

The State of Kuwait

Editor's Note: This is the 15th in a series of articles summarizing various countries' government and SH&E legislative processes. It is intended to serve as a useful planning tool for SH&E professionals preparing to conduct business in profiled country. Previous profiles have included Argentina, Australia, Brazil, Chile, China, Germany, India, Ireland, Italy, Japan, Mexico, Singapore, Spain and the U.K. All country profiles are provided courtesy of AECOM and are available on ASSE's International Practice Specialty (IPS) website at http://www.asse.org/practicespecialties/international/country_overviews.php. Direct requests for additional country information to Halley Moriyama at halley.moriyama@aecom.com; +1-978-589-3233. Ashok Garlapati, CSP, QEP, G-IOSH, CMIOSH, IPS assistant administrator, provided this profile. He can be reached at ashokpc@yahoo.com or +965 2387 1487.

Kuwait is a constitutional monarchy with a parliamentary system of government, with Kuwait City serving as the country's political and economic capital. The head of state is the emir, or sheikh, a hereditary office. The national assembly consists of 50 elected members who are chosen in elections held every 4 years.

Kuwait's primary natural resources are petroleum, fish, shrimp and natural gas.

Government ministers are also granted membership in the parliament and can number up to 16, excluding the 50 elected members. Any amendment to the constitution can be proposed by the emir, but it must be approved by more than two-thirds of the members of the national assembly before being implemented.

Kuwait is divided into six governorates, which are Al-Ahmadi, Al-Asimah (Al-Kuwait), Al-Farwaniyah, Al-Jahra, Hawalli and Mubarak Al-Kabeer. Each governorate is further divided into districts for better governance.

GEOGRAPHY

The State of Kuwait is located in the northeast corner of the Arabian Peninsula. Kuwait is one of the smallest countries in the world in terms of land area. The flat, sandy Arabian Desert covers most of Kuwait. Kuwait includes several offshore islands, the largest of which is Bubiyan, near the Iraqi border.

It is the only country in the world that has no natural lakes or water reservoirs. The country's highest point is only 306 m above sea level. Kuwait City is located on Kuwait Bay, a natural deepwater harbor. The State of Kuwait is bordered by Saudi Arabia to the south and Iraq to the north and west. The greatest distance from north to south is 200 km (120 miles) and from east to west is 170 km (110 miles). Its area is 17,818 sq km with a population density of 125 per sq km.

CLIMATE

Kuwait has a warm tropical climate. Summer, which



lasts from April to September, is extremely hot and dry with temperatures easily in excess of 113 °F (45 °C) during the daytime. The winter season, from November through February, is cool with some precipitation and average temperatures around 56 °F (13 °C) with extremes from 28.4 °F (-2 °C) to 80.6 °F (27 °C). Annual rainfall averages less than 127 mm and occurs primarily between October and April.

The spring season in March is warm and pleasant with occasional thunderstorms. The frequent winds from the northwest are cool in winter and spring and hot in summer. Southeasterly winds, usually hot and damp, spring up between July and October. Hot and dry south winds prevail in spring and early summer. The shamal, a northwesterly wind common during June and July, can cause dramatic sandstorms.

NATURAL RESOURCES

Kuwait's primary natural resources are petroleum, fish, shrimp and natural gas. Approximately 10% of the world's crude oil resources are available in Kuwait. Prior to the discovery of oil in the 1930s, the Kuwaiti population survived primarily on the pearl-making business.

DEMOGRAPHICS

Approximately 96% of Kuwait's population is urban. The country's current population is estimated at roughly 3.5 million people, including both natives and foreigners. Roughly 1 million (or nearly one-third) of Kuwait's pop-

ulation is local, with 2 to 2.5 million residents registered as foreigners/nonlocals. It is estimated that one in every three to four people in Kuwait are of Kuwaiti citizenship.

The demographics of Kuwait's local/citizen population includes 60% to 65% Arab, 30% to 35% Persian and 5% to 10% signified as others.

2009 census data indicated that more than 580,000 Indian nationals lived in Kuwait, making them the single largest expatriate community there. The rest of the foreign population mainly consists of Egyptians, Bangladeshi, Pakistani, Filipino and Sri Lankan residents. Other foreigners consist of Europeans, Africans, North Americans and Northeast Asian communities.

INDUSTRY & DEVELOPMENT OF OIL INDUSTRY

Industry in Kuwait consists of several large export-oriented petrochemical units, oil refineries and a range of small manufacturers. It also includes large water desalinization, ammonia, desulphurization, fertilizer, brick, block and cement plants.

In 1934, the ruler of Kuwait granted an oil concession to the Kuwait Oil Co. (KOC), jointly owned by the British Petroleum Co. and Gulf Oil Corp. In 1976, the Kuwaiti government nationalized KOC. The following year, Kuwait took over part of onshore production in the divided zone between Kuwait and Saudi Arabia. The Kuwait Gulf Oil Co. (KGO) produces jointly there with Saudi Arabian Chevron, which, by its 1984 purchase of Getty Oil Company, acquired the Saudi Arabian onshore concession in the Divided Zone. Saudi Arabia renewed Chevron's concession in the Divided Zone for another 30 years effective from February 2009. KGO also manages offshore production operations, while Aramco Gulf Oil Company (AGOC) manages the Saudi portion of the offshore divided zone.

Kuwait Petroleum Corp. (KPC), an integrated, state-owned oil company, is the parent company of the government's operating companies in the petroleum sector. It includes the KOC, which produces oil and gas; the Kuwait National Petroleum Co., which manages refining and domestic sales; the Petrochemical Industries Co., which produces ammonia, urea, ethylene, propylene and styrene and participates in many joint ventures with Dow Chemical within Kuwait and abroad; the Kuwait Foreign Petroleum Exploration Co., which is responsible for exploration and upstream production outside Kuwait (in several developing countries and Australia); the Kuwait Oil Tanker Co.; the Kuwait Gulf Oil Co., responsible for exploration and production in the Kuwait portions of the offshore and onshore divided zone; and Kuwait Petroleum International, which manages refining and retail operations outside Kuwait in regions of Europe and East Asia.

SH&E REGULATORY FRAMEWORK

The oil industry is an essential element of the State of Kuwait's economy, and it is vital to the region's financial health and welfare. A complete and thorough under-

standing of its implications on SH&E due to the oil and gas industry's operation receives prime importance from policymakers. The oil and gas industry conducts mainly production activities, including drilling, processing, transport and refining. The risks associated at each stage of activity are studied, evaluated and provided with proper control measures to minimize the impact on workers' health, to ensure safe working conditions and to protect the environment. In the last two decades, Kuwait has passed several legislative initiatives on SH&E

protection and is in the process of strict enforcement. The following agencies and/or ministries are mainly involved in enforcing SH&E-related regulations:

Occupational Health & Work Environment

- [Ministry of Social Affairs & Labor](#)
- [Ministry of Health](#)
- [Environment Public Authority](#)

Safety Specific to Construction Activities

- [Kuwait Municipality](#)

Natural Resources & Environment Protection

- [Environment Public Authority](#)

Traffic Safety & Associated Regulations

- [Ministry of Interior](#)

Fire Regulations

- [Kuwait Fire Directorate](#)

Three main legal codes govern labor conditions in Kuwait. The Labor Law for Government Employees regulates civil servants' employment conditions. The Labor Law of the Oil Sector protects those who work in the oil industry. The Labor Law of the Private Sector governs employment conditions in private businesses. However, persons in domestic service, such as maids and chauffeurs, are not covered by any particular code and must rely on general principles of law for protection.

PRIVATE SECTOR LABOR LAW

The Ministry of Social Affairs and Labor (MSA&L)



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enforces labor regulations in the private sector. In addition to domestic servants, persons on temporary contracts of less than 6 months are excluded from the scope of the private sector labor law. If an employer's head office is outside Kuwait, the labor law of the country where the employer has its head office governs expatriates working in Kuwait, unless the employer has a branch in Kuwait, that concluded the contract with the employee, in which case Kuwaiti law applies.

THE JUDICIARY

The judiciary of the State of Kuwait consists of three departments. The Court of First Instance looks into the conflicts of personal, civil, commercial and labor affairs as well as administrative cases. It also looks into the crimes and edicts and what can be appealed by deficits as well as some urgent civil and commercial cases.

The Court of Appeal reviews court appeals sent down from the provision of the Court of First. For example, except those appealed before the Court of First Instance in the way of urgent, penalized and nonpenalized cases.

The Supreme Court reviews court appeals regarding commercial, labor and civil cases as well as cases of

personal affairs and crimes. Five advisors hand down its sentences.

JUDICIAL POWER IN KUWAIT

The primary agency for the rule of law is the judiciary in Kuwait. The judicial council consists of president and vice president of the Supreme Court, president and vice president of the Court of Appeal, the attorney general and the president of the high court, as well as the Under Secretary of the Ministry of Justice.

The Court of First Instance is divided by various judicial powers determined by conflict type. There are also the Court of Appeal and the Supreme Court.

While the 1962 constitution guarantees an independent judiciary, the executive branch retains control over its administration and budget. The emir, after recommendation of the Justice Ministry, appoints judges in the regular courts. Kuwaiti nationals receive lifetime appointments; non-Kuwaiti judges receive renewable terms of 1 to 3 years. Further, the constitution gives the authority to the emir to pardon and commute sentences.

SAFETY & HEALTH

As required in the Labor Law, employers are obliged to take precautions to protect their employees against physical hazards and occupational diseases in the workplace. They are also required to ensure that the workplace is clean, well ventilated, adequately lit and in sanitary condi-

tion. Employers must supply first-aid kits containing medicines, antiseptics and bandages and place them visibly within employees' reach. Detailed standards in these matters are contained in resolutions issued by MSA&L in consultation with the Ministry of Health.

Employees who work in areas not serviced by public transport must be provided with suitable transport. If they work in localities far from populated areas, the employer must provide suitable accommodation, potable water and the means to obtain supplies.

ACCIDENTS

If an employee is injured at work, the employer must report the matter to the local police station and MSA&L. The injured employee has the right to treatment, at the employer's expense, in any government hospital or private clinic as the employer deems suitable. A doctor's report, stating the period of treatment required, any disability arising from the accident and the employee's fitness to continue in work must be obtained.

During treatment, an injured employee is entitled to full pay for the first 6 months and, thereafter, half pay until s/he dies, recovers or is proved to be permanently disabled.

COMPENSATION

Employees have the right to compensation for work-related injuries without needing to prove that the employer was at fault, provided they did not injure themselves intentionally or were not guilty of gross malpractice (such as expressly violating safety regulations). However, where injuries have made an employee more than 25% disabled or caused the employee's death, the employee (or the employee's family) will be entitled to compensation even if the employee was guilty of gross malpractice.

Compensation varies with the severity of the injury. Where death has occurred, it is the greater of 1) 1,500 days' pay; or 2) the legal blood money (currently 10,000 KWD or \$35,000 USD). For total permanent disability, it is the greater of 1) 2,000 days' pay; or 2) one and one-third times the legal blood money. For partial permanent disability, compensation is calculated as a percentage of what would be due for total permanent disability.

KUWAIT MUNICIPALITY:

SAFETY DEPARTMENT REGULATIONS

The Kuwait municipality established an exclusive department to focus on safety aspects of all construction activities. The regulations detail the employer and employee responsibilities, work permit procedures, PPE requirements for workers, demolition procedures, fire prevention requirements, accident reporting and investigation, etc.

ENVIRONMENT PUBLIC AUTHORITY REGULATIONS

Kuwait has maintained the enactment of the environmental legislations aimed at protecting and preserving of the environment since the discovery of oil, which was also the start of manufacturing operations and developments. The extent to which Kuwait is concerned about

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the environment is clear in that it included it in its constitution on Nov. 11, 1962. It includes many of the subjects that indirectly apply to the importance of the provision of health and suitable environment.

Law No. 21 (1995) was issued to establish the Environment Public Authority (EPA). EPA's key functions and the jurisdiction of the ministries assembly are:

1) Setting and application of the general politics of environmental protection and putting strategies and a plan of action in place to achieve sustainable development, including the scientific, environmental and health criteria suitable to living humans, expansion of industry and construction and exploitation of the natural resources as to guarantee the preservation of the health and safety of the workers, the facilities, the work environment and preservation of the environmental balance in general.

2) Preparation and supervision of the execution of an integrated work plan that includes everything related to environmental protection on close and distant extent, with coordination with concerned institutions in the country in light of environmental politics.

3) Supervision of activities, measures and practices concerned with environmental protection and their evaluation.

4) Defining pollutants and specification of environmental criteria and the preparation of projects pertaining to laws, regulations and systems related to environmental protection and follow-up of their execution and putting the regulations necessary for the prevention, reduction and/or control of pollution in coordination with concerned authorities in the country.

5) Preparation and the participation in the direction and support of research, environmental studies and follow-up and evaluation of results.

6) Specification of problems resulting from environmental pollution and their deterioration with assistance from the concerned state bodies related to the environment to study these problems and to suggest suitable solutions.

7) Study of international and regional agreements related to the environment and give opinions concerning joining and coordinating with concerned authorities.

8) Follow-up of new developments in international laws in the field of environment protection.

9) Coordination of the country's relations with the international and regional organizations concerned with environmental affairs.

10) Target the general framework of the environmental education program to youth and citizens and urge them to participate in environmental protection.

11) Application of environmental measurement, follow-up and continuous surveillance of the environment.

12) Have a comprehensive plan in case of environmental disasters and take the necessary measures to control them in time of war and peace, in coordination and cooperation with concerned authorities.

13) Have an integrated work plan for training local cadres in environmental protection means in cooperation with concerned authorities.

14) The support of the environmental services in the society in coordination and cooperation with concerned authorities.

15) Expression of opinion and consultation related to the environmental return of the projects of main developments before the approval of their execution from concerned authorities.

16) Study of environmental reports about environmental situations in the country, taking necessary measures and preparing an annual report.

Decision No. 210 (2001) regarding the executive regulation for EPA establishment law provides detailed requirements and guidelines in the following areas:

Chapter 1: Development and Environment outlines the requirements for all developmental activities requiring environmental impact assessment studies, which includes submission of initial and final EIA reports to EPA by project proponent. Appendix-I of the EPA regulations provides the list of all types of projects (either new or expansion of existing facilities), which are required to be submitted to EIA.

Chapter 2: The Work Environment and the Indoor Environment outlines the requirements to be met by all industrial facilities in terms of the protection of industrial workers working in facilities and different factories from hazards of machines and industrial equipment, control of occupational injuries to workers in different industrial sectors and establishment of a suitable work environment through pollutant emissions control to preserve workers' safety and to increase their production capacity .

Chapter 3: Chemical Substances Management out-

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Present-day Kuwait with Kuwait Towers standing on the city shores.

lines the classification of dangerous chemicals and the license to be obtained from concerned authorities for production, import and export of chemicals after taking consent of K-EPA. Also included are requirements for maintaining records with regard to raw materials used and chemicals produced, requirements to be met for construction of a warehouse for hazardous chemicals and the license to be obtained from K-EPA.

Chapter 4: The Management of House Wastes, Dangerous Wastes and the Wastes of Healthcare specifies requirements for handling, storage, transportation and disposal of hazardous waste and dangerous wastes as well as the identification number, certified transfer document and security data form and burial data form to be maintained. Hazardous waste transportation vehicles must comply with norms specified by K-EPA for transportation. Medical waste incinerators must comply with requirements specified by K-EPA.

Chapter 5: The Water and Coastal Environment Protection from Pollution outlines liquid effluent quality to conform to K-EPA norms for discharging into the sea. Discharge of treated effluent in a marine environment is at a distance no less than 500 m from the coast. Approval requirements are included for construction of jetties and other seaborne facilities. Coastal installations must be a minimum of 150 m away from the coastal sand line and around the bay at a distance of 50 m from stable coast.

Chapter 6: The Protection of Soil from Pollution states the requirements for the protection of earth crust and desert areas, obtaining prior approval from municipality for any activities in deserts and restorations. No change shall be done to disrupt natural surroundings, etc.

Chapter 7: The Protection of Outdoor Air from Pollution addresses air pollutants, which should be emitted within the limits as per K-EPA norms. For example, noise levels should not exceed levels specified, vehicle exhaust shall comply with the norms specified and pollutant emissions from a fixed facility shall be within the limits specified as per regulations.

Chapter 8: The Biological Diversity addresses conservation of land, preservation of endangered species, damage to ecological environments and trading with primitive extinct creatures.

Chapter 9: General Rules addresses legal provisions/authorities given to K-EPA employees mandated by the K-EPA general manager, indemnity for environmental damage and applicable penalties for creating environmental damages.

Chapter 10: Provides appendices of limits, specifications, applicable requirements, etc.

TRAFFIC SAFETY & REGULATIONS

Traffic safety is one of the biggest problems in Kuwait. As per the Ministry of Interior Statistics, an average 120 traffic accidents occur per day and about 450 deaths occur per year due to traffic accidents. It records 15 cases involving death per 100,000 inhabitants. This is the highest rate in the world, followed by Mexico, the U.S. and Australia. Seventy percent of those who die in traffic accidents are young adults between 21 and 40 years old. Eighty-seven percent of traffic deaths are caused by males. The Ministry of Interior enforces strict regulations on various types of violations. About 297 types of violations are described in the traffic law and applicable penalties for these violations. This information can be obtained from the <http://www.moi.gov.kw>.

FIRE REGULATIONS

The Kuwait Fire Directorate is responsible for providing firefighting support in Kuwait and also enforces Fire Rules and Regulations Order No.10 (1982). Regulations consist of four parts: Building Fire Prevention Code, Special Requirements for Firefighting and Alarm Systems, General Specifications for Engineering Services and Hazardous Materials Regulations. More information on Kuwait fire regulations can be obtained from <http://www.kwtfire.gov.kw>. ☎



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