

Gap Analysis: Understating the integration of legal character of the Qatar Environmental Protection Law (2002) post-Paris Agreement

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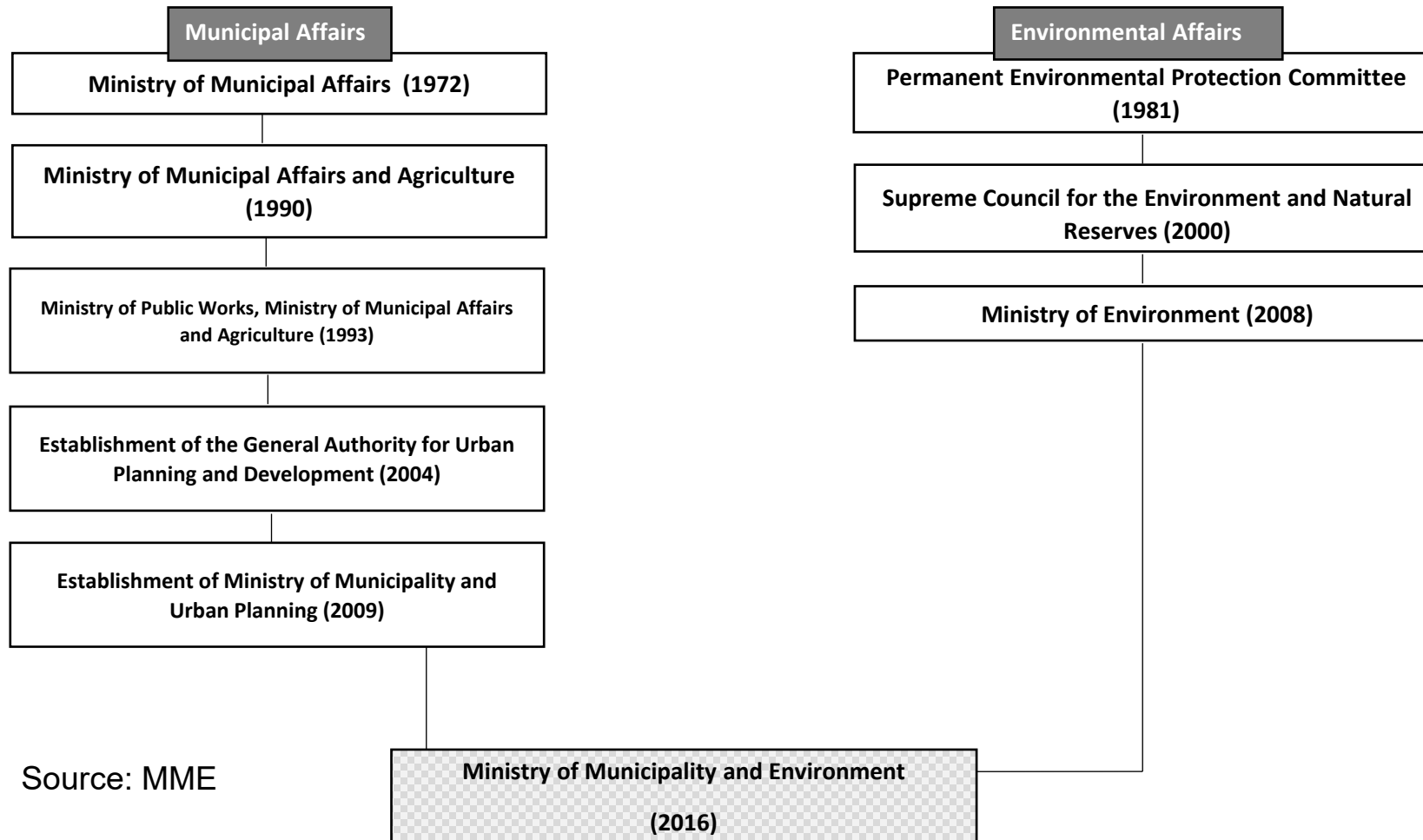
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Background

- Environmental law has internationally played a significant role in regulating and limiting environmental pollution and natural resources (e.g. US Air Act 1963 and UK's Clean Air Act 1968)
- There is a **relative disparity** in the enactment of laws related to the environment
- Qatar's environmental protection law is of an analytical interest due its economic position
- The formal environmental governance underwent through several changes

Environmental Institution Transformation in Qatar



Source: MME

Research Rationale (1)

- Qatar has signed and ratified the Paris Agreement
- Qatar pledged to deliver a carbon neutral FIFA World Cup 2022
- Qatar has the highest GDP in the world, and its economic prosperity cannot be separated from the accompanying environmental degradation (Kuznets Curve)
- Evidence indicates a significant slowdown in the development of legal frameworks in Qatar (Al Othman and Clark, 2014)

Research Rationale (2)

- The only legislation to protect the environment has not been updated since 2002
- The agenda of the PA, with its principles, which was remarkably built on the Rio Declaration, is expanding..

Research Methodology

- This research case study analysed to what extent the environmental law in is contemporary in Qatar
- Our analysis based on a desk research using a range of primary documents: **Environment Protection Law** and the **Paris Agreement**
- Special attention was given to criteria that fit to environmental laws
- Our research focuses on an essential question: What gaps need to be filled in the Environmental Protection Law to ensure its comprehensiveness in line with the development of international environmental law? And how?

Theoretical Framework

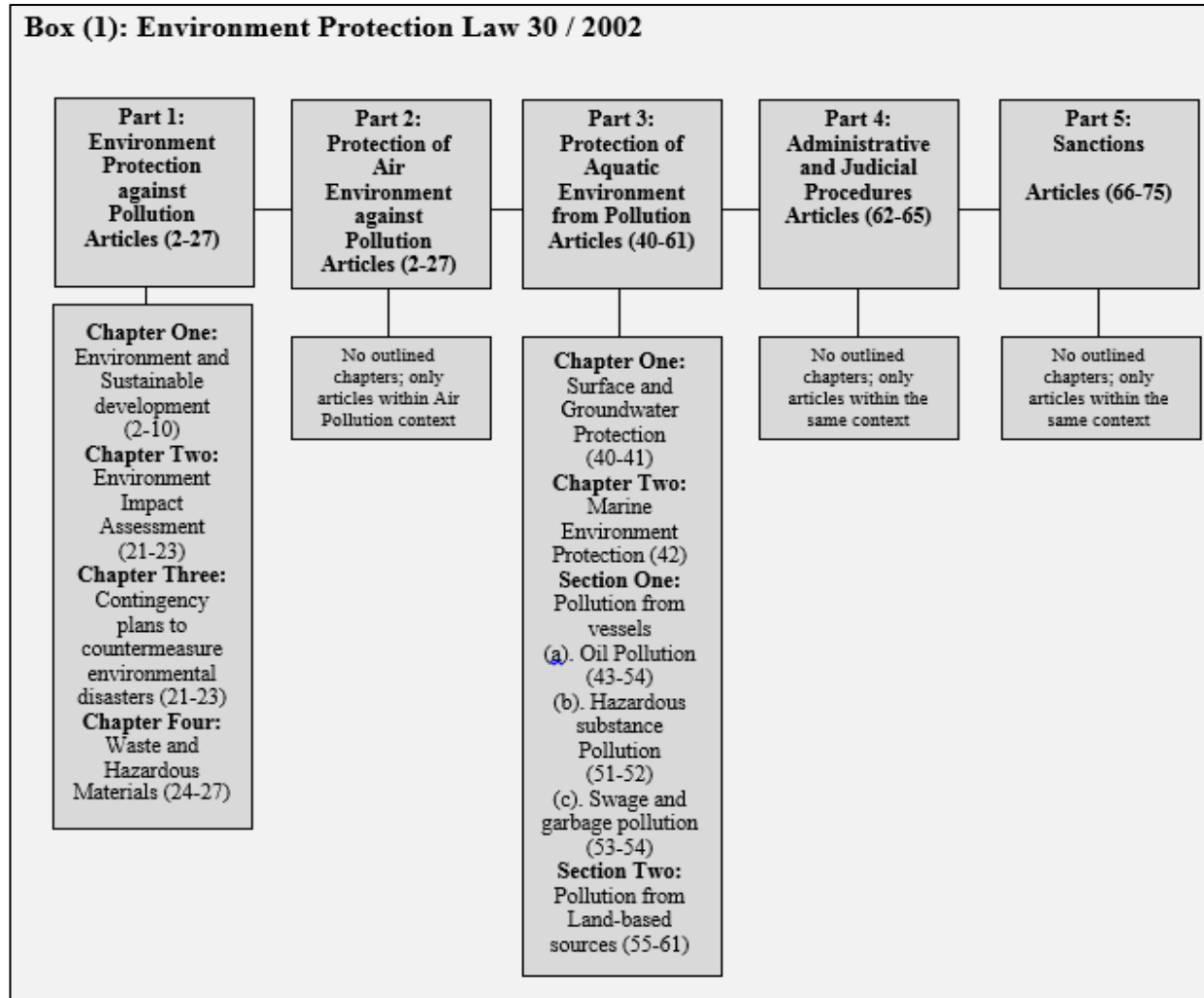
- **Stockholm Declaration (1972)**

- A common **outlook** and **principles** to **inspire** and **guide** the world in the enhancement of the human environment
- It can be considered the first building block between human and environment
- Qatar has attained its independence just before Stockholm Declaration

- **Rio Declaration (1992)**

- Principle 11, 13 and 27 urge all states to develop environmental legislations
- Qatar has signed Rio declaration as the first human-environment related document
- Therefore, the EP has adopted a range of principles from Rio Declaration

Unit of Analysis (1): The structure of EP Law



Unit of Analysis (1): Legal basis of EP

Seaports are of remarkable importance due to commercial purposes (1 law)

It seemed to show the features of human-environment connection (3 laws)

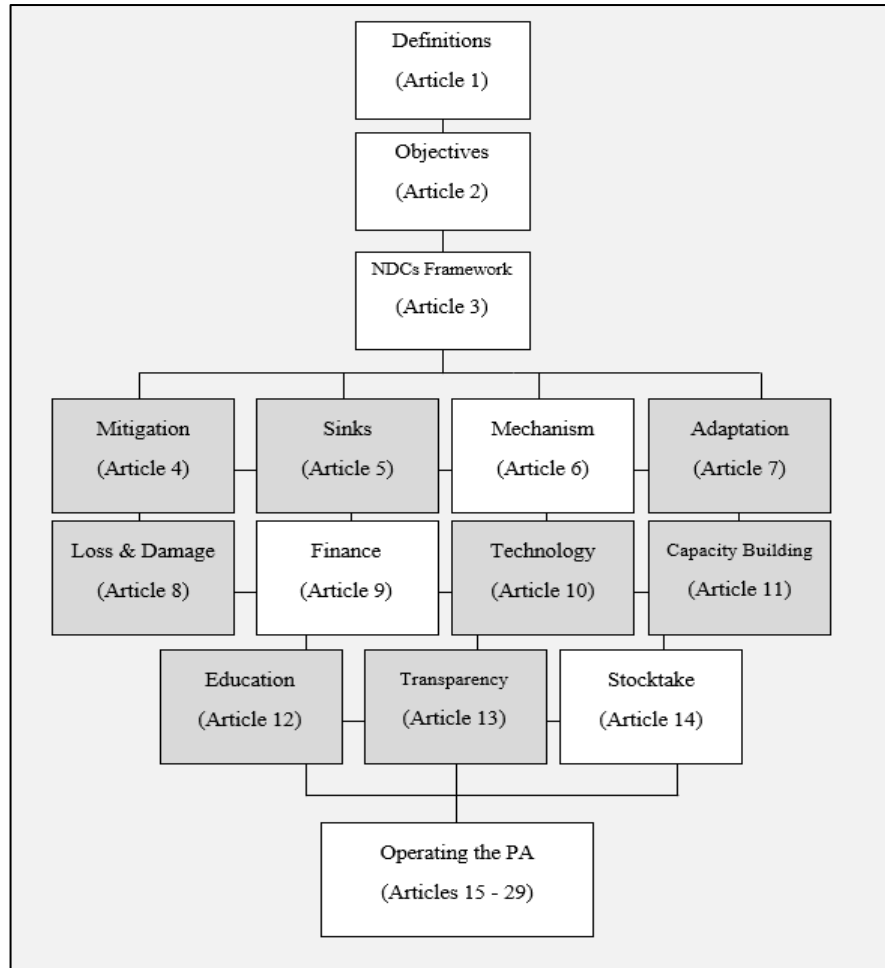
Water supplies. The expansion and increase in the population was one of the features of the period (6 laws)

Laws piled up, and the importance of protecting the environment became apparent (4 laws)

In the first decade, the first environmental institutions were established (2 laws)

| No | Legal basis of Environment Protection Law (2002) |
|-----|---|
| 1. | Law No. 29 of 1966 on Organization of Qatar Sea Ports |
| 2. | Law No. 8 of 1974 on Public Hygiene |
| 3. | Law No. 9 of 1977 on the Neglected Animals |
| 4. | Law No. 4 of 1977 on the Commercial, Industrial, and Public Premises |
| 5. | Law No. 15 of 1980 on the Maritime |
| 6. | Law No. 12 of 1981 on the Agricultural Quarantine |
| 7. | Law No. 4 of 1983 on the Exploitation and Protection of Living Aquatic Resources in Qatar |
| 8. | Law No. 1 of 1985 on Animal Health |
| 9. | Law No. 1 of 1987 on the Public and Private Property |
| 10. | Law No. 1 of 1988 on the Organization of Excavation of Groundwater Wells |
| 11. | Law No. 33 of 1995 on the Prohibition of Dredging of Agriculture Lands and Beaches |
| 12. | Law No. 19 of 1995 on the Organization of Industry |
| 13. | Law No. 32 of 1995 prohibiting the damage to the vegetation ecosystem |
| 14. | Law No. 13 of 1997 on the Civil Defense |
| 15. | Law No. 11 of 2000 on the Establishment of the Supreme Council for Environment and Natural Reserves (SCENR) |
| 16. | Law No. 4 of 2002 on the regulation of hunting wild animals, birds and reptiles |

Unit of Analysis (2): The structure of the PA



Gap Analysis – Result (1)

- The term “Climate Change” is devoid in all of the 75 articles.
- Exclusion and irrelevance
- Undefined regulated parties
- Absence of interlinkage between public-private sectors
- Unparallel efforts

| Category | Environment Protection Law (2002) | Paris Agreement | Gap in EP Law | Actions to close the gap |
|-------------------------------------|-----------------------------------|-----------------|--|--|
| 1 Climate Goal | X | Article 2 | The absence of a clear Climate Change goal or provisions in line with PA | Formal inclusion of Climate Change in the policy paper / Putting climate strategy in place |
| 2 Green Space | X | Article 5.1 | Independent national climate-related initiatives | Linkage of the relevant activities under a unified policy |
| 3 Public Engagement | X | Article 7.5 | Undefined societal entity. Undefined responsibilities for the public; Law is more geared for public authorities. | Defining the society as a party in the EP law. Involvement of public engagement. |
| 4 Institution Contribution | X | Article 7.7b | Using broad terms to describe the public sector actors. | Identification of the public sectors entity that can directly comply to the law |
| 5 Research & Development | X | Article 7.7c | Exclusion of R&D element. (e.g. QNRS is not serving the law) | Inclusion of R&D as a pillar of collecting pollution or climate evidence |

Gap Analysis – Result (2)

- Lack of loss and damage assessment
- Limited capacity building
- Transparency frameworks re ambiguous
- Low-level of compliance
- Issuance articles vs. Implementation articles

| Category | Environment Protection Law (2002) | Paris Agreement | Gap in EP Law | Actions to close the gap |
|--|-----------------------------------|-------------------|--|--|
| 6 Loss & Damage in PA; Contingency Plan in the EP | Article 21 - 23 | Article 8.4 | Contingency plan in EP limited to a tradition way. In PA: full procedure is mentioned, Inclusive. | Need to be linked to a more specified plan that suit the environmental nature for the State of Qatar |
| 7 Capacity Building | X | Article 11.1-11.2 | Absence of capacity building aspect that can strengthen the enforcement of the law. Evidence from Sarah and Clarck. | Identifying the required skills/knowledge to implement the provisions of the law |
| 8 Transparency | X | Article 13 | General provisions to ensure the transparency framework | Specifying the type of information that each authority should have in-paper |
| 9 Compliance | X | Article 15 | A committee to achieve the compliance of PA | Appointment of following-up committee to foresee the compliance of EP |
| 10 Implementation | Issuance Articles (1-5) | Article 16-29 | Unknown operation guidance | Enactment of operational articles |

Conclusion & Recommendations

- State of Qatar needs to update its Environmental Protection Law
- The PA has integrated various principles from Rio declaration which gives it a legal character of the international environmental law
- Climate strategy is needed
- Scientific research should be linked to the law