

*Mission permanente de l'Etat du Koweït
auprès de l'Office des Nations Unies
Genève*



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The Permanent Mission of the State of Kuwait to the United Nations Office and other International Organizations in Geneva presents its compliments to the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**, and has the honour to refer to the letter of the Special Rapporteur on the promotion and protection of human rights in the context of Climate Change, dated 27 April 2023.

In the regard, we kindly invite you to refer to the attached responses of the State of Kuwait to the questionnaire annexed to the letter of the Special Rapporteur.

The Permanent Mission of the State of Kuwait to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**, the assurances of its highest consideration.

Geneva, 27 June 2023



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❖ **Enhancing Climate Change legislation:**

1- Can you provide examples of climate change legislation that incorporates human right elements, or a reference to obligations relating to loss and damage?

There are numerous legislations that tackles climate change phenomena on the national level such as the following:

- The adaptation of the principles of the circular carbon economy as a way to mitigate and reduce greenhouse gas emissions.
- Reducing 50% of direct gas emissions in the oil and gas sector by 2040.
- Achieving carbon neutrality for the oil and gas sector by 2050.
- Achieving carbon neutrality for all sectors of Kuwait by 2060.
- Launching and issuing Kuwait's low carbon strategy of 2050 at the end of the year 2023.
- Preparing a strategy for climate change and health.

The above-mentioned legislations benefit and serve human rights, specifically with regards to the atmospheric air quality and the sustainable supply of electricity and water that ensures the quality of living for the residents of the State of Kuwait.

2- In your opinion, how would climate change legislation frame a connection to human right's obligations?

Climate change legislations consist of several sections and segments. It includes principles that recognize human rights, one of its main principles is related to the mitigation of greenhouse gas emissions that ultimately guarantees a safe environment for human beings. In addition to that, the legislations, include regulations concerned with adapting to climate change's harmful impacts. These regulations tackle climate inequalities and the well-being of the natural life.

3- In your opinion, how do you think climate change legislations should engage the principles of loss and damage?

The legislation of adopting to the harmful impacts of climate change leads directly to reducing the harm of losses and damages resulting from climate change. For example, these legislations aim at protecting the coastal strip from sea level rise accordingly this would safeguard the residents living nearby the sea from the risk of floods and prohibit any threats to their lives and properties.

4- Should climate change legislations that incorporate loss and damage be different for major greenhouse gas emitting countries to those that are mostly affected by climate change? What would this difference look like?

Yes, in fact countries that are classified and listed in the convention's Annex I and Annex II and are considered historically responsible for the emissions must accept the financial burdens of the losses and damages of the Developing countries. The reason is that the Developing countries are highly affected by the increased temperatures, decreased rainfall, sea levels rise, extreme weather conditions and lack of food and water resources caused by the Developing countries.

What is happening in terms of the physical and chemical changes in the atmosphere and the climactic disasters that some Developing countries suffer from is merely a result of carbon emissions resulting from the industrial revolution. Therefore, developing countries should not yield to the consequences of what is currently happening.

❖ **Supporting climate change legislation:**

1- How can human rights principles be incorporated into climate change litigation?

In general, human rights principles such as the right to live, development, health, food and other rights are highly considered in climate change legislations.

2- Are there any obstacles in forcing a link between human rights and climate change litigation?

No, there are not any obstacles in forcing a link between human rights and climate change legislations.

3- In your opinion, what are the major difficulties to initiating climate change litigation?

The major obstacle in climate change legislations is the constant changes in climate data over time. These changes require constant follow-up in order to keep climate change legislations up-to-date.

4- Do different parts of the world have different obstacles? And what are these obstacles?

Yes, obstacles do vary from one country to another. The difference in obstacles is related to a country's local conditions and circumstances, such as its sustainable development, financial resources and the impact of the global economy on the country.

5- Is the judiciary in your country well-equipped and trained to recognize the correlation between human rights and climate change?

We do not have sufficient information on this topic.

6- How could this be improved? (Answer to the previous question no. 5)

Through identifying conspicuous concepts of the link between human rights and climate change.

7- Are there particular issues with getting access to the courts?

We do not have sufficient information on this topic.

❖ **Advancement plan of the principle of intergenerational justice:**

1- What examples do you have of how intergenerational justice, as it applies to climate change and human rights, has been incorporated into international law, national constitutions or national law?

The principles of justice between countries affecting and affected by climate change cannot be applied equally due to the different local conditions and circumstances of the countries.

2- How would you best define intergenerational justice in the context of climate change and human rights?

Though emphasizing the principle of shared responsibility with segregated obligations and burdens as described in the answer to question no. 4.

3- Has the concept of intergenerational justice been incorporated into climate change legislations?

The State of Kuwait is one of the countries affected by the negative impact of climate change and is not a causing country to this phenomenon.

4- What options are available for incorporating the principle of intergenerational justice in international law?

The available options for incorporating the principle of intergenerational justice into international law can be made firstly by recognizing the principle of

historical responsibility for the emissions that caused climate change phenomena, secondly, and as stipulated in the provisions of the framework of the Climate Change Convention, this can be made through adopting the principle of joint responsibility which requires an equal distribution of burdens.

5- How can states incorporate the concept of intergenerational justice in their national constitutions and legislation? What are good practices in this respect?

Developed countries must recognize the principle of historical responsibility for the emissions that caused the climate change phenomena globally.

6- Can you share some good practices that allow youth to be represented in courts and to have their views and concerns appropriately expressed in the judicial process?

We do not have sufficient information on this topic.