring sustainable use.³²

Third, while rising temperatures increase water demand, international human rights law requires states prioritize water for personal and domestic use. For MENA governments, this means planning for dwindling water resources, including ensuring that water use by other sectors, like water-intensive agriculture for export, fossil fuel extraction, and mining, does not negatively impact people's right to water,³³ and intensifying efforts to protect water sources, including from the harmful effects of pollution and industrial discharge on the quality and quantity of water.³⁴ It should also include ensuring the participation of disadvantaged and marginalized groups who will be disproportionately harmed by the climate crisis, including rural communities, subsistence farmers, fisherfolk and migrant workers, in updating national water strategies and action plans.³⁵

²⁷ While MENA has some of the world's lowest water tariffs, in many places, the water from the piped network is inconsistent, unsafe or non-existent, so people rely on purchasing drinking water from private companies. World Bank, *Beyond Scarcity: Water Security in the Middle East and North Africa* (previously cited), p. xxxix. For poorer households, this can be prohibitively expensive. Rural communities tend to have significantly less access to safe water than urban communities. The UNSR on water pointed out the disproportionate burden placed on poorer and rural households in Tunisia, Jordan and Egypt by states' water policies, including failure to ensure the piped network provided safe and continuous water, regressive water subsidies, and/or failure to connect rural areas or informal settlements to the network. UNSR on water, *Visit to Tunisia* (previously cited), para. 47-53; UNSR on water, *Visit to Jordan* (previously cited), para. 28-26, 38-42; UNSR on water, *Visit to Egypt* (previously cited), para. 46-54. Israel has long discriminated against Palestinians, including in access to water. CESCR, Concluding Observations Israel (previously cited), paras 44-47. Israel's system of oppression and domination over Palestinians amounts to apartheid. See, for example, Amnesty International, *Israel's apartheid against Palestinians: Cruel system of domination and crime against humanity*, 1 February 2022 (Index: MDE 15/5141/2022), <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>

²⁸ World Bank, *Beyond Scarcity: Water Security in the Middle East and North Africa* (previously cited), p. xxx.

²⁹ UNSR on water, *Visit to Jordan* (previously cited), para. 33.

³⁰ UNSR on water, *Visit to Tunisia* (previously cited), para. 14, 45.

³¹ UNSR on water, *Visit to Tunisia* (previously cited), para. 97; CESCR, Concluding Observations: Iraq (previously cited), paras 51-52.

³² See, for example, Synaps, "Mapping the Middle East's desalination boom," 27 November 2023, <https://synaps.network/post/mapping-middle-east-desalination-boom>; New York Times, "Dubai's Costly Water World," 20 November 2023, <https://www.nytimes.com/2023/11/18/business/dubai-water-desalination.html>; CESCR, Concluding Observations: Bahrain (previously cited), paras 34-35.

³³ Human rights law is clear that the priority must be given to personal and domestic use. The CESCR has recognized that ensuring sustainable access to water for agriculture is important for realizing the right to adequate food but notes that priority should be given to ensuring adequate access to water for subsistence farmers and to secure the livelihoods of Indigenous peoples. CESCR, General Comment 15 (previously cited), para. 6-7. UN human rights experts have encouraged MENA governments, including Jordan, Tunisia, Yemen and Bahrain, to do more to protect people's right to water by better regulating and managing water use by other sectors, including agriculture and industry. See CESCR, Concluding Observations: Yemen (previously cited), paras 57-58. UNSR on water, *Visit to Tunisia* (previously cited), para. 22, 26, 45, 65, 101; UNSR on water, *Visit to Jordan* (previously cited), para. 19, 36.

³⁴ CESCR, Concluding Observations: Bahrain (previously cited), paras 34-35.

³⁵ CESCR, General Comment 15 (previously cited), para. 37.

Fourth, in the face of the climate crisis, MENA governments should enhance their efforts to cooperate internationally, including with other governments in the region, where necessary to ensure that people's right to water is met. Many key water resources in MENA are shared across borders.³⁶ About 60 per cent of surface water, such as rivers, are shared across MENA countries, and all countries share at least one aquifer.³⁷ Under international human rights law, states have to respect the right to water in other countries, including by refraining from taking action that interferes with the enjoyment of the right or using water as a tool of economic and political pressure.³⁸ Control and management over water resources continues to be a point of significant tension in MENA, including between upstream countries and their downstream neighbours.³⁹

ISRAEL IS DENYING PALESTINIANS ACCESS TO VITAL WATER RESOURCES

In the Occupied Palestinian Territory, the occupying power, Israel, as part of its system of apartheid, is denying Palestinians access to vital water resources with particularly detrimental effects on vulnerable communities, such as those in the Jordan Valley.⁴⁰ Discriminatory water policies combined with other forms of violence, such as settler attacks and the illegal blockade of the occupied Gaza Strip, are key drivers of the forcible transfer of protected persons. In October 2023, Israeli authorities tightened their blockade of Gaza, reducing people's access to water catastrophically and cutting off access to fuel, without which pumps to extract groundwater and desalination plants cannot operate.⁴¹ Accountability for violations of international law, including international humanitarian law, must be addressed to reverse discriminatory practices and allow MENA countries under military occupation, like the State of Palestine, to freely exercise their sovereign rights over natural resources and to transition into the sustainable use of resources.⁴²

COP28 IN THE UAE

The UN climate conference, COP28, should provide an opportunity to make concrete progress on two fronts that are critical for people's right to water in MENA: fossil fuel phase out and increased and improved climate finance. The UAE, which is hosting COP28, is seeking to position itself as a champion of climate finance, while impeding efforts towards a fossil fuel phase out. But public participation is critical to ensuring effective climate action and, in the UAE, there is effectively no civic space. It is illegal to criticize the government under a raft of repressive laws, and scores of activists and human rights defenders remain arbitrarily detained, including dozens held past the expiry of their unjust sentences. The UAE has made it nearly impossible for people in the country, including the marginalized, such as migrant workers, to participate in climate decision-making.⁴³ Ahead of COP28, Amnesty called on the UAE to take a number of steps, including revising draconian laws that quash free speech and freeing those detained for expressing their opinions, that would have made effective climate action at and beyond COP28 more possible. The UAE did not.⁴⁴

FAILING TO PHASE OUT FOSSIL FUELS

All governments have a duty to mitigate the harms of the climate crisis as much as possible by curbing the greenhouse gas emissions that cause global heating. The extraction and burning of fossil fuels is the primary cause of the global heating that is driving the climate crisis.⁴⁵

³⁶ World Bank, *Beyond Scarcity: Water Security in the Middle East and North Africa* (previously cited), p. xlv.

³⁷ World Bank, *Beyond Scarcity: Water Security in the Middle East and North Africa* (previously cited), p. xlv.

³⁸ CESCR, General Comment 15 (previously cited), para. 31-34.

³⁹ See, for example, Human Rights Watch, "Syria: Parties to Conflict Aggravate Cholera Epidemic," 7 November 2022, <https://www.hrw.org/news/2022/11/07/syria-parties-conflict-aggravate-cholera-epidemic>

⁴⁰ Amnesty International, *Israel's apartheid against Palestinians* (previously cited).

⁴¹ Amnesty International, "Israel must lift illegal and inhumane blockade on Gaza as power plant runs out of fuel" (previously cited).

⁴² Amnesty International, "The Occupation of Water," 29 November 2017, <https://www.amnesty.org/en/latest/campaigns/2017/11/the-occupation-of-water>

⁴³ See, for example, Human Rights Watch, "UAE: Migrant Worker Abuses Linked to Broader Climate Harms," 21 November 2023, <https://www.hrw.org/news/2023/11/21/uae-migrant-worker-abuses-linked-broader-climate-harms>

⁴⁴ Amnesty International, "UAE authorities reject civil society's calls for human rights as climate conference looms," 23 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/uae-authorities-reject-civil-societys-calls-for-human-rights-as-climate-conference-looms/>

⁴⁵ Amnesty International, *Fatal Fuels* (previously cited), p. 7.

There are clear benefits for MENA to keeping warming as low as possible.⁴⁶ Limiting global warming to 1.5°C rather than 2°C would, for example, substantially reduce the probability of extreme drought, precipitation deficits and risks associated with water availability,” particularly in the Mediterranean, according to the IPCC.⁴⁷

The Gulf would also benefit immensely from limiting warming, including by reducing the number of days of unlivable heat. In 2023, climate researchers found that cities in the Gulf, including Dubai, where the UAE is hosting COP28, Riyadh, the capital of Saudi Arabia, and Al Hudaydah, a city on Yemen’s Red Sea coast, would suffer significantly fewer days that surpassed extreme human heat thresholds if warming was contained.⁴⁸ At the highest levels of global heating, Al Hudaydah would be so hot and so humid so often that air conditioning would be “necessary to remain heat healthy.”⁴⁹ While cities like Dubai and Riyadh rely heavily on energy-intensive air conditioning to cope with extreme heat, Yemen is one of the world’s least-developed countries, with a broken electricity grid, and home to a nearly decades-long conflict in which the UAE, Saudi Arabia and other warring parties have committed grave abuses.⁵⁰ A significant portion of the Yemeni population relies on outside work, for example fishing, farming and beekeeping, to support themselves and their families. Such prolonged heat extremes would be devastating.

Urgent and sustained action is needed to avoid the worst outcomes. Most notably, all states must commit to a full, fast, fair and funded fossil fuel phase out. This includes governments approving no new fossil fuel projects, stopping financing for fossil fuel expansion, including in other countries, ending fossil fuel subsidies, and rejecting risky and unproven technologies like flawed and/or untried carbon markets and carbon capture, removal, and storage mechanisms. Fossil fuel phase out should be part of a wider set of measures that facilitates a just energy transition, including a shift to human rights-consistent renewable energy and effective measures to protect workers and frontline communities, including ensuring adequate social protection measures are in place.⁵¹

The UAE has catastrophically failed on this front. The UAE’s national oil company, Abu Dhabi National Oil Company (ADNOC), is one of the biggest fossil fuel producers in the world.⁵² Between 1965 and 2018, ADNOC was the 14th largest fossil fuel corporate contributor of greenhouse gas emissions worldwide, according to the Climate Accountability Institute.⁵³ Rather than setting an example by clearly committing to phasing out fossil fuels, the UAE is recklessly ignoring its climate commitments,⁵⁴ with aggressive plans led by ADNOC to massively expand fossil fuel production.⁵⁵

Yet, the CEO of ADNOC, Sultan al-Jaber, was appointed by the UAE to preside over COP28. Rather than commit to a fossil fuel phase out, which experts have repeatedly reiterated is essential to avert climate catastrophe, Al Jaber has used his presidency to promote technologies, such as those for carbon capture, removal, and storage, that experts have repeatedly

⁴⁶ IPCC, *Special Report on Global Warming of 1.5°C* (previously cited), p. 179.

⁴⁷ IPCC, *Special Report on Global Warming of 1.5°C* (previously cited), p. 200-201.

⁴⁸ Daniel Vecellio and others, *Greatly enhanced risk to humans as a consequence of empirically determined lower moist heat stress tolerance*, Proceedings of the National Academy of Sciences, 9 October 2023, <https://www.pnas.org/doi/10.1073/pnas.2305427120>, p. 5.

⁴⁹ Vecellio and others, *Greatly enhanced risk to humans as a consequence of empirically determined lower moist heat stress tolerance* (previously cited), p. 6.

⁵⁰ Amnesty International, *The Human Rights Situation in the United Arab Emirates Ahead of COP28*, 1 June 2023 (Index: MDE 25/6755/2023), <https://www.amnesty.org/en/documents/mde25/6755/2023/en>; Human Rights Watch, “Yemen: Aden Electricity, Water Cuts Threaten Rights,” 16 November 2023, <https://www.hrw.org/news/2023/11/16/yemen-aden-electricity-water-cuts-threaten-rights>; Mwatana for Human Rights and Yale Law School Lowenstein Human Rights Clinic, *Returned to Zero: The Case for Reparations to Civilians in Yemen*, 28 June 2022, <https://law.yale.edu/yls-today/news/report-shows-warring-parties-fail-provide-reparations-civilians-yemen>. In 2023, the CESCR criticized attacks on water infrastructure and called for the provision of remedies to those whose ESC rights had been violated in Yemen. CESCR, *Concluding Observations: Yemen* (previously cited), paras 57-62.

⁵¹ See Amnesty International, *Recommendations to parties to UNFCCC on human rights consistent climate action in 2023*, 16 October 2023 (Index: IOR 40/7284/2023), <https://www.amnesty.org/en/documents/ior40/7284/2023/en>

⁵² UNEP and others, *Production Gap Report 2023*, 8 November 2023, <https://www.unep.org/resources/production-gap-report-2023>, p. 62-63.

⁵³ Climate Accountability, “Carbon Majors,” <https://climateaccountability.org/carbon-majors> (accessed on 9 November 2023).

⁵⁴ The UAE’s emission reduction target and domestic policies are consistent with up to 3°C warming, far from the needed 1.5°C. Climate Action Tracker, “UAE,” 5 April 2023, <https://climateactiontracker.org/countries/uae>

⁵⁵ Amnesty International, “IPCC report warning that global warming will exceed 1.5°C limit must accelerate the phasing out of fossil fuels,” 20 March 2023, <https://www.amnesty.org/en/latest/news/2023/03/ipcc-report-warning-that-global-warming-will-exceed-1-5c-limit-must-accelerate-the-phasing-out-of-fossil-fuels/>; Bloomberg, “UAE Accelerates Plan to Increase Its Oil Production Capacity,” 19 September 2022, <https://www.bloomberg.com/news/articles/2022-09-19/uae-accelerates-plan-to-increase-its-oil-production-capacity>

warned remain largely unproven, overly costly, and impossible to roll out at scale.⁵⁶ Al Jaber has stated that keeping global warming to 1.5°C is a “non-negotiable” goal,⁵⁷ but the International Energy Agency (IEA) has stated that new fossil fuel development is incompatible with reaching net zero emissions by 2050.⁵⁸ According to the Guardian, ADNOC’s expansion plans would result in the third largest overshoot of the pathway the IEA laid out, surpassed only by two other MENA national oil companies: Saudi ARAMCO and QatarEnergy.⁵⁹ The UAE also invests in oil and gas fields abroad, including in Israel, the United States and Malaysia,⁶⁰ and is considering further investments.⁶¹

In November, reports emerged – which Al Jaber denied – that he was briefed to advance the interests of the businesses he leads, including ADNOC, before dozens of bilateral meetings about COP28. It was previously reported that ADNOC staff were seconded to the COP28 organizing team in the UAE, and COP28 communications routed through ADNOC computer servers. Amnesty has repeatedly called for Al Jaber to step down from his role leading ADNOC while leading global climate talks where fossil fuel phase out must be a priority. These calls went unheeded.⁶²

In addition to their fossil fuel production, high-income Gulf states like the UAE have some of the highest per capita emission rates in the world. In 2020, all six Gulf Cooperation Council (GCC) states—Qatar, Bahrain, Kuwait, the UAE, Oman and Saudi Arabia—were among the top ten per capita emitters worldwide.⁶³

The UAE and other high-income fossil fuel states in the Gulf are far from the only governments failing on this front. Across the globe, governments, particularly industrialized countries that bear the greatest historical responsibility for emissions, are failing to take adequate steps to protect humanity and human rights from accelerating climate change and its devastating impacts, most notably by failing to phase out of all fossil fuels and end fossil fuel subsidies. In November 2023, the UN Environment Programme (UNEP) reported that, instead of phasing out fossil fuels, governments, including the current highest fossil fuel emissions contributors, including the United States, Russia, China, Saudi Arabia, Australia, Indonesia, India and Canada, are projected to significantly increase their production, with plans to produce more than double the amount of fossil fuels in 2030 than would be consistent with 1.5°C.⁶⁴

INSUFFICIENT SCALING UP AND IMPROVING OF CLIMATE FINANCE

The human rights harms of the climate crisis are already being felt. Even if fossil fuels were phased out tomorrow, climate change has already begun drying out parts of MENA, and that drying is set to get worse the more the world warms, with grave repercussions for people’s rights, including their right to water.

⁵⁶ See, for example, Guardian, “‘I wasn’t the obvious choice’: meet the oil man tasked with saving the planet,” 7 October 2023, <https://www.theguardian.com/environment/2023/oct/07/meet-the-oil-man-tasked-with-saving-the-planet-cop28>

⁵⁷ National, “Dr Sultan Al Jaber says Paris Agreement goal of 1.5°C is ‘non-negotiable,’” 22 February 2023, <https://www.thenationalnews.com/climate/road-to-net-zero/2023/02/22/al-jaber-says-paris-agreement-goal-of-15c-is-non-negotiable>

⁵⁸ International Energy Agency (IEA), “Net Zero by 2050,” May 2021, <https://www.iea.org/reports/net-zero-by-2050>

⁵⁹ Guardian, “Revealed: UAE plans huge oil and gas expansion as it hosts UN climate summit,” 4 April 2023, <https://www.theguardian.com/environment/2023/apr/04/revealed-uae-plans-huge-oil-and-gas-expansion-as-it-hosts-un-climate-summit>

⁶⁰ In 2021, the UAE’s Mubadala Energy, a subsidiary of a UAE sovereign wealth fund, finalized a deal with an Israeli company to purchase an interest in a large fossil gas field for about 1 billion USD. The deal required approval from both the UAE and Israeli governments. Mubadala Energy, Portfolio, “Israel,” <https://mubadalaenergy.com/portfolio/israel> (accessed on 9 November 2023); National, “Mubadala Petroleum finalises \$1bn deal for 22% stake in Israel’s Tamar gas field,” 2 September 2021, <https://www.thenationalnews.com/business/2021/09/02/mubadala-petroleum-finalises-1bn-deal-for-22-stake-in-israels-tamar-gas-field>; Mubadala Energy, Portfolio, “Malaysia,” <https://mubadalaenergy.com/portfolio/malaysia> (accessed on 13 November 2023); Mubadala Energy, “Mubadala Oil & Gas Signs Development & Production Sharing Agreement With Petronas,” 15 January 2010, <https://www.mubadala.com/en/news/mubadala-oil-gas-signs-development-production-sharing-agreement-petronas>; Mubadala Energy, “What We Do,” <https://www.mubadala.com/en/what-we-do/mubadala-energy> (accessed on 13 November 2023).

⁶¹ Bloomberg, “BP-Adnoc’s Landmark Israel Gas Bid in Flux as Conflict Escalates,” 11 October 2023, <https://www.bnnbloomberg.ca/bp-adnoc-s-landmark-israel-gas-bid-in-flux-as-conflict-escalates-1.1983175>.

⁶² Amnesty International and many other civil society organizations pointed out the glaring conflict of interest. Amnesty International, “Global: Briefings to help COP president advance business interests heighten concerns about summit’s outcome,” 27 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/global-briefings-to-help-cop-president-advance-business-interests-heighten-concerns-about-summits-outcome>

⁶³ World Bank, Co2 emissions (metric tons per capita), https://data.worldbank.org/indicator/EN.ATM.CO2E.PC?most_recent_value_desc=true (accessed on 13 November 2023).

⁶⁴ UNEP and others, *Production Gap Report 2023* (previously cited), p. 2-3, 35-39; Amnesty International, “Global: Fossil fuel production will be double the level needed to limit global warming to 1.5°C,” 8 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/global-fossil-fuel-production-will-be-double-the-level-needed-to-limit-global-warming-to-1-5c/>

In addition to phasing out fossil fuels, all states in a position to do so, particularly “developed” countries with a greater historical responsibility for emissions (as listed in Annex II of the UNFCCC),⁶⁵ as well as other high-emitting countries in the G20 and high-income fossil fuel producing states, should support developing countries by providing adequate finance to support the shift to renewable energy (climate finance for mitigation) and help people prepare for the increasing severity and frequency of climate disasters like droughts and slower on-set harms like increased water scarcity (climate finance for adaptation). These states should also remedy loss and damage through adequate contributions to the Loss and Damage Fund.⁶⁶ Loss and damage—or the harms that arise from the unavoidable risks of climate change—is distinct from climate finance for mitigation, which should help avoid further loss and damage, and climate finance for adaptation, which should help countries and communities plan, prepare and adapt to the changing climate.⁶⁷

Insufficient Scaling Up of Climate Finance, Particularly for Adaptation

Ahead of COP28, the UAE has tried to position itself as a leader on climate finance.⁶⁸ In January 2023, al-Jaber wrote, “On climate finance, we simply need more.”⁶⁹ Al-Jaber has repeatedly chastised “developed” countries for failing to meet their climate finance pledges and demanded that finance for adaptation in the Global South be doubled to \$40 billion annually by 2025 and the loss and damage fund announced at COP27 be fully operationalized and receive funding pledges at COP28.⁷⁰

Exponentially more climate finance is needed by lower-income and lower middle-income developing countries vulnerable to climate harms. But the states historically responsible for the most significant share of the climate crisis, including the United States, have so far failed to meet the climate finance pledges they have made. These climate pledges—in the billions—are far below what is actually needed—in the trillions.⁷¹ Climate finance for adaptation measures, in particular, remains dangerously underfunded.

⁶⁵ In this briefing, when referring to UNFCCC processes, Amnesty International uses the terms “developing” and “developed” to refer to countries and their climate mitigation, climate finance, and loss and damage obligations, consistent with the way these terms are used by the UNFCCC and the principle of common but differentiated responsibilities and respective capabilities. “Developed” countries (as listed in Annex II of the UNFCCC) have a greater historical responsibility for emissions and are obliged under the UNFCCC and the Paris Agreement to provide new and additional climate finance to those countries in need of support for their mitigation and adaptation plans and for loss and damage for unavoidable climate harms. The term “developing” is used to refer to UNFCCC Non-Annex I countries. “We recognize that these terms assume a linear understanding of progress, obscure the role of colonialism and power relations in determining wealth, and present GDP – rather than human rights or another metric – as the most important attribute of a country. Under the Paris Agreement other parties are encouraged to provide or continue to provide climate finance voluntarily. Under human rights law, all states in a position to do so must provide international cooperation and assistance for the realization of economic, social and cultural rights.

⁶⁶ At COP28, Amnesty is calling for “developed” states, other G20 members and high-income fossil fuel producing states, including the UAE, to put forward ambitious pledges for the Fund. Amnesty has developed further recommendations on Loss and Damage in other publications. See Amnesty International and Center for International Environmental Law, *Human rights as a compass for operationalizing the Loss and Damage Fund*, 21 February 2023 (Index: IOR 40/6463/2023), <https://www.amnesty.org/en/documents/ior40/6463/2023/en>; Amnesty International, *Recommendations to parties to UNFCCC* (previously cited).

⁶⁷ See Climate Action Network, *Global Campaign to Demand Climate Justice and Women and Gender Constituency, Joint Submission on Criteria for Assessing Finance to Address Loss and Damage*, September 2023, <https://climatenetwork.org/resource/joint-submission-by-climate-action-network-can-global-campaign-to-demand-climate-justice-dcj-and-women-and-gender-constituency-wgc-on-criteria-for-assessing-finance-to-address-loss-and-damage>

⁶⁸ In March 2022, Al Jaber said, “Climate finance is one of the most important tools to manage climate risks,” and water a priority sector. UAE, “Statement at Arria-Formula Meeting on Climate Finance for Sustaining Peace (delivered by Al Jaber),” 9 March 2022, <https://uaeun.org/statement/uae-UNSC-climatefinance-9mar22>. In May 2023, in Egypt at African Development Bank meetings, he said “addressing the finance gap is a top priority for the COP28 presidency and my team.” Forbes, “As Africa Renewable Energy Finance Gap Widens, UAE Steps In With Major Investments,” 20 September 2023, <https://www.forbes.com/sites/afshinmolavi/2023/09/20/africa-falls-behind-on-renewable-energy-uae-steps-in-with-major-investments/?sh=6142d6514c75>

⁶⁹ Sultan Al Jaber, “It’s time to transform climate finance—and bridge its \$2.4 trillion gap,” 19 September 2023, Fortune, <https://fortune.com/2023/09/19/cop28-president-unga-transform-climate-finance-bridge-trillion-gap-environment-politics-sultan-al-jaber>

⁷⁰ See, for example, UAE, “Statement at Arria-Formula Meeting on Climate Finance for Sustaining Peace” (previously cited); Sultan Al Jaber, “It’s time to transform climate finance” (previously cited); Arabian Gulf Business Insight, “Cop28 chief sets out UAE’s vision for climate finance,” 16 January 2023, <https://www.agbi.com/articles/climate-finance-cop28-sultan-al-jaber>

⁷¹ See Amnesty International, *Recommendations to parties to UNFCCC* (previously cited).

Not nearly enough climate finance is flowing to MENA. In 2022, the United Nations Economic and Social Commission for West Asia (UNESCWA) found that the region received only 11% of what had been requested by MENA governments until 2030.⁷² Of the climate finance flowing to MENA over the last decade, the vast majority went towards mitigation rather than adaptation.⁷³

While climate finance for mitigation is crucial for lower-income and lower middle-income developing countries in MENA to complete the transition away from fossil fuels, climate finance for adaptation is critical to addressing exacerbated water scarcity, as well as other harms associated with climate change, including disaster readiness. Adaptation finance can, for example, fund maintenance and repairs of water infrastructure to ensure precious water is not lost, monitoring of water use by different sectors, like agriculture and extractive industry, increased water harvesting and reuse, and, where necessary, developing alternative water supplies, like through wastewater treatment or desalination.⁷⁴

Resources are available, depending on the political spending choices made by governments.⁷⁵ States continue to spend significant resources on subsidizing fossil fuels. Between 2011-2020, the resources spent, in aggregate, by 51 countries across the world on fossil fuel subsidies, including all six GCC states, as well as Egypt, Iraq, Iran and Libya, was 40% more than the total global investments in climate finance, according to the Climate Policy Initiative.⁷⁶

All countries in MENA are facing extreme water stress, but they have significantly varying capacities to cope. MENA is home to some of the wealthiest countries, with Qatar and the UAE consistently boasting some of the highest GDPs per capita in the world, as well as countries grappling with significant debt crises, the devastation and damage wrought by conflict or both, like Yemen.⁷⁷ High-income fossil fuel producing states in MENA have a greater capacity than their lower-income regional neighbours to adapt to climate change, to cope with climate shocks, and to meet their population's economic, social and cultural rights.⁷⁸

High-income fossil fuel producing states are reaping immense profits from their national fossil fuel companies, which bear significant responsibility for the climate crisis.⁷⁹ Between 1965 and 2018, Saudi ARAMCO was the single biggest corporate contributor of emissions worldwide.⁸⁰ In 2023, Saudi ARAMCO reported an annual profit of US\$161.1 billion—the most ever disclosed by a company in a single year.⁸¹ States home to massive, national fossil fuel companies should contribute a greater share of these profits to climate finance for the transition to renewable energy and for adaptation, including to water scarcity.

At COP28, Amnesty International is calling on “developed” states and others those with the resources to do so, particularly high emitting G20 states and high-income fossil fuel producing states, to present a clear plan to achieve and surpass the goal set at COP26 to at least double adaptation finance from 2019 levels by 2025.⁸² These states should also commit new

⁷² UNESCWA, *Climate finance needs and flows in the Arab region*, September 2022, <https://www.unescwa.org/publications/climate-finance-needs-flows-arab-region>, p. 4.

⁷³ UNESCWA, *Climate finance needs and flows in the Arab region* (previously cited), p. 5, 8.

⁷⁴ UNESCWA, *Climate finance for water in the Arab region* (previously cited), p. 3, 4.

⁷⁵ IPCC, AR6 Synthesis Report, *Climate Change 2023: Summary for Policymakers* (previously cited), p. 20.

⁷⁶ Climate Policy Initiative, *Global Landscape of Climate Finance: A Decade of Data*, 27 October 2022, <https://www.climatepolicyinitiative.org/wp-content/uploads/2022/10/Global-Landscape-of-Climate-Finance-A-Decade-of-Data.pdf>, p. 18.

⁷⁷ The GDP per capita (PPP) in the UAE in 2022 (87,729 USD), for example, was nearly 25 times the GDP per capita (PPP) for Yemen in 2013 before the current war began (3,437 USD). World Bank, Open Data, GDP per capita (PPP), https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD?most_recent_value_desc=true

⁷⁸ CESCR, Concluding Observations: Bahrain (previously cited), paras 34-35.

⁷⁹ UNEP and others, *Production Gap Report 2023*, p. 52-53, 62-65.

⁸⁰ Climate Accountability, “Carbon Majors” (previously cited) (accessed on 9 November 2023).

⁸¹ Amnesty International, “Saudi Arabia: Aramco’s profits, the largest ever by a company, should support funding a global transition to renewable energy,” 12 March 2023, <https://www.amnesty.org/en/latest/news/2023/03/saudi-arabia-aramcos-profits-the-largest-ever-by-a-company-should-support-funding-a-global-transition-to-renewable-energy>; UN Special Rapporteurs on the promotion and protection of human rights in the context of climate change, on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and on the human rights to safe drinking water and sanitation and the Working Groups on the issue of human rights and transnational corporations and other business enterprises, *Letter to Saudi ARAMCO*, 27 June 2023, UN Ref.: AL OTH 88/2023, page 6.

⁸² See UNEP, *Adaptation Gap Report 2022*, <https://www.unep.org/resources/adaptation-gap-report-2022>

and additional climate finance to developing countries in need of assistance for human rights-consistent mitigation and adaptation measures, aiming to ensure a balance between funding for mitigation and adaptation, and explore alternative sources for urgently needed public grant funding for adaptation and to address loss and damage, including international taxes and levies based on the polluter-pays principle. Any such proposals should reduce inequalities rather than deepen them, for example by putting the burden primarily on fossil fuel corporations by increasing taxation on their profits.

Failing to Improve Climate Finance by Making it More Fair, Equitable and Participatory

A significant increase in the amount of climate finance being offered to developing countries in need of assistance is a key part of a just energy transition, but, as with water, it is not only the amount of climate finance that matters, but also how climate funds are managed, distributed and used.

A human rights approach would require that climate finance be distributed more fairly and equitably to developing countries, including by ensuring that climate finance does not force these countries into fiscally unsustainable debt levels.⁸³ Many developing countries are already facing unsustainable indebtedness and have put in place austerity policies that undermine rights. While the least responsible for the climate crisis, many are also contending with soaring climate impacts.⁸⁴ Yet, the vast majority of climate finance currently being provided is in the form of loans, which increases debt, rather than grants. The vast majority of these loans are being offered expecting market-rate returns, rather than offered on more generous terms, for example with lower interest rates (concessional loans).⁸⁵

These global trends are on display in MENA. The climate finance that made it to MENA in the last decade was skewed toward loans rather than grants, and loans were increasingly being offered at market-based rather than concessional rates. In 2019, for example, 75% of public climate finance to MENA was non-concessional, according to UNESCWA.⁸⁶ For some countries, for example, Tunisia, whose government has been imposing daily cuts on tap water, additional loans could deepen existing debt crises and hamper the ability of governments to invest in protecting their residents' social and economic rights, including taking the steps necessary to ensure that people have adequate water now and in the future.

At COP28, Amnesty is calling on all governments with the capacity to do so, including “developed” countries, high-emitting G20 states and high-income fossil fuel producing states, like the UAE, to provide climate finance to developing countries based on need, primarily in the form of grants, not loans, and to follow a human-rights based approach in the decision-making, disbursement and monitoring of funds. The UAE, as well as other high-income fossil fuel producing states, has provided climate-related financial support to other countries, including in MENA for water-related projects, but, while some of this funding has been grants, much has followed the global trend of providing climate-related financial support through debt-creating instruments.⁸⁷ It is worth reiterating that while climate finance is urgently needed, it must be paired with a rapid phase out of fossil fuels to prevent the most catastrophic harms of the climate crisis.

In November 2023, the UN Special Rapporteur on human rights and the environment noted that while there has been “a flurry of high-level events discussing climate finance, debt relief and the need to reform the global financial architecture.... Human rights, somewhat shockingly, have been largely ignored in almost all of these discussions.”⁸⁸ He called for a human

⁸³ Many states and international organizations now recognize the need to reform the international financial system to ensure it is better able to provide effective solutions to developing countries that are vulnerable to the cumulative impact of ongoing global shocks, including climate impacts, debt and economic crises, and conflict. Such a reform is necessary to meet states' international obligations to provide international cooperation and assistance to ensure the progressive realization of economic, social and cultural rights. See Amnesty International, *Recommendations to parties to UNFCCC* (previously cited).

⁸⁴ Amnesty International, *Multiple Crises, Fiscal Systems and Human Rights: Submission to the Independent Expert on Foreign Debt, Other International Financial Obligations and Human Rights*, 9 May 2023 (Index: IOR 40/6756/2023), <https://www.amnesty.org/en/documents/ior40/6756/2023/en>

⁸⁵ See Climate Policy Initiative, *Global Landscape of Climate Finance* (previously cited); OECD, *Aggregate Trends of Climate Finance Provided and Mobilised by Developed Countries in 2013-2020*, 2022, <https://read.oecd.org/10.1787/d28f963c-en?format=pdf>; Oxfam, *Climate Finance Short-Changed*, October 2022, <https://www.oxfam.org/en/press-releases/true-value-climate-finance-third-what-developed-countries-report-oxfam>

⁸⁶ UNESCWA, *Climate finance needs and flows in the Arab region* (previously cited), p. 4.

⁸⁷ See, for example, Forbes, “As Africa Renewable Energy Finance Gap Widens, UAE Steps In With Major Investments,” (previously cited); UNESCWA, *Climate finance for water in the Arab region*, 2023, p. 7.

⁸⁸ UN Special Rapporteur on human rights and the environment (UNSR on the environment), *Mobilizing Trillions for the Global South: The Imperative of Human Rights-based Climate Finance*, November 2023,

rights-based approach to climate finance, which would require, amongst other things, the inclusive, equitable, and effective participation of directly affected communities, ensuring that access to funds is streamlined, equitable, and directly available for rights-holders, and providing processes and mechanisms for ensuring accountability.⁸⁹ He said “the dismal failure to acknowledge and apply a human rights-based approach to climate finance makes it much more likely that the needed flood of funding will remain a trickle, and vulnerably situated people will continue to be left behind.”⁹⁰

To ensure climate finance serves the purpose of protecting and advancing people’s basic rights, including the right to water, based on need and without discrimination, climate finance flows must be transparent, climate finance decision-making must be based on human rights principles, and there must be effective, accessible and independent redress mechanisms. Governments should conduct human rights-based, inclusive and participatory needs assessments that consider the predicted, adverse effect of climate change on the enjoyment of human rights, such as the right to water, as well as the rights to life, health, food, a clean, healthy and sustainable environment, adequate housing, education, work, culture, and self-determination. These needs assessments should inform national and sectoral policy, planning and budgeting and inform which activities are funded at the regional, national and local levels to advance human rights in the context of the climate crisis.

In addition to improving climate finance through a human rights-based approach, Amnesty is calling for states to ensure human rights principles are at the core of the new Loss and Damage Fund, that the fund provides comprehensive, fast and effective remedy and redress for all harms caused by climate change to affected communities in developing countries, who are often already marginalized, and for historical emitters of greenhouse gases to make the largest financial contributions to the fund, with additional funding based on the polluter pays principle.⁹¹

URGENT CALLS TO ACTION

At COP28, all states should:

- Commit to a full, fast, fair and funded fossil fuel phase out, including phasing out all fossil fuel use, production and subsidies—“developed” countries and others in a position to do so should move first and fastest and provide support to others to achieve a managed, equitable and human rights-consistent phase out.
- Protect civic space at this and future UNFCCC meetings, including by pressing for meaningful improvements in the human rights situation in the UAE.
- Press for the inclusion of human rights principles and provisions in decisions regarding loss and damage.

At COP28, all “developed” states should:

- Make up for earlier gaps by presenting a roadmap to the delivery of not just 100 billion USD, but also the cumulative amount of 600 billion USD pledged over the period 2020-2025.

At COP28, all states with the necessary resources, including “developed” states, other G20 members and high-income fossil-fuel producing states, should:

- Present a clear plan to achieve and far surpass the goal to at least double adaptation finance from 2019 levels by 2025 and commit new and additional climate finance to developing countries in need of assistance for human rights-consistent mitigation and adaptation measures, primarily in the form of grants, not loans.
- Ensure sufficient funding is provided for adaptation, including to address increased water scarcity and drought.
- Put forward ambitious pledges for the Loss and Damage Fund.

As soon as possible, all MENA governments should:

- Conduct a participatory and transparent process to adopt or revise national water strategies and action plans and ensure that disadvantaged and marginalized groups who will be disproportionately harmed by the climate crisis,

<https://www.ohchr.org/sites/default/files/documents/issues/environment/srenvironment/activities/SR-Environment-PolicyBrief-5.pdf>, p. 10.

⁸⁹ UNSR on the environment, *Mobilizing Trillions for the Global South* (previously cited) p. 9-10.

⁹⁰ UNSR on the environment, *Mobilizing Trillions for the Global South* (previously cited) p. 9-10.

⁹¹ See Amnesty International, “Global: A human rights-focused Loss and Damage Fund for climate change is vital to alleviate suffering,” 1 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/negotiations-on-how-to-finance-and-manage-an-international-loss-and-damage-fund-are-on-the-brink-of-failure-before-the-cop28-climate-summit-begins-later-this-month>

including rural communities, subsistence farmers, fisherfolk and migrant workers, can meaningfully participate in planning, proposals, and monitoring.

- Assess where discrimination exists in fulfillment of the right to water and remedy it, continue to monitor whether the right to water is being realized and for whom, and ensure adequate safeguards and accountability processes are in place, accessible and effective.