

CLIMATE CHANGE LEGISLATION IN

KUWAIT

AN EXCERPT FROM

The 2015 Global Climate Legislation Study **A Review of Climate Change Legislation in 99 Countries**



Michal Nachmany, Sam Fankhauser, Jana Davidová, Nick Kingsmill, Tucker Landesman, Hitomi Roppongi, Philip Schleifer, Joana Setzer, Amelia Sharman, C. Stolle Singleton, Jayaraj Sundaresan and Terry Townshend

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Kuwait

Legislative Process

Kuwait is a constitutional monarchy; it has a parliamentary system of government and the Emir is the constitutional head of the state. The Emir and the Crown Prince are members of the ruling family. The constitution protects the Emir's person as immune and inviolable. Kuwaiti constitution establishes Sharia law as the main source of legislation.

The legislature is unicameral with legislative power vested with the Emir and the National Assembly, which is comprised of 65 members, of whom 50 are democratically elected by naturalized Kuwaitis for four years. Last elections were held in July 2013 and the next ones are due in 2017.

Executive power is vested with the Emir, exercised through the Prime Minister and his Cabinet of Ministers. The Cabinet controls the state institutions, responsible for the general policy of the government and its execution. The Emir has absolute authority over rule with the right to propose, promulgate and ratify laws, appoint the Prime Minister and Cabinet of Ministers and to dissolve the Parliament. The Prime Minister and the Cabinet of Ministers are appointed as ex-officio members. Constitutionally, the number of appointed members should not exceed one-third of the elected members. Elected officials may serve in the cabinet. Judicial powers are vested with the courts, which exercise it in the name of the Emir. The Court of Cassation is the supreme court of appeal in Kuwait.

The National Assembly can initiate legislation, debate government policies and programmes and pass laws. It has also the authority to represent public concerns and question ministers (except the prime minister) and to propose a vote of no confidence in the government. The decisions of the National Assembly are only valid if more than half the members are present.

The constitution prohibits political parties. All laws passed by the National Assembly should have at least two-thirds majority in their first vote (but require only a majority if presented again in the next session) and should be promulgated by the Emir within 30 days (7 days in an emergency) after which it will automatically become a law. The Emir can demand reconsideration of bills within 30 days, but if he does not do so, bills automatically become laws. The Emir can also pass special decrees and laws to be submitted to the Parliament at its first meeting. The Council may discuss and pass them within a maximum period of five to 10 days from the date of submission, however if the parliament rejects such a decree or law then it ceases to have any power.

Approach to Climate Change

Kuwait ratified the UNFCCC in 1995 and the Kyoto protocol in 2005. As a non-Annex I country, Kuwait is not obliged to make any specific emissions reduction commitments, but it is required to submit the National Communication to the UNFCCC on a regular basis.

Kuwait's Environment Public Authority (EPA) is the lead governmental agency and authority for environmental management and climate change-related activities in Kuwait. The EPA is headed by the First Deputy Prime Minister and the Foreign Minister. The EPA is responsible for enforcing environmental laws, overseeing and monitoring projects, initiating programmes, evaluating schemes and promoting education initiatives. The Ministry for Oil

and Conservation of Natural Resources, the Ministry of Fisheries, and the Ministry of Industry rarely engage with climate change related-research, policy and legislation.

The economy is heavily dependent on oil exports, which constituted about 51% of GDP in 2010. Kuwait has the world's fifth largest crude oil reserves and is one of the ten largest global exporters of crude oil products; natural gas reserves are small in comparison and since 2009 Kuwait has been a net importer of gas. Energy-related activities dominated GHG emissions in 1994, with 95.3% of emissions associated with oil and gas operations followed by waste (2.4%) industry (2.1%) and Agriculture (0.2%). Oil and gas production accounted for 16% of the total emissions in 1994; mitigation options proposed included reduction of gas flaring, transmission loss, leakage during storage and carbon capture. Kuwait is a member of the Global Gas Flaring Reduction initiative, a public private partnership initiated by World Bank to reduce GHG emissions and improve energy efficiency. It is reported that through this initiative between 2005 and 2011, Kuwait Oil Company reduced its flaring from 17% to 1.75% of its gas production.

The first National Communication to UNFCCC in 2012 recognises the importance of targeting the energy production and consumption in order to reduce national emissions and recommends several technological measures.

Energy Supply

A World Bank project with the Kuwait Environment Public Authority identified potential short-term activities for the Clean Development Mechanism (CDM) and developed a National Strategy and Action Plan for long term GHG mitigation. The various measures identified included reducing emissions from electricity generation (which accounted for 60% of emissions in 2012) through fuel switching from liquid to natural gas, improving combustion efficiency, development of wind and solar energy production and carbon capture and storage technologies. Currently power is generated from five natural-gas power stations. The Clean Fuels Project and the New Refinery Project produce low sulfur fuels at the Kuwait refineries. There are proposals to promote wind energy, solar thermal, building integrated PV systems, building rating systems and solar power stations but a pathway for implementation is unclear. Kuwait proposes to source 15% of its energy requirements through the use of renewable energy sources by 2030. The Kuwait Institute of Scientific Research is setting up a renewable energy park to produce energy from solar (PV and Thermal) and wind.

Energy Demand

Electricity consumption grew by 6.1% annually between 1994 and 2010. On a per capita basis Kuwait is one of the highest electricity consuming countries in the world and has among the lowest prices - at USD0.007per kWh (only 5% of the actual cost of electricity and unchanged since 1962). Emissions from the residential and commercial buildings accounted for 16% of national GHG emissions in 1994. Mitigation options suggested include building energy codes, promoting green buildings, district cooling systems as well as adopting appliance efficiency standards.

Transport

Transport also accounted for 16% of emissions in 1994 and the proportion continues to rise due to limited public transport options and higher car ownership. The measures proposed include fuel efficiency improvement, use of alternate fuels (CNG), traffic management systems and smart growth land use planning.

LULUCF

The amount of managed tree plantations throughout the country is very low, resulting in less than 0.1% of emissions being sequestered. Kuwait relies heavily on food imports; less than 1% of the land area is considered arable. The hyper-arid climate, water scarcity, poor soils and lack of skills are a major constraint to exploiting arable land.

Adaptation

Average annual temperature in Kuwait between 2010 and 2035 is expected to increase by 1.6° C and average rainfall is expected to decrease by about 2mm/year through to 2035, increasing the possibility of dust storms. Climate change-induced sea level rise could lead to adverse impacts on the heavily-populated coastline. Rising seas in the Arabian Gulf are projected to flood low-lying urban-infrastructure, threaten coastal lagoons and salt marshes, and contribute to the deterioration of groundwater quality. Kuwait is a highly water-stressed country, and relies on desalinated water, brackish ground water and treated wastewater. As of 2011, about half of water supply was provided by desalinated water. Households and agriculture dominate water demand in the highly water stressed country. On a per capita basis, Kuwait has one of the highest water consumption rates in the world.

Clear legislative measures or programs for adaptation are unavailable. However a Coastal Information System (CIS) has been developed to predict wave height and period from wind data for Kuwait's territorial waters.

Kuwait: Legislative portfolio

Name of law	Law No 21/1995 Kuwait Environment Public Authority Further amended: Law No 16/1996
Date	1995
Summary	This is the main environmental law. It established the Kuwait Environment Public Authority and mandated it with jurisdiction and the powers to regulate practices that pollute the environment. KEPA can follow up on or evaluate impact assessment studies of projects, implement the polluter pays principle, promote the optimal use of oil resources, demand consumption reductions and energy saving technology in project design etc. The Law 16/1996 amendment clarified KEPA's role in conservation, protection and liability concepts.

Kuwait: Executive portfolio

Name of Policy	Energy Conservation Code of Practice (R-6)
Date	1983; Amended in 2010 and 2014
Summary	This code sets the minimum requirements for efficient energy use in new and retrofitted buildings through specific standards for insulation, restricting glazing areas, minimum ventilation rate, performance rate of Air Conditioning systems, restricting cooling power demand per unit area. It is estimated that by 2001 Kuwait achieved a power saving of KWD1.5 billion (USD 5.1 billion) from various reductions. The subsequent amendments extended the scope of its application by including buildings across diverse typology and use as well as by proposed progressive and stringent standards in order to reduce the buildings peak load as well as energy consumption requirements.

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