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CLIMATE GOVERNANCE AND WATER CONFLICTS IN MENA COUNTRIES: THE EUROPEAN DIMENSION OF COOPERATION

Abstract. The article provides a legal analysis of climate governance in the countries of the Middle East and North Africa (MENA), which combine high climate vulnerability with limited institutional and regulatory capacity. The relevance of the topic is due to the aggravation of water conflicts in the region, the growth of climate risks and the need to adapt climate governance systems to the requirements of the Paris Agreement and the Sustainable Development Goals. low level of adoption of environmentally friendly technologies, unstable legal design of environmental, social and governance (ESG) standards, and weak coordination between sectoral policies. Special attention is paid to the European vector of cooperation as a source of institutional, financial and legal support for MENA countries in the implementation of climate commitments. In particular, the EU initiatives within the framework of the Green Deal, the development of the EU-MENA regional partnership, the spread of national climate and energy strategies (NECPs), as well as the introduction of market and non-market mechanisms for reducing emissions were considered. The purpose of the study is to identify regulatory barriers in the climate policy of the MENA countries and formulate recommendations to ensure effective legal governance of climate and water risks in the region. As a result, it was found that only a combination of international support, codification of domestic commitments, ESG integration, and institutional capacity building can ensure the sustainability of climate transformation. The conclusions substantiate the need for interagency coordination, transparency of reporting, regional dialogue on water resources and regulatory harmonization with EU law as prerequisites for achieving climate justice.

Keywords: International law; climate change; Paris Agreement; MENA; water conflicts; ESG standards.

The Middle East and North Africa (MENA) region is characterized by high climate vulnerability, water scarcity and fragile institutional capacity. The combination of extreme climate events, land degradation, conflicts over access to water and limited regulatory frameworks makes it impossible to properly implement climate policies in most countries in the region. The European vector of cooperation, which provides institutional and regulatory support to MENA countries within the framework of EU initiatives, plays an increasingly important role in shaping a common climate policy in the Euro-Mediterranean area.

Among the key sources for the analysis of climate legislation and policies of the MENA countries, it is necessary to single out the statistics of the International Energy Agency (IEA, 2024) on changes in CO_2 emissions in Europe and Africa, official documents UNFCCC (2015), which define the mechanisms for the implementation of the Paris Agreement[1] (in particular, in the field of financing, technology transfer and support for adaptive capacity), as well as analytical reports by PwC (PricewaterhouseCoopers, 2023)[2], the World Bank (2022)[3] and Gulf Business (2023), evaluating the transparency of environmental, social and governance (ESG) disclosures, the robustness of the regulatory environment, and the institutional readiness of countries in the region for effective climate governance.

Some researchers highlight the structural fragmentation of climate strategies in the MENA region, as well as the limited effectiveness of domestic law in ensuring environmental and social sustainability (Olawuyi, 2022)[4]. Feruglio and Tang (2024)[5] focus on water conflicts in the Nile, Jordan and Levant basins as a critical factor in the destabilization of regional climate policy. In this context, notable contributions include Clarke (1991)[6], Yihdego et al. (2016)[7], Swain (2011)[8], Gleick (1993)[9], and Gebresenbet & Wondemagegnchew (2021)[10], who examine political tensions surrounding the Grand Ethiopian Renaissance Dam (GERD) project, disparities in water access, and the international legal dimensions of cooperation in the Nile Basin. Salem et al. (2021)[11], Selby (2021)[12], Al-Haq (2021)[13], Sarsak &

1 Paris Agreement <https://unfccc.int/sites/default/files/english_paris_agreement.pdf> (accessed 27.07.2025).

2 Moving from start-up to scale-up on ESG: The 2023 Middle East report (PwC, 2023) <https://www.pwc.com/m1/en/esg/documents/esg-survey-2023.pdf> (accessed 27.07.2025).

3 *Beyond Scarcity: Water Security in the Middle East and North Africa. MENA Development Report* (World Bank 2018) <http://hdl.handle.net/10986/27659> (accessed 27.07.2025); Verner Dorte (ed), *Adaptation to a Changing Climate in the Arab Countries : A Case for Adaptation Governance and Leadership in Building Climate Resilience. MENA development report* (World Bank 2022) <http://hdl.handle.net/10986/12216> (accessed 27.07.2025).

4 D Olawuyi (ed), *Climate Change Law and Policy in the Middle East and North Africa Region* (Routledge 2022).

5 A Feruglio, A Tang, 'Embracing complexity: Water and climate policy in the Middle East and North Africa', O Quirico, W Baber (eds), *Implementing climate change policy: Designing and Deploying Net Zero Carbon Governance* (Cambridge University Press 2024) 130–146.

6 R Clarke, *Water: The international crisis* (Earthscan 1991).

7 H S Salem, Z Yihdego, H H Muhammed, 'The status of freshwater and reused treated wastewater for agricultural irrigation in the Occupied Palestinian Territories' [2021] 19(1) Journal of Water and Health 120–158.

8 A Swain, 'Challenges for water sharing in the Nile basin: changing geo-politics and changing climate' [2011] 56(4) Hydrological Sciences Journal 687–702 https://doi.org/10.1080/02626667.2011.577037

9 P Gleick, 'Water and conflict: Fresh water resources and international security' [1993] 18(1) International Security 79–112.

10 F Gebresenbet, D Y Wondemagegnehu, 'New Dimensions in the Grand Ethiopian Renaissance Dam Negotiations: Ontological Security in Egypt and Ethiopia' [2021] 14(1) African Security 80–106 https://doi.org/10.1080/19392206.2021.1905921

11 Salem, Yihdego, Muhammed (n 7) 120–158.

12 J Selby, 'Dressing up domination as 'cooperation': the case of Israeli-Palestinian water relations' [2003] 29(1) Review of International Studies 121–138 doi:10.1017/S026021050300007X

13 Climate Oppression: A Major Tool to Establish and Maintain Israel's Apartheid Regime over the Palestinian People and Their Lands: Submission to the Office of the High Commissioner for Human Rights (OHCHR)

Almasri (2014)[14] underscored the complex hydropolitical dynamics in the Jordan River basin and the persistent water inequality between Israel and Palestine.

Special attention is drawn to the study by Medvedieva and Matiushyna (2024)[15], which reveals a legal gap in the field of taking into account climate losses caused by armed conflicts, which is of particular relevance for the MENA region given military threats and environmental vulnerability.

The *article is aimed* at identifying legal gaps and barriers in the implementation of climate and water policy in the MENA countries, taking into account current geopolitical and environmental challenges. Particular attention is paid to the analysis of the potential of the European vector of cooperation for the development of regulatory harmonization, the implementation of ESG standards, the transfer of environmentally sustainable technologies and the provision of financial support for climate mitigation and adaptation measures.

The 1992 United Nations Framework Convention on Climate Change (UNFCCC) laid down the normative framework for international cooperation in the transfer of environmentally sound technologies, recognizing that 'the accelerated development, deployment and diffusion of environmentally sound technologies' is necessary for the effective reduction of greenhouse gas emissions (UNFCCC, 1992, Articles 4.1, 4.3, 4.5, 4.7–4.9). According to Article 4.5, developed states are obliged to 'take all possible measures to promote facilitating and financing, as appropriate, the transfer of or access to environmentally sound technologies and know-how' to other parties, especially developing countries, and 'to support the development and strengthening of domestic capacities and technologies' of such countries[16]. As part of the implementation of these provisions, the Technology Mechanism was established, consisting of a Technology Executive Committee (TEC) and a Climate Technology Center and Network (CTCN), which provide recipient countries with both analytical and political support in the field of technological development.

The importance of these tools is especially relevant for African countries, which are both vulnerable to climate change and significantly limited in access to modern technologies. In this context, the international mechanisms envisaged by the UNFCCC act as a key source of external support for the formation of the technological capacity of African countries in the areas of adaptation, energy, water management and sustainable land use.

Pursuant to Human Rights Council Resolution 47/24 "Human Rights and Climate Change" (November 2021, Al-Haq) <https://www.ohchr.org/sites/default/files/2022-03/al-haq.pdf> (accessed 27.02.2025).

14 R Sarsak, M N Almasri, 'Health of Palestinians, water and coastal aquifer in Gaza – Authors' reply' [2014] 383(9924) Lancet 1207–1208 doi: 10.1016/S0140-6736(14)60600-0.

15 M Medvedieva, O Matiushyna, 'The European Emissions Trading Schemes (EU ETS): Some Legal Perspectives of Market-Based Mechanisms' [2024] 158(1) Actual Problems of International Relations 43–51 https://doi.org/10.17721/apmv.2024.158.1.43-51

16 United Nations Framework Convention on Climate Change (UNFCCC), adopted at the United Nations Headquarters, New York on the 9 May 1992 <https://unfccc.int/sites/default/files/convention_text_with_annexes_english_for_posting.pdf> (accessed 27.07.2025).

The provisions of the Convention were supplemented by the Kyoto Protocol[17], which in Articles 2 and 10 (c) directly obliges developed countries to promote the development, implementation and financing of environmentally sound technologies for developing countries, as well as to create favorable conditions for the participation of the private sector in this process. Although the Protocol is legally binding, the nature of its language – such as "facilitate", "effort" or "assist" – does not imply explicit obligations, which is why these provisions are classified as soft law. The effectiveness of their implementation depends on the national legal context and the political will of the parties. At the same time, these norms became the basis for the launch of the first international mechanisms of technological cooperation with the countries of the Global South, in particular African countries[18].

Subsequently, it became obvious that the commitments to reduce greenhouse gas emissions under the Kyoto Protocol were actually implemented mainly by those countries that historically bear the main responsibility for global emissions. On the other hand, developing countries, including most African countries, did not have quantitative emission reduction commitments under the first period of the Protocol (2008–2012). This imbalance of commitments in favor of the countries of the Global South has caused political tension in the international climate process, as evidenced by the graph below, which reflects opposite trends in changes in CO_2 emissions in Europe and Africa between 1990 and 2021 (Image 1).

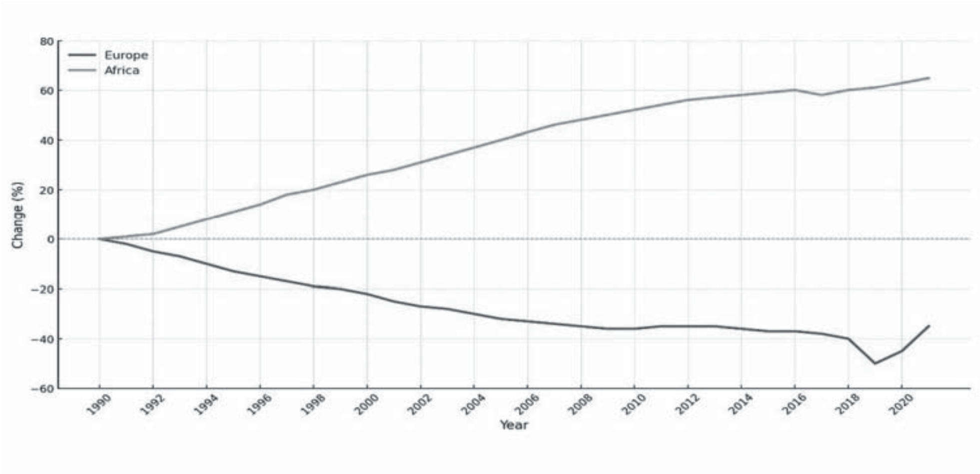

Image 1. The historical nature of changes in CO_2 emissions by the countries of Europe and Africa during 1900–2020
(Statistical data of the International Energy Agency processed by the author. IEA), 2024))

[17] Kyoto Protocol to the United Nations Framework Convention on Climate Change <https://unfccc.int/sites/default/files/resource/docs/cop3/l07a01.pdf> (accessed 27.07.2025).

[18] F dos Santos, *Innovation in Africa: Levelling the playing field to promote technology transfer* (Oxford University Press 2024) 99–100.

The European Union has consistently advocated institutionalized support for the Global South, in particular Africa, through financing mechanisms, technology transfer and adaptation capacity-building.

The year 2015 was a key milestone in the development of global climate policy, combining two fundamental international documents – the Paris Agreement and the 2030 Agenda for Sustainable Development[19] – into a single strategic framework for environmental transformation at the global level. Of particular importance in this context was Sustainable Development Goal 13 "Combating climate change", which formulated the direction for global efforts in the field of climate policy. Its implementation is closely linked to other Sustainable Development Goals (SDGs), such as: SDG 6 (clean water and sanitation), SDG 7 (affordable and clean energy), SDG 9 (industry, innovation and infrastructure), SDG 11 (sustainable urban and community development), SDG 12 (sustainable consumption and production), SDG 14 (conservation of marine ecosystems), SDG 15 (conservation of terrestrial ecosystems) and SDG 17 (global partnership). These interlinked goals have become the basis for the sectoral transformation of the European Union's climate policy, consolidating the integration of environmental and socio-economic priorities.

During the 21st Conference of the Parties to the UNFCCC (COP21) in 2015, the Parties to the Paris Agreement recognized the necessity of establishing a new collective quantified financial goal to support developing countries in their climate mitigation and adaptation efforts aimed at supporting the climate actions of developing countries. According to Decision 1/CP.21, 'a new collective quantitative financing target, starting at a level of at least USD 100 billion per year, should be defined by 2025' in the context of significant efforts to reduce emissions and ensure transparency in the implementation of commitments (UNFCCC, 2015, para. 53)[20]. The establishment of a new financial target aims to guarantee stable access of countries in the Global South to financial resources, taking into account their special needs, development priorities and institutional capacity. This instrument is seen as a key mechanism for achieving climate justice on a global scale.

In this context, the countries of the African continent and the MENA region receive special attention, which at the same time demonstrate increased vulnerability to climate risks and significant potential in the areas of renewable energy development, rational land use and decarbonization of infrastructure. These regions are priority recipients of international climate finance, technology transfer, and institutional support through global partnerships.

Unlike the Kyoto Protocol, which laid down general commitments for the transfer of environmentally sound technologies, the Paris Agreement details

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[19] Transforming our world: the 2030 Agenda for Sustainable Development: Resolution 70/1 adopted by the General Assembly on 25 September 2015 <https://docs.un.org/en/A/RES/70/1> (accessed 27.07.2025).

[20] Adoption of the Paris Agreement: Decision 1/CP.21, adopted by the Conference of the Parties United Nations Framework Convention on Climate Change <https://unfccc.int/resource/docs/2015/cop21/eng/10a01.pdf> (accessed 27.07.2025).

these provisions in Article 10, enshrined not only the obligation to promote the financing and transfer of technology, but also support the development of domestic innovation capacities in developing countries. To fulfil these commitments, the agreement establishes the Technology Mechanism, composed of the Technology Executive Committee (TEC) and the Climate Technology Centre and Network (CTCN), which provide both coordination and political support in the field of access to climate technologies (UNFCCC, 2015, Art. 10).

Since 2015, the European Union has significantly strengthened its climate engagement with MENA countries, supporting them in implementing the Paris Agreement and the Sustainable Development Goals (SDGs), primarily through institutional partnerships, financial assistance and technology transfer. Central to this cooperation is the EU initiative "Green Agenda" for the Eastern and Southern Neighbourhood, which adapts European climate approaches to the needs of neighboring regions. Particular attention is paid to institutional strengthening, in particular supporting the development of national climate and energy strategies (NECPs), the development of greenhouse gas emission monitoring systems, the creation of market mechanisms (such as ETS), as well as intergovernmental dialogue within the framework of EU-MENA Climate Dialogues. In this way, the EU implements a structural approach to climate support for MENA countries, combining funding, technical assistance and political integration within the framework of a broader European external climate policy.

The fragmentation of the regulatory framework remains a systemic problem for most MENA countries in the field of climate governance. While countries such as Morocco and Jordan demonstrate relative strategic integrity through the availability of frameworks and long-term climate strategies, the overall situation in the region is characterized by the absence of uniform climate laws or their limited legal implementation. Morocco is the leader in terms of legislative integration of climate issues: the 2011 Constitution guarantees environmental rights, and the Framework Law No. 99-12[21] and relevant laws on Renewable Energy Sources (RES) and energy efficiency enshrine relevant policies at the level of law. On the other hand, Tunisia, despite the constitutional recognition of environmental guarantees (Article 45), still does not have a special climate law, and the current regulation is limited to the law on energy efficiency and strategic documents that do not have regulatory force. In Egypt, the legislative framework is defined by the outdated Law No. 4/1994 on environmental protection[22], supplemented by separate sectoral laws, but without a comprehensive climate framework. Lebanon, like Egypt, has only a basic environmental law No. 444/2002[23] and ratified international agreements, but the fragmentation of regulation is compensated by an active sectoral policy.

[21] Framework Law 99-12 on the National Charter for the Environment and Sustainable Development <https://climate-laws.org/document/framework-law-99-12-on-the-national-charter-for-the-environment-and-sustainable-development_cfe7> (accessed 27.07.2025).

[22] Law Number 4 of 1994 Promulgating the Environment Law <https://www.gafi.gov.eg/English/StartaBusiness/Laws-and-Regulations/PublishingImages/Pages/BusinessLaws/enviromental.pdf> (accessed 27.07.2025).

[23] Law No. 444 of 2002 on Environmental Protection <https://ampeid.org/documents/lebanon/law-no-444-of-2002-on-environmental-protection> (accessed 27.07.2025).

Jordan is working on a full-fledged climate law within the Long-Term Strategy (LTS) by 2050, already having a certain regulatory framework (Law No. 52/2006, Resolution No. 79/2019)[24], but the formalization of climate commitments at the level of the law has not yet been completed. Israel, despite significant progress in creating mechanisms for the implementation of climate policy (monitoring, reporting, and verification (MRV), annual reporting, risk assessment), is only at the stage of completing work on the climate law. At the same time, Palestine, although it does not have a specific climate law, actively uses strategic planning through Nationally Determined Contributions (NDC), Palestinian Adaptation Program of Action (PAPA) and adaptation strategies, and its Environment Law No. 7/1999[25] performs a basic regulatory function.

Thus, the problem of fragmentation of the regulatory framework in most MENA countries leads to insufficient legal certainty of climate commitments, which complicates the attraction of funding, the implementation of strategies and interagency coordination. Only a comprehensive codification of climate policy can ensure the stability and predictability of the legal regime in the long term. In general, further improvement requires not only regulatory updates, but also increased transparency in funding, localization of strategies, and stimulation of the private sector. At the same time, in the MENA region, effective regulatory management of environmental, social and governance (ESG) risks remains a significant challenge. The ESG concept covers three main components: environmental protection (E), compliance with social standards and human rights (S), and good governance and accountability (G). In the context of investments in natural resources, the implementation of ESG requirements requires not only general legal support, but also effective institutional coordination. Despite the adoption of certain regulations aimed at reducing the carbon footprint, most MENA countries demonstrate a fragmented approach to the implementation of ESG principles in legislation. The lack of interagency coordination – for example, between the Ministries of Energy, Environment, Finance, and Home Affairs – often makes it impossible to have a comprehensive regulatory approach to the implementation of net-zero emissions and other climate commitments[26]. ESG risks in the natural resources sector, in particular in the oil and gas and mining sectors, have significant legal implications. On the one hand, many MENA countries have ratified international agreements on environmental protection (in particular, the Paris Agreement), on the other hand, domestic legislation often does not contain mandatory reporting requirements, due diligence, or sanctions for violating ESG standards. Separately, it is worth noting the problem of regulatory and technical support for monitoring ESG risks. A study by PwC (2023) indicates that only a small part of financial institutions in the region has procedures for identifying and responding to ESG risks. The lack of transparency standards and mandatory reporting undermines trust in government and corporate

[24] Law No. 52 of 2006 on Protection of the Environment <https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=98208> (accessed 27.07.2025).
[25] Law no 7/1999 on the environment <https://climate-laws.org/document/law-no-7-1999-on-the-environment_d41b> (accessed 27.07.2025).
[26] Olawuyi (n 4).

strategies. Thus, ESG regulation in the region requires not only formal enshrinement in laws, but also real institutional support in the form of mandatory risk assessment procedures, supervision and accountability for non-compliance. Legal mechanisms that ensure effective implementation of ESG requirements – such as independent oversight, integration of ESG standards into public procurement procedures, the establishment of independent control bodies, and public access to information – remain critically necessary to mitigate legal risks and ensure climate justice in the region.

The MENA region is particularly vulnerable to climate change due to heightened precipitation variability and escalating aridity, compounded by institutional fragmentation and ideological divides that hinder effective climate cooperation[27]. Environmental degradation has exacerbated cross-border tensions over water management in the MENA region, where growing climate uncertainty increases competition, costs, and encourages states to take unilateral action, often to the detriment of neighbors. Excessive water use leads to ecosystem degradation, negatively impacting food security, rural communities, and states' political priorities[28]. Effective water management is a cornerstone of climate adaptation in the MENA region, yet it remains constrained by transboundary disputes, political fragmentation, and mounting climate-related pressures. In the Nile Basin, regional cooperation is undermined by persistent tensions over water allocation, particularly surrounding the construction and filling of the Grand Ethiopian Renaissance Dam (GERD). Similarly, in the Eastern Mediterranean, the longstanding Israeli-Palestinian conflict – further exacerbated by the escalation of violence in the Gaza Strip in 2023 – continues to obstruct coordinated approaches to water governance[29]. At the same time, the Paris Agreement does not contain provisions on the responsibility of states for greenhouse gas emissions caused by military actions, despite their significant contribution to the climate crisis[30].

The Nile River basin remains one of the key water and political nodes in the MENA region. Particularly vulnerable is the Nile Delta, which the IPCC classifies as one of the world's most vulnerable areas to sea-level rise[31]. In response to the growing water shortage, countries in the region are implementing mostly unilateral infrastructure projects that exacerbate tensions. Ethiopia is building dams on the Blue Nile, drawing resistance from Egypt and Sudan[32]. Israel is actively implementing desalination and water reuse, while Palestine faces chronic shortages due to limited access and hostilities, which have especially escalated in 2023[33]. Jordan is actively implementing the Red Sea–Dead Sea interconnection initiative as a cross-border water solution, whereas Morocco is focusing on enhancing its water

27 Feruglio, Tang (n 5) 130.
28 Ibid. 130.
29 Ibid. 130–131.
30 Medvedieva, Matiushyna (n 15) 43–51.
31 H Elshirbiny, W Abrahamse, 'Public risk perception of climate change in Egypt: a mixed methods study of predictors and implications' [2020] 10(3) Journal of Environmental Studies and Sciences 242–254.
32 O Chen, A Abdelhalim, Y Liu, M Rico-Ramirez, D Han, 'Climate Change Adaptations for Food Security in Vulnerable Areas of the Egyptian Nile – For Tackling the Overlooked Nexus Hazards of Hydrological Extremes and Waste Pollutions' [2021] 13(4) Water 412 https://doi.org/10.3390/w13040412.
33 Climate oppression (n 13).

security through the development of dam systems and expansion of desalination capacities[34]. Despite common challenges, regional cooperation remains limited due to political conflicts and rivalries for resources.

Egypt's historical dominance over the Nile Basin, consolidated through Soviet-backed construction of the Aswan High Dam, prompted the withdrawal of World Bank funding amid Western concerns over expanding Soviet influence[35]. In the post-Cold War period, growing water scarcity and population scarcity in other basin countries caused a wave of unilateral projects, which exacerbated regional tensions[36]. To mitigate conflicts, the Nile Basin Management Initiative (NBI) was established in 1999, however, it is still heavily dependent on external donors[37]. In 2010, Ethiopia proposed the Cooperative Framework Agreement (CFA) as an attempt to revise existing water arrangements[38].

Construction of the Great Ethiopian Renaissance Dam (GERD) on the Blue Nile, despite recognized benefits for Sudan in terms of flood mitigation and access to electricity[39], subsequently contributed to a closer alignment between Sudan and Egypt in their stance against Ethiopia[40]. Ethiopia sought to overhaul the established regional hierarchy traditionally controlled by Egypt[41], but the uneven provision of technical information in the negotiations deepened mistrust[42]. In response, Egypt has intensified cooperation with South Sudan through military exercises and infrastructure initiatives aimed at containing Ethiopian influence[43].

The principle of "do no harm" to other states of the Nile Basin, enshrined in the Declaration of Principles, reflects the norms of international water law and the provisions of the UN Convention on Watercourses[44]. Although the agreement provided for the coordination of GERD impact monitoring for 15 months, its

34 World Bank 2022 (n 3).

35 S M A Salman, 'The Grand Ethiopian Renaissance Dam: the road to the declaration of principles and the Khartoum document' [2016] 41(4) Water International 512–527 https://doi.org/10.1080/02508060.2016.1170374; Swain (n 8) 687–702.

36 Clarke (n 6); Z Yihdego, A Rieu-Clarke, A E Cascão, 'How has the Grand Ethiopian Renaissance Dam changed the legal, political, economic and scientific dynamics in the Nile Basin?' [2016] 41(4) Water International 503–511 https://doi.org/10.1080/02508060.2016.1209008.

37 Swain (n 8) 687–702.

38 H Nasr, A Neef, 'Ethiopia's Challenge to Egyptian Hegemony in the Nile River Basin: The Case of the Grand Ethiopian Renaissance Dam' [2016] 21(4) Geopolitics 969–989 https://doi.org/10.1080/14650045.2016.1209740.

39 Yihdego, Rieu-Clarke, Cascão (n 36) 503–511; Gleick (n 9) 79–112.

40 Gebresenbet, Wondemagegnehu (n 10) 80–106.

41 R Tawfik, 'Revisiting hydro-hegemony from a benefit-sharing perspective: The case of the grand Ethiopian Renaissance Dam' [2015] 5 Discussion Paper (German Development Institute) <https://www.files.ethz.ch/isn/192861/DP_5.2015.pdf> (accessed 27.07.2025).

42 K Demerew, 'From Red Sea to the Nile: water, power, and politics in Northeast Africa' [2021] 42(12) Third World Quarterly 2883–2901 https://doi.org/10.1080/01436597.2021.1977622; Disabled South Sudanese soldiers stage protest over unpaid salaries (Sudan Tribune 25 March 2014) <https://web.archive.org/web/20220128120759/https://sudantribune.com/article49269> (accessed 27.07.2025).

43 Disabled South Sudanese soldiers stage protest over unpaid salaries (n 42); A Melhem, 'New chapter begins in Israel–Palestine water dispute' (Al-Monitor, June 9, 2017) <https://www.al-monitor.com/originals/2017/06/palestine-israel-joint-water-committee-dispute-meeting.html> (accessed 27.07.2025).

44 S M A Salman, 'Agreement on the Declaration of Principles on the GERD: Levelling the Nile Basin playing field', in Z Yihdego, A Rieu-Clarke, A E Cascão (eds), *The Grand Ethiopian Renaissance Dam and the Nile Basin: Implications for Transboundary Water Cooperation* (Taylor & Francis 2017) 65–80; Yihdego, Rieu-Clarke, Cascão (n 36) 503–511; Convention on the Law of the Non-navigational Uses of International Watercourses (New York, 1997) <https://unece.org/environment-policy/water/un-watercourses-convention> (accessed 27.07.2025).

implementation failed[45]. Weak institutions and unequal distribution of water deepen environmental risks and undermine food security, making it impossible to implement collective climate solutions. GERD is an example of an innovative project, but its effectiveness is offset by political instability in the region and the lack of real cooperation.

The Levant region faces complex climatic challenges, including water scarcity, desertification, and groundwater salinization[46]. Against the backdrop of a protracted conflict, the Israeli-Palestinian climate regime is characterized by a systemic violation of international law, in particular through the policy of "climate apartheid" – the restriction of water supply and the degradation of Palestinian lands[47]. Israel, while controlling the Jordan River basin, has exercised almost complete control over water resources since 1967[48].

Israel approves only a fraction of Palestinian water projects, while most permits in Area C, which covers 60 % of the West Bank, are systematically rejected, which blocks the development of Palestine's water infrastructure and reduces its ability to adapt to climate risks[49]. The approval of Palestinian initiatives is often made conditional on the approval of Israeli projects, which led to Palestine's withdrawal from the Joint Water Committee in 2010–2017[50]. At the same time, the state-owned Israeli company Mekorot actively carries out water withdrawals, depleting water sources – in particular, the Wadi Auja spring – and diverting water to Israeli settlements, which threatens the climatic stability of the region[51]. Such actions, which are presented as adaptation measures, actually deepen water vulnerability, inequality, and underdeveloped infrastructure in Palestinian communities[52]. Despite the provisions on the limitation of sovereignty in the field of water use, the 1997 UN Convention on Watercourses proved to be ineffective due to the vagueness of the terms and the lack of clear implementation mechanisms[53]. As researchers Alexandria Ferullo and Aaron Tang emphasize, the lack of clear criteria, deadlines for implementation, and mechanisms of responsibility in international water law contributes to the dominance of political interests and sovereignty over the rule of law, which in the MENA region institutionalizes inequalities in the field of climate governance[54].

45 Salman (n 35) 512–527.
46 M Mason, M Zeitoun, R El Sheikh, 'Conflict and social vulnerability to climate change: Lessons from Gaza' [2011] 3(4) Climate and Development 285–297 https://doi.org/10.1080/17565529.2011.618386.
47 Climate oppression (n 13).
48 Salem, Yihdego, Muhammed (n 7) 120–158.
49 Selby (n 12); A Abu-Baker, 'Water-deprived' [2017] 25 Sur – International Journal on Human Rights 37–55; A Butmeh, 'Palestine is a climate justice issue' (Al Jazeera 28 Nov 2019) <https://www.aljazeera.com/opinions/2019/11/28/palestine-is-a-climate-justice-issue> (accessed 27.07.2025).
50 Melhem (n 43).
51 Sarsak, Almasri (n 14) 1207–1208; Butmeh (n 49); M Najib, 'Palestine runs dry: "Our water they steal and sell to us"' (Al Jazeera 15 Jul 2021) <https://www.aljazeera.com/news/2021/1/15/water-war-palestinians-demand-more-water-access-from-israel> (accessed 27.07.2025).
52 Selby (n 12).
53 J Gupta, 'The Watercourses Convention, Hydro-hegemony and Transboundary Water Issues' [2016] 51(3) The International Spectator 118–131 https://doi.org/10.1080/03932729.2016.1198558.
54 Feruglio, Tang (n 5) 143.

Conclusion. A comprehensive analysis of international and regional legal mechanisms in the field of climate governance has shown the critical need of MENA countries to modernize the regulatory framework, especially regarding water management, compliance with climate commitments and the implementation of ESG principles. The increasing exposure to climate change impacts, transboundary water disputes, and normative ambiguity underscores the need for an integrated and coherent legal framework to support sustainable water governance.

The Paris Agreement and the UNFCCC mechanisms play a key role in shaping the global agenda, but their implementation in MENA countries is complicated by fragmentation of legislation, weak institutional coordination, and low transparency of climate reporting. EU initiatives – in particular the Green Agenda for Neighborhood – open up opportunities for structural integration and regulatory support, including technology transfer, the development of NECPs, and the creation of national market mechanisms.

The lack of international legal norms on compensation for greenhouse gas emissions caused by hostilities requires special attention. This aspect has become especially relevant in the context of Russia's war against Ukraine and needs to be integrated into future climate agreements. Similarly, the struggle for water, in particular the change of river beds, serves as a trigger for interstate conflicts not only in MENA (Nile, Jordan), but also, for example, in South Asia – between India and Pakistan over the Indus River. This emphasizes the need to develop universal legal mechanisms for climate and water responsibility of states.

Thus, the watersheds of climate law in the MENA region should become not only a subject of legal regulation, but also a political priority for interregional cooperation. The European approach to integrated environmental and water policies can serve as a model for the formation of effective and equitable climate governance in vulnerable regions.

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ПРАВОВЕ ВРЯДУВАННЯ КЛІМАТУ ТА ВОДНІ КОНФЛІКТИ В КРАЇНАХ MENA: ЄВРОПЕЙСЬКИЙ ВЕКТОР СПІВПРАЦІ

Анотація. У статті здійснено правовий аналіз кліматичного врядування в країнах Близького Сходу та Північної Африки (MENA), які поєднують високу кліматичну вразливість із обмеженою інституційною та нормативною спроможністю. Актуальність теми зумовлена загостренням водних конфліктів у регіоні, зростанням кліматичних ризиків та необхідністю адаптації кліматичних систем управління до вимог Паризької угоди та Цілей сталого розвитку. У центрі дослідження – проблема фрагментації кліматичного законодавства, низький рівень впровадження екологічно безпечних технологій, нестабільне правове оформлення ESG-стандартів і слабка координація між секторальними політиками. Окрема увага приділена європейському вектору співпраці як джерелу інституційної, фінансової та правової підтримки країн MENA у реалізації кліматичних зобов'язань. Зокрема, розглянуто ініціативи ЄС у межах Зеленої угоди, розвиток регіонального партнерства EU-MENA, поширення NECPs, а також запровадження ринкових і позаринкових механізмів скорочення викидів. Мета дослідження – виявити нормативні бар'єри у кліматичній політиці країн MENA та сформулювати рекомендації для забезпечення ефективного правового врядування кліматичних і водних ризиків у регіоні. У результаті встановлено, що лише поєднання міжнародної підтримки, кодифікації внутрішніх зобов'язань, інтеграції ESG та розбудови інституційної спроможності може забезпечити сталість кліматичної трансформації. У висновках обґрунтовано необхідність міжвідомчої координації, прозорості звітності, регіонального діалогу щодо водних ресурсів і нормативного узгодження з правом ЄС як передумов досягнення кліматичної справедливості.

Ключові слова: міжнародне право; зміна клімату; Паризька угода; MENA; водні конфлікти; стандарти ESG.