

Left in Limbo
Theorizing statelessness in Kuwait

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Chapter 1: Introduction

“Kuwaiti citizenship is like some sort of club: when they got enough members in, they said ‘listen, that’s it, we’re closing the door.’” - Talal O. (Case Study Human Rights Watch)¹

Pardon me, but I cannot lie. My whole existence is a lie and I, once and for all, blame my fathers for being lies. You do not allow me to wait, hope, or live and I do not allow you to make me lie. We are the statues on which you will build your birdhouses. - Mona Kareem²
(Bedoon poet)

In the world there are over 10 million stateless people. Being stateless reduces the chances for a person to get any form of rights or welfare benefits. This means no or limited access to health care, education and the labour and housing market.³ Statelessness has a range of causes, from exclusive nationality laws, state succession, discrimination on the bases of gender or ethnicity or denationalisation.⁴ While states and their governments have the authority to grant or withdraw nationality and therefore citizenship, as a result there still is a high number of stateless individuals in the world.

Statelessness is often overlooked in migration and asylum debates. Especially because this group falls between being part of a nation and being a foreigner in terms of law and, more importantly perhaps, the feeling of belonging. Some of the stateless have lived their whole life in a particular nation, but are still treated as an outsider. This thesis focusses on one of those groups, namely, the Bedoons in Kuwait. Bedoon, which literally translate into ‘without’, implies ‘without nationality’ (*Bidoon Jinsiyya*).⁵ This group has been discriminated in several ways. From being included and given some rights, to being labelled ‘illegal’ after the Iraq invasion, their road to citizenship is long and lonely.⁶ This all while they have a long history in the nation. The number of this group varies in the sources, however, the most estimates place the number around 100,000.⁷ This is around ten percent of the national

¹ Human Rights Watch, ‘Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness’, (Report 2011) www.hrw.org. last visited: 06-04-2020.

² Blog of Mona Kareem at: <http://monakareem.blogspot.com/search/label/Bedoon>

³ UNHCR, the UN Refugee Agency, ‘Representing stateless persons before U.S. Immigration Authorities’ (2017) 1-38, 3.

⁴ Ibidem. Denationalisation here is meant as: ‘the non-consensual withdrawal of nationality from an individual by his or her own state.’ Definition from: M. J. Gibney, ‘Denationalization’ in: A. Shachar, R. Bauböck, I. Bloemraad & M. Vink (eds.), *The Oxford Handbook of Citizenship* (Oxford 2017) 360.

⁵ Kuwaiti Criminal Court (Felony Circuit), ‘Citizens Without Citizenship’, *Human Rights Watch* (USA 1987). The term *Bedoon* has various spelling: *Bidun*, *Bedoon*, *Bidoon*. Here the singular *bedoon* and plural *bedoon* as used by Human Rights Watch is adopted.

⁶ C. Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait* (London 2018) 2.

⁷ Home Office United Kingdom, Country Report of Kuwait (2016) 1-36, 11.
(<https://www.refworld.org/pdfid/5853da784.pdf>)

Kuwaiti population.⁸ The relationship between the Bedoons and the State of Kuwait has a striking history which is closely intertwined with colonialism, state formation, suppression, identity politics and belonging.

By using the Bedoons as a case study, I will show the practicalities of the theoretical debate surrounding citizenship and statelessness. This group has been repeatedly left out when it comes to rights and benefits, such as free education and healthcare, which are available to citizens. To show this, I'll use theories on citizenship: what do they tell about exclusion, feeling of belonging and nationality? How can statelessness be included or attached to those theories, if possible at all? To answer these questions, we first need to define the concept of citizenship. A common definition is: a citizen is a member of a political community who enjoys rights and accepts the duties of this membership.⁹ This definition has changed over time and place. For example, in Athens, a citizen was a high placed male over the age of 30.¹⁰ Aristotle saw the potential of the individual who played a part in the community, whereas, Ibn Khaldun sees more in the idea of community, such as family, kin or religious groups.¹¹ These scholars are the foundation of the theoretical framework this thesis is built upon. With the rise of the nation-state, citizenship became defined by borders and territory. This territory was protected by a constitution and Nationality Laws, and these documents defined who was part of the nation and who was an alien.¹² In addition to the refinement of territory, the external threats became more prominent. Historically, Kuwait has suffered under several rulers, as the Ottoman, British and Iraqi forces controlled the region for a period of time. These factors can be of importance when looking at the development of citizenship in this particular nation, and therefore the development of statelessness. Citizenship has been taken for granted nowadays, as it resembles a plastic ID card for most citizens of a nation. However, for the group of Bedoons it represents much more, a way to be included and seen as an official part of the nation. Therefore this group is also called 'paperless people'.¹³

This thesis explores how theories on citizenship deal with modern day statelessness.

⁸ C. Beaugrand, *Statelessness and transnationalism in north Arabia: biduns and state building in Kuwait 1959-2009* (2010) 3.

⁹ N. A. Butenschon, 'State, Power, and Citizenship in the Middle East: A theoretical introduction', in: N.A. Butenschon, U. Davis & M. Hassassian (eds.), *Citizenship and the State in the Middle East: Approaches and Applications* (New York 2000) 11.

¹⁰ R. Balot, 'Revisiting the Classical Ideal of Citizenship', in: A. Shachar, R. Bauböck, I. Bloemraad & M. Vink (eds.), *The Oxford Handbook of Citizenship* (Oxford 2017) 19-26.

¹¹ Ibn Khaldun, book 1 - II – 8: 'Group feeling results only from (blood) relation ship or something corresponding to it.' in: Ibn Khaldun, *The Muqaddimah*, translated by: Franz Rosenthal.

¹² N. A. Butenschon, 'State, Power, and Citizenship in the Middle East: A theoretical introduction', in: N.A. Butenschon, U. Davis & M. Hassassian (eds.), *Citizenship and the State in the Middle East: Approaches and Applications* (New York 2000) 11.

¹³ C. Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait* (London 2018) 1.

And in addition, how statelessness can be included or attached to this debate as I see the deprivation of citizenship for Bedoons as a historic, economic and juridical development. Through a critical analysis of the theories and by using the case study of Kuwait and its Bedoons, this thesis seeks to answer the question: *How has the relationship between the concepts of statelessness and citizenship developed in the case of the Bedoons in Kuwait since the independence of 1961?*

I am interested in the people that fall outside of jurisdictional and theoretical frameworks of citizenship. This is why this thesis examines a community at the margins, excluded from legal citizenship and its associated rights, while feeling to belong to the nation. By looking at what makes a person an alien to a nation, I hope to show the fluidity of the concepts of statelessness and belonging when it comes to the citizen-state relationship. This is particularly interesting when looking at the Bedoons, as 'the main motivation for the deprivation of formal citizenship by the state is based upon questions of national identity'.¹⁴

I will argue that historic events can change the perception of inclusion and exclusion for both citizens as for the nation. Therefore I'll start with a descriptive chapter on the history of the state of Kuwait. What forces have affected the relation between the ruler and the ruled? How did the state come to existence? Second, this thesis will try to theorise statelessness and analyse the legal documents on nationality of Kuwait. How did these documents develop over time? How did the state describe nationality? Third, the situation of the Bedoons is described. What did they have to deal with as not being a part of the legal nation? Do they fight for their rights and how? What response does the state give them? In the conclusion I'll combine the theory with the practice and try to distil a clearer vision on citizenship and statelessness in the Arab world and in the state of Kuwait in particular.

Methodology

This thesis will use a case study method to explain the position of statelessness. A case study is a detailed analysis of an individual, specific case to support more general theoretical statements. A case study can be an example that exposes the general principles.¹⁵ The strength of a case study, on the one hand, is that it allows an in-depth illustration of, in this case, a minority of the whole population. However, on the other hand, it can produce overgeneralisations. This is possible in my case, as the Bedoons are represented by NGOs which use an activist approach in confronting the State of Kuwait with the position of the Bedoons. By using a theoretical approach I try to overcome this. In addition, the usage of laws and regulations make the position of the State more formal complementing to the

¹⁴ R.A. Cohen & Y. Keinan-Cohen, 'The Issue of Citizenship for the Bidun Minority in Kuwait after the Arab Spring', *Digest of Middle East Studies* 28:1 (2019) 107-123, 115.

¹⁵ G. Guthrie, *Basic Research Methods: An Entry to Social Science Research* (New Delhi 2010) 66-67.

practical side of the Bedoons in chapter four. By doing so, I hope to define statelessness not only from one nation, but from a philosophical position, which can help by determining the real position of the Bedoon.

There are multiple ways to define citizenship. By structuring the theoretical framework, it will guide the examination of the laws on membership of the state of Kuwait. By using qualitative sources, such as the nationality laws and the constitution, I try to pinpoint the development of citizenship laws in historical order thereby showing the dynamic and fluid nature of citizenship. The nationality laws that are used in this thesis are the Nationality Laws of 1948 and 1959, when Kuwait was still a British protectorate, and the Constitution of 1962. The sources are all translated. The Nationality Law of 1948 is found in the Arabian Gulf Archive and the information is gathered around 1955 by Clive Parry, who worked on nationality and citizenship laws of the commonwealth.¹⁶ The Nationality Law of 1959 is found on the RefWorld website, which is a collective database of the UNHCR.¹⁷ It is an unofficial translation, it can therefore differ from the original text. However, as Kuwait has delivered several pieces to the website and works together with the UNHCR on several other issues of human rights, I believe this is the closest to the official document. The nationality laws and the constitution are analysed by providing a chronology of changing amendments. Hopefully, the analysis will show the discrepancy between theoretical and juridical citizenship. I presume there will be historical moments that changed some laws from being strict to more repressive or otherwise to more openness towards foreigners. The questions that the analysis will pose are pointed towards the evolution of the documents so, such as what happened in that time, how does citizenship develop and who rules over citizenship?

Interestingly, the legal documents on the website of the government of Kuwait are mostly in Arabic.¹⁸ Even the constitution, which can be of importance for the migrant workers and foreigners in the country is in Arabic. This shows a lack of transparency in a nation with a high amount of labour migrants, who can't access any legal help without reading Arabic. There is no word of Bedoon on this website, which is not surprising, as the government of Kuwait does not recognise Bedoons as citizens and qualifies them since 1986 as 'illegal residents'.¹⁹ The same goes for the News Agency of Kuwait (KUNA). Therefore this thesis will focus on mostly translated sources, which can be found at the RefWorld website.

The case study of the Bedoons will be discussed in chapter four. This chapter will use

¹⁶ Arabian Gulf Archive, *The Kuwait Nationality Law of 1948*, FO371/114728, 8-11.

¹⁷ Kuwait *Nationality Law*, 1959, www.RefWorld.org (including all changes/amendments from: Decree Law No. 40/1987, Decree No. 1/1982, Statute No. 1/1982, Decree Law No. 100/1980, and Statute No. 30/1970

¹⁸ <https://www.e.gov.kw/sites/kg0English/Pages/eServices/LegalPortal/Legal.aspx>

¹⁹ Minorities Rights Group Internationals, 'World directory of minorities and indigenous peoples – Kuwait: Bidoon', Dec. 2017, www.Refworld.org

a variety of Arabic translated newspapers to define the situation at the current moment. Important to note is the censorship of the press in Kuwait. Kuwait's press enjoyed good reputation and was titled outspoken. The press did not interfere with critique on the emir and his family or political governmental issues, as was laid down in the Press Law of 1976. This law gave government officials the power to impose fines and prison sentences to authors who published such materials.²⁰ Until recently, the Kuwaiti press was highly vocal in comparison to other states in the Gulf. However, since 2018 there has been a list of banned books which indicated a restriction on the freedom of expression.²¹ This can explain the low level of sources on Bedoons as they have become a political issue, which the media rather did not touch upon that frequently.

Theoretical framework

The basis of this thesis lies in the concepts of citizenship and statelessness. Statelessness is defined by the Convention relating to the Status of Stateless Persons from 1954. "For the purpose of this Convention, the term "stateless person" means a person who is not considered as a national by any State under the operation of its law."²² However, statelessness has many different layers, as it can entail the possession of some rights or none at all in different societies. According to the 1961 *Convention on the Reduction of Statelessness* this is due to the fact that 'states have traditionally been free to establish their own rules for the acquisition and loss of nationality, in accordance with their own interest and ideology.'²³ Therefore there are more theories on citizenship rather than on statelessness. The suggested theories on statelessness will be discussed in chapter three. As states were free to decide on the rules of nationality, they defined the position of citizenship as well. In this thesis, statelessness will be seen as the opposite of citizenship.

The concept of citizenship is already, in broad terms, defined above. The theories on citizenship are numerous.²⁴ As citizenship theories have developed irregularly around the world, this section will include the start of the Western ideology followed by the Arab ideology to find a common ground when talking about citizenship. Citizenship derives from the word *city*, so it's seen as an urban phenomenon. This thesis will dive deeper in the understanding

²⁰ D. Jones (ed.), *Censorship: A World Encyclopedia* (New York 2015) 1372-1373.

²¹ MEE Staff, 'Calls for protest in Kuwait as banned book list reveals extent of censorship' (14 September 2018) on: www.middleeasteye.net last visited: 05-04-2020.

²² UNHCR, 'Convention relating to the Status of Stateless Persons 1954', *Guidelines on Statelessness No.1* (2012).

²³ A. Edwards & L. Van Waas, 'Statelessness' in: E. Fiddian-Qasmiyeh, G. Loescher, K. Long & N. Sigona, *The Oxford Handbook of Refugee and Forced Migration Studies* (2014) (online source).

²⁴ E.F. Cohen & G. Ghosh, *Citizenship* (Cambridge 2019). And: A. Shachar, R. Bauböck, I. Bloemraad & M. Vink (eds.), *The Oxford Handbook of Citizenship* (Oxford 2017). And: E. Balibar, *Citizenship* (Cambridge 2015). And: R. Bauböck, *Stakeholder Citizenship: An Idea whose Time has Come?* (Washington 2008).

of this state-citizen relationship. In Western philosophy, the idea of Aristotle is frequently used when it comes to citizenship. All the people of the city who were male and over a certain age divided the posts of the political office and therefore created an indefinite exercise of balanced power.²⁵ Citizens were given active and passive rights, and would naturally be longing for participation in this office. Modern citizenship is seen as the relation between the state or ruler, from top-down, and individuals or small groups who are under the jurisprudence of the state, as bottom-up.²⁶

In the Arab region, the ideas of Ibn Khaldun were highly important. His idea of 'asabiyya was a powerful idea to contribute to the debate surrounding citizenship. 'Asabiyya, or social cohesion, is the core of social organization. Through common language, culture and behavioural codes it binds groups together. When there is a shared idea of behaviour it strives to attain this ideal on different levels such as family, clan, tribe and kingdom or nation.²⁷ This was the basis of citizenship according to Khaldun. Every human being strives to be part of the social cohesion. However, Khaldun believed that urbanised societies would break the social cohesion once found in traditional societies. He described a cycle in which a dynasty rises and falls with the loss of the special qualities it once possessed.²⁸ These qualities were probably the skills of the people and the relatively small groups in which knowledge was shared, therefore generally more willing to share trade and wisdom. This would be scattered when groups were outgrowing each other and the knowledge of others diminished. This is coined by Ahmed, who states "paradoxically, it was only after independence from the European colonial powers in the middle of the 20th century, when Muslim societies should have become more stronger and more cohesive, that Ibn Khaldun's cycle began to be seriously affected."²⁹ As cities urbanized, borders were defined and a feeling of division grew. Tribal and rural groups could no longer provide 'asabiyya. Ahmed sees this as a consequence of urbanisation, high migration percentage to Western countries, growing gaps between the poor and rich, corruption by political leaders, and a population boom. The effect was a crisis of identity which challenged the traditional norms.³⁰

The work of Khaldun inspired others, such as Jean Jacques Rousseau, who worked on the idea of a *Contract Social* for citizens and the state to know their duties and

²⁵ E. Balibar, *Citizenship* (Cambridge 2015) 13.

²⁶ N.A. Butenshon & R. Meijer, *The Middle East in Transition: The Centrality of Citizenship* (Cheltenham 2018) 5.

²⁷ A. Ahmed, "Ibn Khaldun's Understanding of Civilizations and the Dilemmas of Islam and the West Today", *Middle East Journal* 56:1 (2002) 20-45, 30. And: Ibn Khaldun, *The Muqaddimah*, translated by Franz Rosenthal (online version).

²⁸ A. Ahmed, "Ibn Khaldun's Understanding of Civilizations and the Dilemmas of Islam and the West Today", *Middle East Journal* 56:1 (2002) 20-45, 30-31.

²⁹ Ibidem.

³⁰ Ibidem.

responsibilities.³¹ This would create equality, which generated acceptance in duties and rights. This is in some ways also what Hannah Arendt poses in her work *The Origins of Totalitarianism* to have the “right to have rights”. This idea of the declaration as the holder of the rights of all human beings, while at the same time the modern institution of the state is based on the principle of national and territorial sovereignty. And therefore also the need to increase power.³² With the coming of nation-states this is seen more frequently. Their national identity is based on recognition of other states. This is also acknowledged by Diener, who states that territory is the principle of citizenship, as it has formed function inside the borders of a nation-state.³³ The same accounts for Bauböck, who describes the “democratic boundary problem”, in which he criticises the idea of territorial boundaries and the problems that arise when seeing citizenship only from a democratic perspective. This is one of the perspectives this thesis will dive into. The recognition of the international community and the importance of sovereignty inside the own state through the exertion of power.

Literature review

This literature review will ask the question: *How do theories of citizenship deal with modern day statelessness?* This section will be divided into two parts. First, the access to citizenship according to the literature: How do you become a citizen and how is citizenship embedded in the society? Second, the position of the concept of statelessness: How does citizenship and statelessness relate to each other and do they depend on each other?

Access to citizenship

In general, the assumption is that citizenship is a concept used by states. Therefore, theories on citizenship do not see a grey area. It's completely black or white: or you are stateless, or you are a citizen. In the literature this gap can be filled. There is a consensus that to make citizenship work, a territorial state is necessary. In this state, by law, the legal status of citizens will be laid down and explains the rights and duties of this membership. However, as political entities grew and gained more power, the question arose: who has the right to decide who is a citizen?³⁴ To answer this question, first the history of citizenship in the Arab world will be explored to explain the relation between ruler and ruled and secondly the question of what makes a citizen will be discussed.

³¹ I use the English translation from Jonathan Bennett, J.J. Rousseau, *The Social Contract* (2017) 14-16.

³² H. Arendt, *The Origins of Totalitarianism* (Cleveland 1962 s.p.) 142-144.

³³ A.C. Diener, 'Re-Scaling the Geography of Citizenship', 37-40. in: A. Shachar, R. Bauböck, I. Bloemraad & M. Vink (eds.), *The Oxford Handbook of Citizenship* (Oxford 2017).

³⁴D. Leydet, "Citizenship", *The Stanford Encyclopedia of Philosophy* (2017) on: <https://plato.stanford.edu/index.html>

The historic changes the Arab world has had to face, especially the influence of external rule, created new boundaries. These boundaries overstepped social, economic and cultural relations and changed the dynamics between the ruler and the ruled.³⁵ This led to the search of a national identity. The authors, in *The Crisis of Citizenship in the Arab World*, tried to analyse the state-society relation. This contract, between state and citizen, can fluctuate in its range and implementation depending on time and space.³⁶ In the chapter of Meijer, he argues that there are three consecutive citizenship regimes to be seen in the contemporary history of the Middle East. First, citizenship was seen as wrong in the region because of colonial rule. Second, the social contract between ruler and ruled led, after independence, to a disconnection between the "authoritarian bargain" and the "people". The social contract beheld social state services in exchange for a reduced level of civil and political rights. The third phase was defined as the decay of the "bargain" when the state was forced to redefine its promises to the people. This opened "Pandora's Box of Demands", which covered civil, political, social, cultural and economic rights. He argues that the height of the current citizenship crisis was during the Arab Uprisings.³⁷

Becoming a citizen, as Isin states, can only happen if there is a basis of equality between the state and the citizen to be.³⁸ She continues to describe the difficulties with defining citizenship in the Middle East, as the Eurocentric vision on citizenship is often used to look at other regions.³⁹ Even defining the subjects of citizenship can be a challenge as it poses questions such as the position of that particular individual, his or her behaviour to the rights and duties, and their personal opinion.⁴⁰ The only way to become a citizen seems to be naturalisation.⁴¹ A lot has been written about how citizenship works, but there is little written about how to become a citizen. It seems that obtaining citizenship now has been proven more difficult in comparison to the period of the drawing of the borders. Bauböck therefore opts for a 'stakeholder citizenship', for migrants who have a stake in the future of a politically organized society and therefore can make a claim to be recognised as citizens, instead of the principles of territory and *jus sanguinis*, the bloodline transfer of citizenship.⁴²

³⁵ N.A Butenschon & R. Meijer, *The Middle East in Transition: The centrality of citizenship* (Cheltenham 2018) 6.

³⁶ R. Meijer & N.A. Butenschon (eds), *The Crisis of Citizenship in the Arab World* (2017) 5.

³⁷ R. Meijer, 'Citizenship, Social Pacts, Authoritarian Bargains and the Arab Uprisings', in: R. Meijer & N.A. Butenschon (eds), *The Crisis in the Arab World* (Leiden 2017) 67.

³⁸ E.F. Isin, "Citizenship studies and the Middle East" in: R. Meijer & N.A. Butenschon (eds), *The Crisis of Citizenship in the Arab World* (2017) 517.

³⁹ Ibidem, 525.

⁴⁰ Ibidem, 526.

⁴¹ 'Naturalisation is the process whereby a person is transformed from an alien guest to a citizen invested with the rights and privileges pertaining to indigenous subjects' in: D.Kostakopoulou, 'Why naturalisation?', *Perspectives on European Politics and Societies* 4:1 (2003) 85-115, 88.

⁴² R. Bauböck, *Stakeholder Citizenship: An Idea Whose Time Has Come?* (Washington 2008) Migration Policy Institute, 4.

Statelessness in general

As exclusion has been a part of political power exercise, communities or individuals are being kept exiled. According to Beaugrand, statelessness is a by-product of modern state building. As boundaries are set and the geography has been entirely mapped out, the discussion on inclusion and exclusion arose.⁴³ She continues by stating that statelessness has been frequently studied through 'the paradigm of ideology and dictatorship'.⁴⁴ She opts for the historic review of statelessness over time.

There are two streams of debates around the definition of the concept of statelessness. The first would be the incompatibility between laws which divide nationality on the basis of *jus soli*, where nationality is granted on place of birth, and on the basis of *jus sanguinis*, in which nationality is conferred through blood ties, mostly patrilineal.⁴⁵ The state can choose its own citizenship lineage system. The other debate is the 'de facto' – 'de jure' debate. This is mainly seen in the international law. As the definition of a stateless person is given by the 1954 Convention on the Status of Stateless Persons, those who meet this criteria is 'de jure' a stateless person. However, there are people who do not fit the criteria or give information which cannot be traced back. This people are 'de facto' stateless.⁴⁶ This problem arises mostly because of gaps in nationality laws or discrimination against certain minorities. Van Waas posits the effect of the international community as one of the possible factors which can enhance the situation of the stateless. These two debates are only to define statelessness. In practice, statelessness is a sort of limbo state in which the individuals are recognised and given a few rights.⁴⁷ In chapter three this will be discussed more in depth.

⁴³ C. Beaugrand, 'Statelessness and Transnationalism in Northern Arabia: Biduns and State Building in Kuwait 1959-2009', PhD Thesis, (London 2010) 36-37.

⁴⁴ Ibidem, 39.

⁴⁵ Ibidem, 41.

⁴⁶ A. Edwards & L. van Waas, 'Statelessness' in: E. Fiddian-Qasmiyeh, G. Loescher, K. Long & N. Sigona, *The Oxford Handbook of Refugee and Forced Migration Studies* (online 2014) 296.

⁴⁷ N. Lori, *Offshore Citizens: Permanent Temporary Status in the Gulf* (Cambridge 2019) 5.

Chapter 2: The history of Kuwait

Kuwait is a small state in a big world - Jill Crystal⁴⁸

This chapter will go into the history of the state formation of Kuwait. The state has been described as 'a small state living in a bad neighbourhood' by historian Hasan' Ali Al-Ebraheem.⁴⁹ This statement is quite true. Kuwait is a small size nation in the Arabian Gulf region but plays an important role. It shares a border with Iraq, Saudi-Arabia and the Persian Gulf, and the latter has led to many disputes. Kuwait benefited greatly from this access to the open waters and has developed itself from a traders union to an oil empire. By using the access to water as a trading port, Kuwait could develop a stable economy. With the coming of oil, Kuwait had an important factor of income, as it is now the fifth-largest OPEC and the world ninth-largest oil producer.⁵⁰ In 2019, the World Bank marked Kuwait as the most oil-dependent economy of the Gulf Cooperation Council.⁵¹ The dependence on oil revenues created challenges in terms of migration and labour. With 4.2 million inhabitants of which two-third is foreign and most labour migrants, reliance on external help is needed but simultaneously creates a need for a strong national identity.⁵²

Crystal states in her work that there are two dominant themes in the history of Kuwait. First, the development and protection of the small community against external threats. Second, the internal rivalry over positions of power.⁵³ These two themes are the starting points of this chapter. The historic overview will highlight the occupied years under the Ottomans, British and Iraqis, and will show the changes after independence from external to more internal threats and fears of the state of Kuwait.

Ottoman rule

In the sixteenth century, the territory of nowadays Kuwait was part of the Ottoman Empire. At that time the territory was mainly populated by nomadic tribes and fishermen. Only after the second half of this century the grip on the coastal area decreased. The Ottoman Empire had no interest in keeping control over the area and let the nomadic tribes roam freely.⁵⁴ As it was a tribal area with little importance to the Ottoman Empire, there are few sources on the

⁴⁸ J. Crystal, *Kuwait: The Transformation of an Oil State* (New York 1992) 4.

⁴⁹ J. Crystal, *Oil and Politics in the Gulf: Rulers and Merchants in Kuwait and Qatar* (Cambridge 1990 / 2011 - online version) 21.

⁵⁰ World Bank Group, "Economic Diversification for Sustainable and Resilient GCC", *Gulf Economic Update* 5 (2019) 5.

⁵¹ Ibidem.

⁵² Number inhabitants: UN: Department of Economic and Social Affairs, *World Population Prospects 2019*, Data Booklet (2019) 16.

⁵³ J. Crystal, *Kuwait: The Transformation of an Oil State* (New York 1992) 1.

⁵⁴ B. Slot, *The Origins of Kuwait* (Leiden 1991) 10.

developments in the sixteenth and seventeenth century in Kuwait. The territory was a mosaic of tribes. According to the historian Ahmad Mustafa Abu-Hakima, the first form of Kuwait city was built around 1917 by members of the Bani Khalid, a dominant tribe of north-eastern Arabia.⁵⁵ Soon afterwards, the exact time is unknown, it was called 'Kuwait' which comes from the word *kut* meaning a small castle or fort which, as Abu-Hakima suggests, represents the town's humble origins. The Bani Utub tribe, a federation of clans and tribes who originate from the region of Najd, earned a living through pearl diving, boat building and long-distance trade in the coastal area of nowadays Kuwait. These professions were the fundamental economic drivers up until the 1930s.⁵⁶

As the town grew in size due to economic prosperity, the heads of the main families decided there should be a leader to deal with the problems and disputes and to protect the town from external attacks.⁵⁷ As many were maritime tradesmen, their families turned down the job. The Al Sabah, "the poorest of the important families" agreed to appoint a leader from their family. The Sabah family had roamed around since 1710 after they fled the region Najd because of drought and travelled south to find regions even more bleak. They turned north and ended up in Kuwait, where the maritime city was prosperous and flourishing.⁵⁸ With their expertise in diplomacy, the skill of negotiation and their political knowledge, they were the right fit to rule. So, in 1752 Sabah I was selected for this position.⁵⁹ The foundation for the autonomous sheikhdom was laid down.

The dynasty is, up until today, still in place.⁶⁰ Their lineage is based on tribal legacy, in which the Sabah family have propagated themselves as a myth to preserve a shared identity traced back to the Bani Utub tribe and a group of historic heroes.⁶¹ The Sabah rulers have depended largely on their external and diplomatic ties, but did manage to maintain its autonomy for a long period since the existence of the dynasty.⁶² In the pre-oil period, the Al-Sabah's family rule was not limited to only Kuwait City, it's rule covered all nomadic tribes in the region.⁶³ Important to note is that there is a strong relationship between the desert tribes and the townspeople, which is mostly forgotten in academic literature. Without the support of the hinterland, in which the desert tribes lived, the port of Kuwait could not be as prosperous.

⁵⁵ J. Crystal, *Kuwait: The Transformation of an Oil State* (New York 1992) 7.

⁵⁶ *Ibidem*, 2 and 8.

⁵⁷ F. Al-Nakib, *Kuwait Transformed: A History of Oil and Urban Life* (Stanford 2016) 22.

⁵⁸ J. Crystal, *Oil and Politics in the Gulf: Rulers and Merchants in Kuwait and Qatar* (Cambridge 1990 / 2011 - online version) 18-20.

⁵⁹ *Ibidem*.

⁶⁰ At the end of this chapter there is an overview of rulers of Kuwait since the beginning of the Sheikhdom.

⁶¹ J. Crystal, *Oil and Politics in the Gulf* (Cambridge 1990 / 2011 - online version) 21.

⁶² Britannica Encyclopaedia, *Sabah Dynasty*, (24 March 2009) visited: 7 March 2020.
<https://www.britannica.com/topic/Sabah-dynasty>

⁶³ C. Beaugrand, *Statelessness and Transnationalism in Northern Arabia: Biduns and state building in Kuwait 1959 -2009* PhD London School of Economics and Political Science (2010) 87.

As the land-trading route went straight through this area, it was important to keep the relationship healthy. Also, through raids it was possible to establish political and economic hegemony, so deals were made with tribal leaders and the ruling local sheikhs to keep peace and a buffer zone. However, merchants and tribal leaders knew that force and threats could too bring benefits and a faster route to getting things done their way.⁶⁴ However good the relationship was, in 1760 Sabah I already built a wall around his small settlement, and again this was expanded in 1811 as the city grew extensively. In 1920 yet another wall was built, after the one of 1811 was removed to support urban expansion.⁶⁵ Even if the reliance on and relation with the hinterland was of importance, the possible attacks were a greater fear.

British rule

The British had a long history of hegemony in the Gulf area. They already settled there in the sixteenth century, but remained their presence to posts and trade ports until the eighteenth century. By then, Britain had already acquired the monopoly on Gulf trade.⁶⁶ The British were definitely powerful in this region, but not hegemonic: the politics were still in the hands of the local rulers, the Ottomans. The foreign diplomatic ties of Kuwait in the nineteenth century were vulnerable and affected by three powers: the Ottomans, the Al-Saud, and Britain.⁶⁷ As the Ottomans were not heavily affecting trade and relations in Kuwait, the fear was mainly based on the spreading influence of the Al-Saud family, a dynasty in Saudi-Arabia. Kuwait was looking for allies against this threat.

Mubarak the Great (r. 1896-1915) forged an alliance between Great Britain and Kuwait. This arrangement was based on fear of Turkish and Saudi control over the area.⁶⁸ After years of pro-Ottoman orientated policy, this was a heavy shift.⁶⁹ The bond led to the "exclusive agreement" of 1899 between the British Political Resident in the Persian Gulf and Sheikh Mubarak and entailed that there would be no deals and visitations of any power without consulting the government of the British Empire.⁷⁰ The Ottoman Empire tried to invade Kuwait, especially after learning the division in the royal family as a result of the murder of the half-brother of Mubarak the Great. The alliance with Britain was put to the test, and Britain kept the promise to protect the territory, and was therefore more and more drawn

⁶⁴ C. Beaugrand, *Statelessness and Transnationalism in Northern Arabia: Biduns and state building in Kuwait 1959 -2009* PhD London School of Economics and Political Science (2010), 92.

⁶⁵ F. Al-Nakib, *Kuwait Transformed* (Stanford 2016) 22-23.

⁶⁶ J. Crystal, *Oil and Politics in the Gulf* (Cambridge 1990 / 2011 - online version) 15.

⁶⁷ Ibidem, 22.

⁶⁸ A.B. Parados, "Iraq and Kuwait: Conflicting Historical Claims", *CRS Report for Congress* 91-34F (1991) 1.

⁶⁹ J. Crystal, *Oil and Politics in the Gulf* (Cambridge 1990 / 2011 - online version) 23.

⁷⁰ A.B. Parados, "Iraq and Kuwait: Conflicting Historical Claims", *CRS Report for Congress* 91-34F (1991) 2.

into the protection and development of the sheikhdom.⁷¹ In 1904 the first British Political Agent was appointed, which meant domestic political presence of Great Britain in the region. While Mubarak is seen as one of the founders of the modern day Kuwait, he also was, unintentionally, the one who gave way to British influence on the territory. In 1913, the Ottoman Empire and the British government signed a draft convention, the Anglo-Ottoman Convention, to protect British interests and upheld the promises to the Ottoman claim in the area. In the convention, the boundaries of the state of Kuwait were defined and there would be autonomous rule while being a district of the Ottoman Empire.⁷² Apparently, the British did not feel that Kuwait was of a particular relevance as they had more important areas of interest. The set boundaries can be seen in the map in the appendix. However, this draft was never ratified because of the start of World War I.

With the defeat of many Central Powers, the Ottoman Empire and Turkey lost most of its territory. In the aftermath of the First World War, Kuwait had heavy setbacks. The trading and pearling industry collapsed as there were no partners to trade with. The Ottoman Empire was defeated and as a result a power vacuum arose. The map shows a green line, which was suddenly not occupied anymore. This put tension on the relationship between Najd and Kuwait and led to the Kuwait-Najd war.⁷³ This war ended in the Uqair agreement of 1922, which structured the borders of Kuwait.⁷⁴ Sir Percy Cox, the Political High Commissioner for Iraq, gave in to the persuasion of Saudi Arabia to give more territory of Kuwait to Najd. Still, after the boundary change, Saudi kept their economic blockade on Kuwait.⁷⁵

The interwar period gave more authority and influence to the merchants of Kuwait. The merchants, called *hadhar*⁷⁶, tried to secure their political power. As a result disputes with the ruling family were frequent but created a bigger sense of community among the group *hadhar*, who saw themselves as the descendants of the pre-oil townspeople. The ruling family got support from the *badu*, which are the descendants of the nomadic tribes who settled in the city after the launch of the oil industry.⁷⁷ The merchants' pressure on the ruling family was dissolved by the oil boom.

The importance of oil in the Arabian Peninsula became visible in the 1930s, with the

⁷¹ J. Crystal, *Oil and Politics in the Gulf* (Cambridge 1990 / 2011 - online version) 24.

⁷² A.B. Parados, "Iraq and Kuwait: Conflicting Historical Claims", *CRS Report for Congress* 91-34F (1991) 2.

⁷³ F. Al-Nakib, "The Lost "Two-Thirds": Kuwait's Territorial Decline between 1913 and 1922", *Journal of Arabian Studies* 2:1 (2012) 19-37, 30-31.

⁷⁴ *Ibidem*, 34.

⁷⁵ C. Beaugrand, "Borders and Spatial Imaginaries in the Kuwaiti Identity", *Geopolitics* 23:3 (2018) 544-564, 547-551.

⁷⁶ Important to note, merchants are mentioned as *hadhar*, but can also entail a larger group, namely urbanists, which is shown by: F. Al-Nakib, "Revisiting Hadar and Badu in Kuwait: Citizenship, housing and the construction of a dichotomy", *International Journal Middle Eastern Studies* 46 (2014) 5-30, 5.

⁷⁷ F. Al-Nakib, "Revisiting Hadar and Badu in Kuwait", *International Journal Middle Eastern Studies* 46 (2014) 5-30, 6.

discovery of oil in the Neutral Zone between Najd and Kuwait.⁷⁸ This was also one of the factors to why the Nadj region wanted to annex Kuwait. The discovery of oil in commercial quantities was, however, in 1938. After the Second World War the first barrels were being exported. The income of the oil export was directly distributed to the family of the Al-Sabah dynasty. However, with the accession of Abdullah III al-Salim the nation transformed through state-building and centralization. This export growth changed the dynamics between the ruler and the ruled.⁷⁹ Without taxation, Sheikh Abdullah had complete control over public spending and this system has been in place for centuries. Social welfare, the cradle-to-grave welfare, became funded through the oil revenues, but also led to the silencing of the citizenry. The abundant welfare system reduced the risk of political or public protest against the increasing power and autonomy for the Al Sabah rulers.⁸⁰ Before, the merchants got social prestige and political leverage through their investments in the town. The discovery of oil and the social welfare packages affected this relationship.⁸¹

The income generated from oil during the 1950s was utilized to develop social welfare in the nation. Free healthcare and education, and subsidised housing arrangements and jobs facilities were organized by the government. In 1961, Britain and Kuwait ended the agreement of 1899, which made Kuwait an independent nation. In 1962, Kuwait adopted its constitution and held its first elections and formed the National Assembly.⁸² The Assembly's power has changed over time as the role of the ruling family grew. The emir used the Assembly to make a distinction between the merchants and other politically important groups. So the Assembly served as a balance between internal allies of the royal family.⁸³ The emir then went outside of the state in search of international partners. With their wealth and oil power source they were too important to be ignored by other states.⁸⁴

Iraqi rule

After the independence in 1961, Iraqi General Qasim tried to claim Kuwait and threatened to take the territory by force, which was stopped by British forces. After the coup in Iraq, the independence of Kuwait was also recognized by Iraq.⁸⁵ In 1980 Iraq proposed a deal of a lease of particular seaports of Kuwait to them, during the Iran-Iraq War. Kuwait declined this

⁷⁸ C. Beaugrand, "Borders and Spatial Imaginaries in the Kuwaiti Identity", *Geopolitics* 23:3 (2018) 544-564, 552.

⁷⁹ F. Al-Nakib, *Kuwait Transformed* (Stanford 2016) 91.

⁸⁰ M. Herb, "No Representation without Taxation? Rents, Development, and Democracy", *Comparative Politics* 37:3 (2005) 297-316, 297-298.

⁸¹ *Ibidem*, 92-94.

⁸² J. Crystal, *Oil and Politics in the Gulf* (Cambridge 1990 / 2011 - online version) 83-84.

⁸³ *Ibidem*, 85.

⁸⁴ *Ibidem*, 84.

⁸⁵ A.B. Parados, "Iraq and Kuwait: Conflicting Historical Claims", *CRS Report for Congress* 91-34F (1991) 4.

deal. However after the war, the regime in Iraq requested this lease of seaports again. Kuwait did not agree on the terms as they did before. As a response Iraq invaded Kuwait in August 1990. The reason for this attack according to the Iraqi government was the "encroachments" on Iraqi soil by the Kuwaiti government, especially the oil installations.⁸⁶ The real reason was the high debt, mainly to Kuwait, Iraq was left with after the Iraq-Iran war.⁸⁷ To disguise this, Iraq used an old claim from 1922, that Kuwait was a former part of Iraqi soil.⁸⁸ This claim of 1922 was the start of the Kuwait-Nadj war, and Iraq saw Kuwait as a part of the former regions of the Ottoman Empire, which was now mostly part of Iraq. This conflict was the start for the Gulf War. Iraq invaded Kuwait for seven months. On the 28 of February 1991 Kuwait was a free nation again. The war had a devastating effect on all aspects of Kuwaiti life. Economically, all the financial oil reserves were exhausted. The occupation changed the relations between 'original' Kuwaitis and (perceived) foreigners, as most were believed to be of Iraqi origin to complete the take-over of Kuwait.⁸⁹ During the war, more than half of the inhabitants fled, and many nonnationals were not allowed to return. More than 200,000 Palestinians fled Kuwait, mostly because of the fear of abusive actions after the war.⁹⁰ In politics, the invasion led to an overprotective emir, who's actions became more and more restrictive. After the war the oil production suffered because of the oil fires lit by Iraqi military. The Iraqi threat had caused trauma's to all facets of Kuwaiti life.

Contemporary period

As a small nation, with great powers at the borders, Kuwait is used to external threats. After the Iraq invasion, the ruling family tried to regain power by accepting elections for the National Assembly of 1992, which was previously dissolved by the emir in 1986. In addition the constitution of 1962 was reinstated in the same year. The border between Iraq and Kuwait was defined by a United Nations commission and was in favour of Kuwait. Still, with the survival of the Ba'th regime of Saddam Hussein, Kuwait was fearful of the reaction of Iraq and the possibility of repetition. Only after 2003, with the fall of the Ba'th regime in the Second Gulf War, Kuwait was relieved.⁹¹

Internally, the state tried to segregate the inhabitants after the invasion of Iraq, to create a strong union. First of all, by dividing the population as above, those who have

⁸⁶ Ibidem, 4-5.

⁸⁷ C. Greenwood, "New World Order or Old? The Invasion of Kuwait and the Rule of Law", *The Modern Law Review* 55:2 (1992) 153-178, 156.

⁸⁸ Ibidem.

⁸⁹ J. Crystal, *Kuwait: The Transformation of an Oil State* (New York 1992) 4-5.

⁹⁰ Lawyers Committee for Human Rights, *Kuwait: Building the Rule of Law: Human Rights in Kuwait after Occupation* (New York 1992) 35.

⁹¹ "Kuwait." Britannica Academic, Encyclopædia Britannica, 21 Feb. 2019. academic.oup.com/levels/collegiate/article/Kuwait/110501#93657.toc. Accessed 15 April 2020.

witnessed the war and those who fled the scene.⁹² The royal family tried to control the civil society by using exclusion measures in the case of foreign workers. To point towards a common scapegoat, the first step of the Al Sabah was to unite the 'original Kuwaitis'. This worked to some extent. The ones considered a national were effectively discriminating groups such as foreigners, non-Arab, non-Muslim, expats and Bedoons.⁹³ However, this was met with international criticism and picked up by several NGOs.

Next to this, as Tétreault explained in 1992, Kuwait was in search for a definition on their identity. As the government wanted to reduce the level of foreigners, it was torn between nationality and national interest.⁹⁴ This issue is still relevant up until today. As Kuwait is dependent on labour migration without wanting to include foreigners into their nation or civil society, it keeps on battling between economy and political identity. Kuwait's population is estimated to be 4.4 million in 2019, of which nearly seventy percent are non-Kuwaitis.⁹⁵ This division of inhabitants has been present since the discovery of oil and the booming industry. The *hadhar* and *badu* communities are mostly living in separate neighbourhoods, therefore having less interaction with each other.⁹⁶ This is also the fact for the labour migrants, who live in the housing areas built by the state, separated from the city centre. Interestingly, as Halliday poses, the royal family of Kuwait has repeatedly promised reforms, especially under pressure, but never implemented any of them. This is seen in the foundation of the National Assembly, which has been frequently dissolved after allies were against the ruler's decisions. Halliday already states this in 1991.⁹⁷

In the last decades the population grew steadily and as a result the state became more critical to who is an 'original' Kuwaiti and who isn't. As seen above, the Kuwaiti citizens became a minority in their own country. Labour migration was seen as a tool to enhance the economy and therefore provided enough social welfare to the citizenry. However, the high percentage of migrants in the nation pressed other minorities to new positions. After years of alleged reforms, the opposition stepped up and protested. This was in the wake of the Arab Spring. The start was the food grant to citizens, which did not include migrants and Bedoons.⁹⁸ This decision sparked a protest to gain recognition for the Bedoons from the state and to democratise the political system, as now the most power was vested in emir, followed

⁹² M.A. Tetreault, "Kuwait the morning after", *History* 91:561 (1992) 6-10, 6.

⁹³ *Ibidem*, 8.

⁹⁴ *Ibidem*, 9.

⁹⁵ CIA, *The World Fact Book: Middle East: Kuwait* (last updated Feb. 28 2020) www.cia.gov

⁹⁶ F. Al-Nakib, "Revisiting Hadar and Badu in Kuwait: Citizenship, housing and the construction of a dichotomy", *International Journal Middle Eastern Studies* 46 (2014) 5-30, 8.

⁹⁷ F. Halliday, "The Gulf War and its aftermath: first reflections", *International Affairs* 67:2 (1991) 223-234, 228.

⁹⁸ Unknown, 'Kuwaiti ruler grants \$4b, free food to citizens' (Jan. 2011) on: www.gulfnews.com and: R.A. Cohen & Y. Keinan-Cohen, 'The Issue of Citizenship for the Bidun Minority in Kuwait after the Arab Spring', *Digest of Middle East Studies* 28:1 (2019) 107-123, 119.

by the Cabinet and the ministers.⁹⁹ The Arab Spring caused an escalation of the power struggle and the government resigned on 1 March 2011.¹⁰⁰ The protesters did not want to abolish the monarchy, but rather change the power dynamics of the ruling family and that of the Cabinet and National Assembly.¹⁰¹ Right before the protest, Prime Minister Nasser Al-Ahmad tried to dissolve the parliament, so recognition of Bedoons was not a top priority.¹⁰² This protest will be explained more in the following chapters.

The history of Kuwait is complex and extensive. After every external threat, the regime became more restrictive towards their population. The fear of being ruled over is a constant factor in deciding policies and enforcing laws. As Jill Crystal states there has been several external threats, which are highlighted above. The internal rivalry came almost immediately after the violence, and kept questioning: who is a Kuwaiti? The separation of the various inhabitants and the political silencing of the population through the cradle-to-grave welfare system, led to an accumulation of tension. There is one group in particular which has been the scapegoat when it comes to citizenship, nationality and identity: the Bedoon.

⁹⁹ D. Shultziner & M.A. Tétrault, "Representation and democratic progress in Kuwait", *Representation* 48:3 (2012) 281-293, 286.

¹⁰⁰ *Ibidem*, 287.

¹⁰¹ *Ibidem*, 287-288.

¹⁰² M. Seikaly, & K. Matter, *The Silent Revolution: The Arab Spring and the Gulf States* (Berlin 2014) 192.

Chapter 3: Theorising and contextualising statelessness

As a rule, man must by necessity be dominated by someone else. If the domination is kind and just and the people under it are not oppressed by its laws and restrictions, they are guided by the courage or cowardice that they possess in themselves. They are satisfied with the absence of any restraining power. Self-reliance eventually becomes a quality natural to them. – Ibn Khaldun¹⁰³

Ibn Khaldun goes on in this statement to say that people who are subjected to law are becoming more and more reliant on the laws and regulations of the community. To achieve and sustain this, there must be a sense of community. With the coming of the nation-state, relations between communities changed and the feeling of nationality became more prominent. As the first nation-states in the Gulf region had borders which were, not always, clearly defined by the law, there was a need to specify who belonged to that nation and on what grounds. However, as it seems to be an inclusive system to all people present on the territory at that moment, Zahra Babar, explains: “While the state builds citizenship around norms of inclusion, in reality the process is just as potent for creating norms of exclusion.”¹⁰⁴ While being part of a community still gives feeling of belonging, the nation-state gave more benefits to the subjects of citizenship. As Butenschon puts it: “The power of citizenship is probably best known by those who are denied it: the right to carry a passport and be protected by a state; the right to abode; the right to membership in a political community with access to decision-making institutions and public welfare. Citizenship is a scarce public good that is distributed by the state, a source of collective identity and an instrument of political control.”¹⁰⁵ Being cut off from welfare and rights leaves an individual or group abandoned.

This chapter will explore the possibilities of theorising statelessness and what type of exclusion the laws of Kuwait encompass. First, a quick review of the citizenship theories will be given after which the possibilities on theorising statelessness will be discussed. The chapter continues with an analysis of the of the nationality laws and the constitution of Kuwait. These sources used in historical order, show the difficulties in conceptualising citizenship and inclusion. This could point to the unexpected consequences the laws and regulations have or have had. The analysis of the concepts of citizenship and statelessness with the laws will be used to define the situation for the Bedoons in the next chapter and will help built up to a conclusion.

¹⁰³ Ibn Khaldun, book 1 - II – 6: ‘The reliance of sedentary people upon laws destroys their fortitude and power of resistance’ in: Ibn Khaldun, *The Muqaddimah*, translated by: Franz Rosenthal.

¹⁰⁴ Z.R. Babar, “The Cost of Belonging: Citizenship Construction in the State of Qatar”, *The Middle East Journal* 68:3 (2014) 403-420, 403.

¹⁰⁵ N.A. Butenschon, “State, Power and Citizenship in the Middle East”, in: N.A. Butenschon, U. Davis, M. Hassassian, *Citizenship and the State in the Middle East: Approaches and Applications* (New York 2000) 5.

Revision of the theories on citizenship

Becoming a citizen in this era can only be achieved through being born on the basis of *jus sanguinis*, by blood lineage, or *jus soli*, by place of birth, or naturalisation. A more open naturalisation policy means a more inclusive citizenry, but also leads to a greater social welfare package from the state. The contract between the citizenry and the state is based on thrust and rights. By enlarging the group of citizens, the state takes a risk. As the state is mainly seen as the vested power of citizenship, the state needs to gain benefits when enlarging their citizenry. The view of the state can be pointed at the benefits for the economy, but most importantly, political influence. When more citizens are positive towards the regime, the chances of succeeding in holding the office is greater. Second, the state can view the opinion of the existing citizenry. As inclusion means more welfare benefits, the citizenry is aware of the costs of sharing these benefits. This can be a factor in the decision to enlarge the society with new members.

When the state does not decide to naturalise people, institutional exclusion arises. As Oleinik explains, there are several exclusions. Institutional exclusion, in which ordinary people are cut off from government help and can't rely on the law and official procedures. Next to this there is social exclusion, to divide society on the bases of ethnicity and membership to specific communities. Finally economic exclusion, in which people are given unequal economic opportunities.¹⁰⁶ Institutional exclusion is used as a tool to increase political power and control over rents. Conflicts can arise when this exclusion is miscalculated and the oppressed react.¹⁰⁷ The oppressed mobilise themselves faster when it's an attack against their ethnicity as this is an ascriptive quality which cannot be chosen or changed.¹⁰⁸ It is possible to argue ethnicity is therefore also a useful tool to suppress specific groups in a society.

In some states, more rights for foreigners were developed. As a result, a variety of citizenship arrangements came to life. The position of a foreigner was placed in the scales of citizenship. There is the denizen or quasi-citizen, which is a foreigner who has a legal and permanent resident status. Another form is the margizens, a group of people who are also long-term foreigners but without a secure resident status.¹⁰⁹ However, this is based on certain European countries, as explained by Castles and Davidson. This variety of

¹⁰⁶ A. Oleinik, "Institutional exclusion as a destabilizing factor: the mass unrest of 1 July 2005 in Mongolia", *Central Asian Survey* 31:2 (2012) 153-174, 154.

¹⁰⁷ P. Roessler, *Ethnic Politics and State Power in Africa* (Cambridge 2016) 61.

¹⁰⁸ *Ibidem*, 66.

¹⁰⁹ S. Castles & A. Davidson, *Citizenship and Migration: Globalization and the politics of belonging* (London 2000) 94-95.

citizenships are an example of how citizenship cannot be addressed as a linear and clear process. It changes over time, place and individual.

Theorizing statelessness

Statelessness is protected in human rights law.¹¹⁰ This is not ratified by all nations worldwide, therefore, statelessness has no ground outside of 'non-citizenship'. Historically, membership to a community turned into citizenship with the effect of borders and the nation state. However, not everyone had that opportunity and was being left out. In academics, questions of who was included, created also the opposite, who did not and on what grounds? Until now there has been no definite answer to these questions. Statelessness depends on a variety of factors, it can be historic changes, power succession or laws for example.

Van Waas explains that the international community has a strong interest in statelessness. The earliest instrument was the *Universal Declaration of Human Rights*, and its opening: "All human beings are born free and equal in dignity and rights."¹¹¹ This portrays the believe in an inclusive society all around the world. This was very broad to implement and there are still levels to which rights can be distributed, such as a limitation to political rights but the grant of cultural rights. Still, the position of the stateless was left out in constitutions and nationality laws.

By issuing the *Convention relating to the Status of Stateless Persons* of 1954, the standard of living for stateless individuals is challenged and protected.¹¹² In 1961 another instrument was implemented, the *Convention on the Reduction of Statelessness*. This convention tries to realise concrete rules to achieve access to nationality for stateless individuals.¹¹³ Interestingly, the convention of 1954 recognizes five 'levels of attachment' that a stateless individual can attain. To quote the list of van Waas, 'in order of strengthening attachment to the state: subject to the state's jurisdiction, physical presence, lawful presence, lawful stay and durable residence.'¹¹⁴ The more attachment means the more rights. Van Waas does not go into the ripple effect of these 'levels of attachment'. I would argue that this idea of dependence and relation to the state can subsequently put individuals in a different category to the wishes of the state. The 'level of attachment' can generate exclusion and is rather a tool to explain the distribution of rights. Hannah Arendt even stated that these treaties are 'preposterous', as it entailed treating states the same to guarantee the same

¹¹⁰ The 1954 *Convention relating to the Status of Stateless Persons* and the 1961 *Convention on the Reduction of Statelessness*.

¹¹¹ UN General Assembly, *Universal Declaration of Human Rights* (1948).

¹¹² L. van Waas, 'Nationality and Rights', in: B.K. Blitz & M. Lynch, *Statelessness and citizenship a comparative study on the benefits of nationality* (Cheltenham 2011) 29.

¹¹³ Ibidem.

¹¹⁴ Ibidem.

rights for every individual.¹¹⁵ However, she sees the work on Minority Treaties as important, not on the basis of their functions, but rather on the recognition from around the world. As minorities always existed, they were finally being seen through research and because of the existence of these treaties.¹¹⁶

Staples, a scholar on statelessness, points out the importance of external recognition of the nation-state.¹¹⁷ However, international recognition could exacerbate existing exclusions and even put more pressure on generating new patterns. But there is a paradox, because external involvement of the international community is needed to address issues relating to citizenship as they have tools to change this situation.¹¹⁸ This would mean that international involvement can lead to exclusion of minority groups in a state, but it can also give more attention to these groups and lead the way towards inclusion.

Hunter explains the difficulty with the concept of statelessness. There is 'a grey zone between full citizenship and total statelessness'.¹¹⁹ Staples states that being recognised is needed, however, the parameters to become recognised are not fixed and in some cases fairly limited.¹²⁰ While she is hesitant to use international recognition, she ends her chapter by stating that: 'As most experts on statelessness agree, 'the involvement of the international community is a necessity', even more so because the international instruments of conventions and treaties are not binding to States. However, to do so there is a need to attention towards the particular group, the international dimensions of individuality and ways to circumvent the possibility to unintentionally create more exclusion to others.¹²¹ Arendt states that the existence of statelessness cannot be ascribed to one factor alone, however, it appears that with every new law or rule, more categories of statelessness arise.¹²² She continues stating human rights are not ratified or implemented by states, therefore will not change the problem of statelessness any time soon.¹²³

Vlieks, Hirsh Ballin and Vela discuss in their work possibilities to solve statelessness. Their article starts out with pointing to the need to overcome the state-centric understanding of the right of nationality. As exclusion, lying at the core of statelessness, cannot be solved

¹¹⁵ H. Arendt, *The Origins of Totalitarianism* (New York 1958) 270.

¹¹⁶ *Ibidem*, 275.

¹¹⁷ K. Staples, *Retheorising Statelessness: A Background Theory of Membership* (Edinburgh 2012) 160-162.

¹¹⁸ *Ibidem*, 174.

¹¹⁹ W. Hunter, "Undocumented Nationals: Between Statelessness and Citizenship", *Cambridge Elements: Politics of Development* (Cambridge 2019) 1-65, 1.

¹²⁰ Staples, K., *Retheorising Statelessness: A Background Theory of Membership* (Edinburgh 2012) 170-171.

¹²¹ *Ibidem*, 175.

¹²² H. Arendt, *The Origins of Totalitarianism* (New York 1958) 277.

¹²³ *Ibidem*, 279.

by only the acquisition of nationality. They opt for a 'meaningful connection'.¹²⁴ They point at the achievement of becoming "one of us", before getting nationalised. To define this more clearly, the article poses three lenses: idea of the right to be a citizen, one's "own country" and the right to an "effective" nationality. First, to avoid repetition of unfreedom there is a need for constitutional safeguards. This includes the removal of the state as the sole power to grant citizenship which can lead to a more "natural citizenship".¹²⁵ The authors suggest a need for a "genuine connection" between the state and the individual. This would turn naturalisation into a certain feeling of belonging, and give "effective nationality". This is understood as 'a phenomena in which a factual situation corresponds to legal status and legal rights exists'.¹²⁶ This is the highest form of being included and treated as a national.

Laws and regulations in historic order

In this section, on law and regulation, the Nationality Laws and Constitution of Kuwait are discussed. The importance of this part is to analyse the development of citizenship and what it entails for the Kuwaiti state and its inhabitants. By showing these laws separately from the situation of the Bedoons, I try to define what citizenship is for the state of Kuwait and what types of theories can be linked to this. In the next chapter, the place for the Bedoons in the nation is explained and questioned by the regulations of the state. In this part, nationality and citizenship are used simultaneously. However, I would argue that nationality as a concept has a more prominent feeling of belonging to a social group, while citizenship beholds the obtaining of identification papers only. Citizenship is more the official recognition of an individual by the state.

Nationality Law of 1948

The first Nationality Law of Kuwait was drafted during the British occupation in 1948. Under the emir of Kuwait, Ahmad al Jabir al Sabah, the law was a guideline of the criteria on Kuwaiti citizenship. The law was assumed to be based on the Egyptian Law of 1929.¹²⁷ This law has been seen as quite inclusionary, as former Ottoman subjects could obtain Egyptian Nationality.

In Article 1 and 2 the considerations of Kuwaiti citizenship by virtue of the law are described as: (a) members of the ruling family; (b) a person who permanent resides in Kuwait since 1899; (c) a descendent of a Kuwaiti father; (d) a descendent of a Kuwaiti

¹²⁴ C. Vlieks, E. Hirsch Ballin & M.J. Recalde Vela, "Solving statelessness: interpreting the right to nationality", *Netherlands Quarterly of Human Rights* 35:3 (2017)158-175, 160.

¹²⁵ Ibidem, 162-163.

¹²⁶ Ibidem, 166.

¹²⁷ H.M. Albaharna, *The Legal Status of the Arabian Gulf States: A Study of their Treaty Relations and their International Problems* (Manchester 1968) 126.

mother if the father has not been legally established; (e) A foundling who is born in Kuwait from unknown parents.¹²⁸ Naturalisation is possible for every foreign adult who has made Kuwait his permanent residence for a period of at least ten years and if he: (1) is of good conduct; (2) has a means of earning; (3) has knowledge of the Arabic language.¹²⁹ Important is the possibility of *jus soli*, the right of citizenship on the basis of territory. Being born before 1899 gives immediate access to the citizenry. However, most other articles are based on the principle of *jus sanguinis*, the right of citizenship through blood descendants of the paternal line. Article 3 is part of the *jus soli* principle as Kuwaiti nationality can be given to 'anyone born in Kuwait, or parents who are foreigners but whose usual residence at his majority was in Kuwait is considered a Kuwaiti...'. According to Longva, this is noticeable a modern innovation which differs itself from the traditional classification of people in the region. This classification was done on the principles of birthplace of the identification of ancestors.¹³⁰ Article 9 explains the possibilities to be stripped of citizenship, when being part of the military service of a Foreign Government. However, it says: 'Any person losing nationality under this article may resume it under the conditions of Article 3 of this law.'¹³¹

There are extra clauses for women. When she is not an official Kuwaiti but marries a Kuwaiti national, she obtains citizenship through her marriage. When she divorces, she still holds the Kuwaiti nationality. However, the opposite is not possible. When a woman marries a foreigner, she herself holds her nationality but loses it when she want to obtain the nationality of her husband. She can't, however, pass on her nationality to her children, according to the clauses of Kuwaiti citizenship.¹³²

Under Article 6, nationality can be withdrawn: (a) if the nationality was obtained by fraud or false statements; (b) if sentenced to a criminal charge for imprisonment of two years or more; (c) for any act performed within or without Kuwait which endangers the safety of the Government or public order of Kuwait; (d) publishing, writing or propagate revolutionary ideas contrary to Islamic faith. However, this will not take place if the person has been naturalised for more than five years.¹³³ Furthermore, if a person takes another nationality, they lose the Kuwaiti nationality.¹³⁴ So, dual citizenship is not allowed in Kuwait.

The definition of becoming a Kuwaiti citizen was defined on territory. However, by 1848 the borders of Kuwait were ill-defined and large groups of tribes resided in the border

¹²⁸ Arabian Gulf Archive, *The Kuwait Nationality Law of 1948*, Article 1-2, FO371/114728, 8-11.

¹²⁹ Ibidem, Article 4.

¹³⁰ A.N. Longva, 'Citizenship in the Gulf States: conceptualization and Practice' in: N.A. Butenschøn, U. Davis, M. Hassassian (eds), *Citizenship and the State in the Middle East: Approaches and Applications*, 185.

¹³¹ Arabian Gulf Archive, *The Kuwait Nationality Law of 1948*, Article 9, FO371/114728, 8-11.

¹³² Ibidem, Article 10.

¹³³ Ibidem, Article 6.

¹³⁴ Ibidem, Article 10-11-12.

areas. It was unclear who was part of this group of 'citizens' and who was being left out. According to a work by the Human Rights Watch, the emir tried to extend his rule beyond the walls of the city but was reluctant to give citizenship to these nomadic tribes. The requirement of living in Kuwait prior to 1899 was therefore only pointed to the urban, city lifestyle rather than a shared territorial one.¹³⁵

The Nationality Law of 1959

The Nationality Law of 1959 changed in regards to the law of 1948.¹³⁶ It is still the functioning Nationality Law of Kuwait to this day. First of all, Article 1. Instead of granting citizenship to people who were born and raised in Kuwait before 1899, original Kuwaitis are now 'persons who settled before 1920 in the nation and maintained a normal residence till the date of this law'.¹³⁷ Article 2 and 3 have been used in the same way. Article 4, however, on the possibility of naturalization, became more strict, a man must: (a) lawfully resided in Kuwait for at least 20 consecutive years, or at least 15 if he is of Arab belonging to an Arab country; (b) lawful means of earning his living, good character and not charged and convicted of a honour or honesty-related crime; (c) have knowledge of the Arabic language; (d) possess qualifications or renders services needed in Kuwait; (e) be an original Muslim by birth or converted to Islam at least 5 years prior to his grant of naturalisation.¹³⁸ Moreover, the number of naturalisation was limited to 50 per year.¹³⁹ Article 5 continues on Article 4, saying that upon recommendation of the Minister of the Interior the following may be granted Kuwaiti nationality by Decree: (1) any person who has rendered valuable services to Kuwait; (2) any person [upon his attaining his majority who was] born to a Kuwait mother and maintained his residence until the age of majority, with a deceased or divorced father; (3) an Arab belonging to an Arab country provided he resided in Kuwait before 1945; (4) a non-Arab provided he resided in Kuwait since before 1930.¹⁴⁰ The naturalisation clauses give only socio-economic benefits, however, as the persons who are granted Kuwaiti nationality through these clauses are excluded from the right to vote in any Parliamentary election within 30 years.¹⁴¹ The access to political rights are being held for 'original' Kuwaiti citizens. This has been shown

¹³⁵ Abu-Hamad, A., *The Bedoons of Kuwait: "Citizens Without Citizenship"*, Human Rights Watch (New York 1995) 68.

¹³⁶ The Nationality Law used here is translated by the www.RefWorld.org website. However, this translation includes amendments which followed after this law was published. Therefore sometimes the number of years can differ but will be explained.

¹³⁷ Article 1, *Nationality Law 1959*, UNHCR, www.RefWorld.org

¹³⁸ *Ibidem*, Article 4.

¹³⁹ C. Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait* (London 2018) 76.

¹⁴⁰ Article 5, *Nationality Law 1959*, UNHCR, www.RefWorld.org and: C. Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait* (London 2018) 76. She states that the law has been changed on article 5, allowing persons who settled in Kuwait before 1965 and has maintained residence can be considered for naturalisation.

¹⁴¹ Article 6, *Nationality Law 1959*, UNHCR, www.RefWorld.org

further in an amendment to the Citizenship Law which states that no naturalised person can be appointed or elected to any parliamentary position, regardless of the duration of naturalisation.¹⁴²

The grounds to revoke naturalisation were enhanced in regards of the law of 1948 in the following cases: (a) naturalization has been acquired through fraud or false declaration; (b) anyone who, within 15 years, is convicted of an honour or honesty-crime; (c) within 10 years a person is dismissed from public office on disciplinary grounds for reasons related to honour or honesty; (d) the competent authority have evidence that the person shares undermining opinions on the economic or social structure of the State or if he's a member of a foreign political association; (e) when a person enters military service of a foreign State even if the Kuwaiti government tells him otherwise; (f) when a person works for a foreign State while being at war with Kuwait or has diplomatic relations suspended; (g) when a person is part of an association which undermines the social or economic structure of the Kuwaiti State.¹⁴³

The principle of *jus soli* has been used only to establish first settlement. Onwards, the only possibility was to prove *jus sanguinis* by paternal line. Naturalisation has become more restrictive within this law in comparison to the law of 1948. The law of 1948 granted citizenship to certain classes of foreigners who maintained residence in Kuwait for five years. This was increased to eight in 1959, to ten in 1966 and in 1980 to fifteen years.¹⁴⁴ By looking at the arrival of high numbers of migrants, the government of Kuwait tried to control certain areas of the law. In addition to this, the amendment of eligibility to vote for naturalised citizens has been made more difficult, opt from ten years in the original 1959 law till thirty years by amendments in 1986 and 1987.¹⁴⁵

The situation for children of naturalised parents are not specified in this law. In 1980 an amendment was adopted that denied citizenship to children of Kuwaiti women and stateless fathers, which targeted children who were born before the amendment. This was even though in the 1959 law, the clause under Article 3, which gives children of Kuwaiti mothers, with no legally established kinship with a father or a unknown father, citizenship.¹⁴⁶

The questionable parts of the 1959 law in regards to the position of statelessness is first of all the 'lawful means of earning his living' in Article 4. This gives only legal acknowledged foreign labourers the possibility to opt for naturalisation as only work categorised as 'lawful' gives way to citizenship. Not all Bedoons maintain a lawful living,

¹⁴² Abu-Hamad, A., *The Bedoons of Kuwait: "Citizens Without Citizenship"*, Human Rights Watch (New York 1995) 78.

¹⁴³ Article 13 & 14, *Nationality Law 1959*, UNHCR, www.RefWorld.org

¹⁴⁴ Ibidem.

¹⁴⁵ Ibidem.

¹⁴⁶ Ibidem, 72.

therefore can lose their opportunity to be naturalised. Next to this, Article 4D and Article 5A, in which nationality may be granted to any person rendered good services to the state, raises questions. As Beaugrand points out, Bedoons have played an important part when it comes to the staffing of the police and the army.¹⁴⁷ Is that a good enough service to the state? Or, can stakeholder citizenship, as Bauböck describes, be seen as a way towards this goal of rendering good services, as bringing expertise or specialised skills into the equation.

Constitution of 1962 reinstated in 1992

The constitution of 1962 was drafted after the independence of Kuwait. However, several periods in Kuwaiti history have seen suspensions of certain constitutional provisions and therefore limitations of civil liberties. The first period was between 1976 and 1981, under Emir Sabah Al-Salim, who closed the parliament. The second, under Jabir al-Ahmad lasted from 1986 till 1992, during the Iraqi invasion.¹⁴⁸ This last suspension period is of influence when looked at the situation of Bedoons in the next chapter. After the Iraqi invasion, Kuwait was set on rebuilding its nation. Sheikh Jabir al-Ahmad was trying to re-create 'the social contract and to return to constitutional life'.¹⁴⁹ However, as Tétreault explains, this seemed like a noble goal, while the sheikh was simultaneously trying to bring in more proponents of his rule 'by naturalizing large numbers of tribal Bedouins and redrawing parliamentary constituencies to maximize the number of tribal as opposed to urban representatives in the National Assembly'.¹⁵⁰ The relation between the ruling family and the National Assembly had been difficult, as the body was dissolved if the opposition grew too large. However, after the re-installment of the constitution of 1992 the National Assembly has not been dissolved.

According to Article 6 of the constitution, Kuwait's government system is democratic. The sovereignty is vested in the Nation and the source of all authority.¹⁵¹ The pillars of society are justice, freedom and equality according to Article 7. Cooperation and compassion are the links binding all citizens, which are guaranteed security, tranquillity and equal opportunity protected by the State.¹⁵² Family is the central foundation of society. In Article 10 the State include the rights of children, as 'The State shall watch over the youth and shall protect it from exploitation and from moral, corporal and spiritual negligence'.¹⁵³ The state promises to preserve its entity, strengthen its bonds and shall protect mothers and infants.

¹⁴⁷ C. Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait* (London 2018) 104.

¹⁴⁸ M.A. Tétreault, "A state of two minds: state cultures, women, and politics in Kuwait", *International Journal of Middle East Studies* 33 (2001) 203-220, 204-205.

¹⁴⁹ Ibidem, 205.

¹⁵⁰ Ibidem.

¹⁵¹ Article 6, *Kuwait's Constitution of 1962, reinstated in 1992*, www.constituteproject.org (visited on 13-02-2020) 4.

¹⁵² Ibidem, Article 7 & 8.

¹⁵³ Ibidem, Article 10.

Under laws 13, 14 and 15 the State promises free education and encouragement of scientific research, also it cares for public health.¹⁵⁴

In Article 27 the 'Kuwaiti nationality' is states to be determined by law, in this case the Nationality Law of 1959. It states that: 'relinquishment or withdrawal of nationality shall be permissible save within the limits of the Law'.¹⁵⁵ In addition to this, in Article 28 'No Kuwaiti may be deported from Kuwait or prevented from returning to it'.¹⁵⁶ As stated in chapter two, after the Iraqi war, many people tried to return to Kuwait. They were rejected several times and some were not allowed to enter.¹⁵⁷ This speaks against the law, but was justified by the government as possible Iraqi infiltrators, so these people were not acknowledged as Kuwaiti citizens.

Article 29 has a different formulation from most of the laws. Instead of Kuwaiti nationals, which is used more frequently, this law states: 'The people are peers in human dignity and have, in the eyes of the Law, equal rights and obligations. There shall be made no differentiation among them because of gender, origin, language or religion'.¹⁵⁸ Here the position of foreigners is interesting as they are not treated the same as Kuwaiti nationals. According to the constitution there is freedom of belief, freedom of opinion and scientific research, press and publication is guaranteed, also postal, telegraphic and telephonic communication is safeguarded as well as education and right to work.¹⁵⁹

In Article 46 the constitution states that extradition of political refugees is prohibited.¹⁶⁰ The terminology is interesting. The definition of a political refugee is a person who fled from a nation to which he or she belonged out of political persecution. This means Kuwait cannot 'dispose' itself from unwanted political protesters. Can a stateless person also been seen as a political refugee? Article 47 describes the sacred duty of defending the country therefore discharge of military service is an honour for the citizen.¹⁶¹ This article, combined with Article 4 and 5 of the Nationality Law of 1959 give foreigners more claims to citizenship as it should be an honour for citizens to have been part of the army.

¹⁵⁴ Ibidem, Article 13-15, 5.

¹⁵⁵ Article 27, *Kuwait's Constitution of 1962, reinstated in 1992*, www.constituteproject.org (visited on 13-02-2020) 6.

¹⁵⁶ Ibidem, Article 28.

¹⁵⁷ Beaugrand, C., *Statelessness and Transnationalism in Northern Arabia: Biduns and state building in Kuwait 1959 -2009* PhD London School of Economics and Political Science (2010) 32.

¹⁵⁸ Article 29, *Kuwait's Constitution of 1962, reinstated in 1992*, www.constituteproject.org (visited on 13-02-2020) 7.

¹⁵⁹ Article 35-37, 39, 41, *Kuwait's Constitution of 1962, reinstated in 1992*, www.constituteproject.org (visited on 13-02-2020) 7.

¹⁶⁰ Ibidem, Article 46, 9.

¹⁶¹ Ibidem, Article 47, 9.

Chapter 4: The resistance of the Bedoons and the reactions of the state

“This is our actual life, we are always gagged, cannot speak, and if we do, we are punished, and the punishment of the Bidoon is not limited to the person himself, but rather a more comprehensive punishment that extends like an octopus.” - Jassim¹⁶²

“It became an issue of racism when it was before that an issue of bureaucracy and prejudice of urban against tribal.” – Mona Kareem¹⁶³

The previous chapter showed the enforcement of law and tried to define the concept of statelessness. This chapter will describe the problems Bedoons face in their daily lives. The story behind the theory. To start this chapter it is important to note that Bedoons are not an homogenous group. There are no common roots, some are descendants of nomadic tribes or Iraqi war deserters. But these individuals have repeatedly been excluded, which makes them a group namely: the stateless Bedoons.¹⁶⁴ This chapter will follow a chronological path towards the present day. First, the situation until independence is discussed. How was the relationship between the state and the Bedoons? Second, the situation from independence to 1986. This year the position of the state towards the stateless population changed. The final section will discuss the period between 1986 and the present, what position did the Bedoons obtain? This chapter will show the state's interventions and the resistance against these policies by Bedoons since the independence.

The Kuwaiti government claims, at present time, that Bedoons gave their rights up voluntarily to be free from the Kuwaiti state.¹⁶⁵ The group of Bedoons comprises, according to the Human Rights Watch, of three categories. The first are those whose ancestors failed to apply for nationality or lacked necessary documentation at the time of independence in 1961. The second group were those who were recruited to work in the army or police force of Kuwait during the 1960s and settled permanently with their families. The last group are children of Kuwaiti mothers and stateless or foreign fathers.¹⁶⁶ These groups do not imply to have given up their right to citizenship, rather they were systematically discriminated against by the State.

¹⁶² A. Elgayar, “‘Without’ Protection: Kuwait’s stateless-Bidoon residents live on the margins of one of the world’s richest states”, *The Investigative Journal* (February 6 2020) visited on: 03-03-2020

¹⁶³ R. El Gamal, S. Westall, ‘Arab Spring energizes Gulf’s stateless’, *Reuters* (19 December 2012) www.Reuters.nl last visited 05-03-2020.

¹⁶⁴ C. Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait* (London 2018) 114. And: Human Rights Watch Report, ‘The Bedoons of Kuwait: “Citizens without Citizenship” (1995). <https://www.hrw.org/reports/1995/Kuwait.htm>

¹⁶⁵ R.A. Cohen & Y. Keinan-Cohen, “The issue of Citizenship for the Bidun Minority in Kuwait after the Arab Spring”, *Digest of Middle East Studies* 28:1 (2019) 107-123, 107.

¹⁶⁶ Human Rights Watch, *Prisoners of the Past: Kuwaiti Bidun and the Burden of Statelessness*, (New York 2011) 3.

However, the group of Bedoons can be much more according to Beaugrand. Between 1959 and 1965 four Committees of Nationality had the task to document every individual in the nation. Three of the Committees were based in the urban area and only one was appointed to document desert tribes. Beaugrand raises questions as to how many people living around the Saudi border, who did not know about the Committees and as a result have not received citizenship.¹⁶⁷ This shows that the rulers had little intend to include people outside of the city walls. But statelessness can also entail persons stripped of passports and individuals who gave up their nationality in fear of repercussion. Another important point as Nasra Shah explains, Bedoons can decide to leave the country illegally which happens without mentioning it in the news or to the authorities.¹⁶⁸ The exact number of Bedoons is not documented as Kuwait stopped inserting them into the census. The number of Bedoons are therefore based on estimates as they are not counted separately and believed to be around 100,000.¹⁶⁹

Pre-independence: Working to the formation of the state of Kuwait

After the Second World War, Kuwait exported their oil in high quantities. The workforce, which was first occupied by inhabitants of Kuwait, was not sustainable in the long-term. So, the borders to neighbouring states were opened. Labour migration was encouraged as the oil boom nurtured ambitious industrial and modernisation ideas which were hindered by the lack of workforce as a result of the small indigenous population.¹⁷⁰ This meant free movement between Gulf states. As a result, the lines between foreigners, "original Kuwaitis" and migrants became blurred. In this period, Bedoons who lived in the desert moved closer to the city to make a living in the oil industry, mainly in the region of Ahmadi. As not everyone found work in this business, Bedoons occupied other fields of work, such as the police force.

The period before independence does not give a clear status to Bedoons. One of the factors can be the denomination. The word Bedoon as a term used in this thesis appeared first in the 1970s according to Beaugrand. Before this there were no tools or scales to define non-Kuwaitis. Their status, before independence, was quite the same as Kuwaitis with citizenship. They were free to travel across the country and borders.¹⁷¹ They did not differ from citizens as they spoke the same dialect, wore the same clothes and mingled with Kuwaitis on the basis of social and cultural background. However, they were documented as

¹⁶⁷ C. Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait* (London 2018) 83.

¹⁶⁸ N.M. Shah, "Kuwait's Revised Labor Laws: Implications for National and Foreign Workers", *Asian and Pacific Migration Journal* 20:3-4 (2011) 339-363, 344.

¹⁶⁹ C. Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait* (London 2018) 34.

¹⁷⁰ *Ibidem*, 91.

¹⁷¹ *Ibidem*, 26.

“of an undetermined nationality” or “non-Kuwaitis” on legal documents.¹⁷²

Until the 1960s, the government allowed Bedoons to stay in the nation without formally granting them citizenship. The Kuwaiti administration even issued mandatory birth certificates which were available to Bedoons. This was seen as a form of third degree nationality. First, the original Kuwaitis on the basis of the Nationality Law of 1948, second the naturalised population and third the ones who obtained a birth certificate.¹⁷³ The birth certificates, however, later became a problem on their own. The document was not enough proof to claim nationality after the Nationality Law of 1959.¹⁷⁴ However, birth, marriage and death certificates were the only hope for the Bedoons to claim nationality and without an civil identification card they had no access to social welfare benefits.¹⁷⁵ Another law, next to the Law of 1959, impacted the position of the Bedoons, the Alien Residence Law of 1959.¹⁷⁶ This law had at first nothing to do with the Bedoons. The law, targeted first the labour migrants. It stated that every foreigner who wished to reside in Kuwait must obtain a residence permit from the Head of the Police and Public Security Department. The Bedoons were first exempted of this law on the basis of being of tribal descent but they were eventually targeted when they were named ‘illegal residents’ and indirectly became subject under this law. This will be discussed more in the next section.

After independence (1961-1986): The search for nationality

The years after the independence were relatively calm for the Bedoons. Being Bedoon at this time carried few disadvantages. Most were treated as nationals, having access to the job market, health care and other services. Even marriage, birth and death certificates were granted.¹⁷⁷ However, while the 1960s looked more free, there was a restricted number of naturalisations that took place each year with a limit of 50 individuals.¹⁷⁸ It is not clear if this was only a number used in papers rather than in practice as the royal family allowed naturalisation in favour of their power position and discrete naturalisation was quite normal. Next to this, the estimates of naturalisation since the Nationality Law of 1959 till the end of the 1970s is around 160,000 people. This group consists of almost 80 percent with tribal

¹⁷² C. Beaugrand, “Statelessness & Administrative Violence: Biduns’ Survival Strategies in Kuwait”, *The Muslim World* 101 (2011) 228-250, 228.

¹⁷³ Ibidem, 88.

¹⁷⁴ Ibidem.

¹⁷⁵ Point 32, Upper Tribunal, Immigration and Asylum Chamber, UK. Case NM Kuwait CG (2013) UKUT 000356 (IAC) 3.

¹⁷⁶ Amiri Decree No. 17 of 1959 issuing the Aliens Residence Law on: www.gulfmigration.org

¹⁷⁷ Minorities Rights Group Internationals, ‘World directory of minorities and indigenous peoples – Kuwait: Bidoon’, Dec. 2017, www.Refworld.org

¹⁷⁸ Point 28, Upper Tribunal, Immigration and Asylum Chamber, UK. Case NM Kuwait CG (2013) UKUT 000356 (IAC) 8.

origins.¹⁷⁹ These mass-naturalisations of tribes still excluded Bedoons. Yet this tactic of the royal family impacted the position of the *hadhar* as they saw their power diminishing with the expansion of the citizenry. Those citizens could vote against the will of these merchants and that was to be feared.¹⁸⁰ After 1980 the number of naturalisations was set by Law 100/1980 which gave the Council of Ministers the authority to decide.¹⁸¹ Naturalisation after 1965 was relatively rare, according to Beaugrand, because the registration period of the 1959 Nationality Law ended and therefore people were too late.¹⁸² This created a wedge between Bedoons, naturalised individuals and Kuwaitis who already had citizenship, as the law now differentiated groups more clearly.

Between 1962 and the beginning of the 1980s around 70 percent of the army forces were of Bedoon origins.¹⁸³ As the Bedoons in this period were reliant on the state as a provider of welfare and jobs, the state was also quite reliant on the Bedoons. This group functioned as part of the low skilled labour force, army and police personnel, lower paid teachers and other non-governmental skilled jobs. The state benefited in two ways. First, they were low-skilled, not nationalised inhabitants, therefore the salary was lower than an 'original Kuwaiti'. Second, Bedoons were loyal to the Kuwaiti government and the royal family. This was not the case, or not clear, when it came to foreign labour migrants. However, the case of the Bedoons had some short-lived possibilities to obtain citizenship in the 1970s. In 1972 there came an amendment to Article 5 of the Nationality Law of 1959 issuing nationality to stateless children born in Kuwait if they maintained their normal residence. However, this law was already revoked in 1980. According to the Human Rights Watch, there were 294 cases of Bedoons who were naturalised by virtue of this amendment.¹⁸⁴

The period up until the 1980s was relatively peaceful in Kuwait. However, in the 1970s religious networks arose to the political arena. Together with the economic crisis of the 1980s which was worsened by the collapse of the Suq al Manakh in Kuwait in 1982, the treatment of migrants and foreigners changed.¹⁸⁵ Labour migration was to become undesirable and policies were reversed. This created, what Beaugrand calls a 'schizophrenic outlook' on the labour policy. As Kuwait is dependent on labour migrants and they are excluded from society, their position was double-edged. In 1985, when terrorist attacks

¹⁷⁹ C. Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait* (London 2018) 110.

¹⁸⁰ *Ibidem*.

¹⁸¹ *Ibidem*, 86.

¹⁸² C. Beaugrand, "Statelessness & Administrative Violence: Biduns' Survival Strategies in Kuwait", *The Muslim World* 101 (2011) 228-250, 233.

¹⁸³ C. Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait* (London 2018) 109.

¹⁸⁴ *Ibidem*, 87.

¹⁸⁵ *Ibidem*, 116.

happened more frequently, the government of Kuwait decided to blame migrants. However, the state did not deport too many as that would harm the economy.¹⁸⁶ As the state was searching for a scapegoat, the government started to relabel groups, therefore changing Bedoons from 'non-Kuwaitis' to 'illegal residents' or 'illegal migrants'.

Working to the future (1986 – present day): Globalisation and protest

In 1986 a secret decree reclassified Bedoon as "illegal residents". This was the first step to disconnect them from society. The turmoil of the 1980s made the government of Kuwait feel vulnerable. Especially the number of Bedoons in the military and police force, as they formed the majority, was perceived a risk.¹⁸⁷ Until the government had found Kuwaiti replacements for the Bedoons, there were slowly fired. The result, they could not ask for a severance pay because they had no legal documents or passport.¹⁸⁸ Employees of government functions had to produce a valid passport or otherwise risk losing their jobs. Since the Bedoons could not deliver on this expectation, they were relieved from their functions.¹⁸⁹ Moreover, it was made illegal to register Bedoon marriages and they were banned from the university and its associations in 1988. This period changed the dynamics between them and the state and targeted their rights and freedom.

The Bedoons were categorised as foreigners, therefore became part of the Alien Residence Law. They needed to obtain residence permits with extensions every few years. The same counts for the temporary travel documents, issued under Article 17. The document can only be used for education, religious or medical purposes in another country and is valid for two years. On this document it's made clear that the person's place of birth is 'Undefined / Kuwait'. It does not hold any form of nationality and is not a legal document of the state.¹⁹⁰ Moreover, this document is hardly anywhere acknowledged.¹⁹¹ The 'administrative violence' as Beaugrand named the actions against Bedoons, gave the government the monopoly to put pressure on the group and to force them out of the nation 'voluntarily'. This was done by creating a network of bureaucracy and administration obstacles to obtain any form of residence permit, travel document, or certificates.¹⁹² The government obstructed the freedom of the Bedoon.

¹⁸⁶ C. Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait* (London 2018) 116-117.

¹⁸⁷ M. Brokstad Lund-Johansen, 'Fighting for Citizenship in Kuwait' (MA Thesis 2014) 32.

¹⁸⁸ A. Alsaleh, 'The impact of Community Structural Instability on Bedoon and Suicidal Behaviour in Kuwait', *African and Asian Studies* 13 (2014) 272-290, 274.

¹⁸⁹ Human Rights Watch, *The Bedoons of Kuwait "Citizens without Citizenship"* (1995)

¹⁹⁰ Point 6.6, Home Office of the British Embassy, 'Country Information and Guidance – Kuwait: Bidoons', (July 2016) 1-36, 28.

¹⁹¹ This document is still issued to Bedoons.

¹⁹² C. Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait* (London 2018) 127.

The chances of naturalisation diminished as there was not proof of 'lawful earning of life' according to the Nationality Law of 1959. After the Iraqi war, the search for a scapegoat was enough to re-implement the anti-Bedoon politics of 1986. The situation worsened at the end of the 1990s. The government was actively trying to erase Bedoons from the state, or rather, gave them another nationality. The Kuwaiti Interior Ministry encouraged Bedoons to purchase "phony citizenship" with the goal to reduce the number of Bedoons on Kuwaiti soil. Countries like the Dominican Republic, Somalia, Eritrea, Libya and Yemen were part of the options.¹⁹³ The Bedoons were actually encouraged, after the purchase, to stay in Kuwait, but as labour migrants. Additionally, Kuwait issued Act 22 which gave foreign citizens the possibility to set up house for five years in 'non-permanent dwellings in the country.'¹⁹⁴ Bedoons who accepted this deal gave up their Kuwaiti rights and the possibility to be ever naturalised. This was seen again with the proposed deal with the Comoros.

The deal with the Comoros

The most striking element of the situation of the Bedoons in recent history has been talks on a deal with the Comoros since 2008. This deal would give Bedoons "economic citizenship" of the Comoros, therefore relieving Kuwait of the "burden" of dealing with the group of Bedoons. This could also be seen, as shown above, as an action to the international community regarding the issue of Bedoons in Kuwait and to show that they are 'willing' to dissolve the issue, however, rather behind closed doors.¹⁹⁵ The discussion on deals to buy foreign citizenship for unwanted groups in the population is nothing new. However, reaching a settlement was new.¹⁹⁶ Noora Lori writes about the stateless in the Emirates and sees the same development. In the introduction one of her interviewees was called into the federal Ministry of Interior, where he received not an Emirati passport, but a passport of the Union of the Comoros. If he got a national sponsor after this, he could opt for a residency visa, therefore residing in the country.¹⁹⁷ Lori calls this "offshore citizens" as the government wants to transfer citizenship but lets the individual remain in the country as a labour migrant. She sees the possibility of this outsourcing arrangement as a status of 'conditional inclusion', it creates a population which is suspended to a limbo state. I would add, they become "migrant citizen workers", as they have lived all their lives in the same state, but never achieved the status of citizen and now can live their lives as temporary migrant workers.

¹⁹³ R.A. Cohen & Y. Keinan-Cohen, 'The Issue of Citizenship for the Bidun Minority in Kuwait after the Arab Spring', *Digest of Middle East Studies* 28:1 (2019) 107-123, 111.

¹⁹⁴ Ibidem.

¹⁹⁵ A. Taylor, "The controversial plan to give Kuwait's stateless people citizenship of a tiny, poor African island", *The Washington Post* (May 17 2016) last visited on: 03 March 2020.

¹⁹⁶ M. Brokstad Lund-Johansen, 'Fighting for Citizenship in Kuwait' (MA Thesis 2014) 90.

¹⁹⁷ N. Lori, *Offshore Citizens: Permanent Temporary Status in the Gulf* (Cambridge 2019) 3-4.

Interestingly, and important, Lori goes on by saying that conditional inclusion has its advantages for the state. Incorporation would make this group eligible for many social benefits of citizenship, which they do not obtain in this way.¹⁹⁸ Otherwise, expulsion would lead to a critical international response. This is seen in the many reports the Human Rights Watch and Amnesty International have distributed. Lori states that citizenship cases are left pending, which can be left up to four decades, to give room for a different approach such as the possibility of citizenship through the Comoros. This is a political move, as saying “no” would mean they left a population stateless on purpose, and they need to refine their concept of membership.¹⁹⁹ This could mean the same for Kuwait, however, there are not sufficient sources which agree on the effect of the deal and if Kuwait has indeed used it in the case of the Bedoons.²⁰⁰ However, there are news articles which express the side of the Comoros, which is ready to take Kuwait’s stateless in exchange for economic support and financial aid. The Bedoons are left with a uncertain future, as the conditions of the deal are not mentioned. The deal has supposedly been denied by Foreign minister Shaikh Sabah Al-Khalid in 2016.²⁰¹ However, in 2014 the government itself announced there would come changes for the Bedoons and explained that there were talks with a foreign country that would be willing to offer the Bedoons citizenship.²⁰² In an article of Al Jazeera, the Kuwaiti Interior Ministry assistant undersecretary Major-General Mazen Al-Jarrah has said that Bedoons would be granted “special applications for Comoros’ economic citizenship”. The ones who would accept the deal, received free residence permits in Kuwait and a series of incentives like free education, healthcare and the right to employment.²⁰³ There have not yet been any numbers on individuals who accepted this offer or what happened to their situation, as they can be deported once they have another nationality. However, there is a lot of controversy surrounding the topic of exchanging individuals and citizenship rights to other nations, but it looks like Kuwait and the United Arab Emirates are using or considering this practice to halt the conversations about the stateless in their region.

Protests of 2011

In 2011, inspired by the Arab Spring, hundreds of Bedoons took to the streets to fight for their rights. The Emir of Kuwait granted citizens in January of 2011 a sum of dinars to buy off their

¹⁹⁸ N. Lori, *Offshore Citizens: Permanent Temporary Status in the Gulf* (Cambridge 2019), 7.

¹⁹⁹ Ibidem, 12.

²⁰⁰ C. Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait* (London 2018) 132.

²⁰¹ H. Toumi, “Kuwait denies Comoros citizenship agreement”, *Gulf News* (20 June 2016) www.gulfnews.com last visited 15-03-2020.

²⁰² A. Taylor, “The controversial plan to give Kuwait’s stateless people citizenship of a tiny, poor African island”, *The Washington Post* (May 17 2016) last visited on: 03 March 2020.

²⁰³ Al Jazeera, “Biduns in Kuwait offered Comoros citizenship”, *Al Jazeera* (10 November 2014) www.aljazeera.com last visited: 05-03-2020.

support under the name of food grants. The intention was to reduce the possible unrest, which was seen in other states in the MENA region. However, the Bedoons were not included in this arrangement.²⁰⁴ The protests, as a result, of the Bedoons were peaceful, as they presented flowers to Kuwaiti Special Forces and cleaned up after themselves. Another case that sparked protests was the story of Ayed Hamad Medeth, a twenty year old boy, who hanged himself after being turned down by a job due to the lack of civil documentation on the 7th of July 2011.

The reaction from the state, however, was different as a minister stated: "We regret the attacks by demonstrators in Taima Square and the shameful acts punishable by law that they committed". This was broadcasted by the state official News Agency KUNA.²⁰⁵ Authorities said 14 people were arrested that day. The Arab Spring was the right time for the Bedoons to demonstrate and protest for their own rights. This feeling, explained by Westall and Gamal, was triggered because: "in the rising calls for reform in the Gulf region, the rights of the stateless have gained new attention".²⁰⁶ The protests were, however, supported by some parliament members. Several Kuwaiti National Assembly members said to Al Jazeera that they have called upon the government on the dealings with the Bedoons and that the use of force was too excessive.²⁰⁷ Another minister said that the government is responsible for this situation and therefore needs to be held accountable for the failure of resolving this problem. In May 2012 the government asked to stop the protests and in 2013 the parliament passed a law to change the situation for the Bedoons. The law would improve their situation by naturalising 4,000 Bedoons each year.²⁰⁸ However, there has been no documentation on the results of these improvements. As Beaugrand asks: What did the post-2011 movement eventually achieve? The answer is more recognition.

As stated above, the Ministry of Interior again pushed Bedoons to choose Comoros citizenship. Beaugrand states that the position of the government has been unchanged up until today, however, the tactics have been refined.²⁰⁹ However, the international community stepped in to help the Bedoons. The Human Rights Watch together with Amnesty International and Refugee International put pressure on Kuwait. In a letter of 27 September

²⁰⁴ R.A. Cohen & Y. Keinan-Cohen, 'The Issue of Citizenship for the Bidun Minority in Kuwait after the Arab Spring', *Digest of Middle East Studies* 28:1 (2019) 107-123, 119.

²⁰⁵ S. Westall, "Kuwait says stateless protesters carried out criminal acts", *Reuters* (2 May 2012) www.reuters.com last visited: 05-03-2020.

²⁰⁶ R. El Gamal & S. Westall, 'Arab Spring energizes Gulf's stateless', *Reuters* (19 December 2012) www.reuters.com last visited: 05-03-2020.

²⁰⁷ Al Jazeera, "Kuwait's Stateless Rally For Rights", *Al Jazeera* (18 February 2011) www.aljazeera.com, last visited: 03-03-2020.

²⁰⁸ R.A. Cohen & Y. Keinan-Cohen, 'The Issue of Citizenship for the Bidun Minority in Kuwait after the Arab Spring', *Digest of Middle East Studies* 28:1 (2019) 107-123, 119.

²⁰⁹ C. Beaugrand, *Stateless in the Gulf: Migration, Nationality and Society in Kuwait* (London 2018) 210.

2012 to the Kuwaiti Emir the organisations addressed their concerns on the status of the Bedoons. This letter stated: 'In the realm of civil and political rights, the Bidun are not treated equally'. The NGOs pushed for more perseverance when it comes to the promises made to the community: 'The absence of such policies, rooted in human rights standards, is a stain on the country's international reputation'.²¹⁰ By addressing Kuwait's international status the NGOs hoped to change the position of Kuwait's policy. However, because Kuwait has not ratified the conventions on Statelessness, there were no legal procedures to follow up this letter.

Yet, Kuwait feels the international pressure. This is seen by the security restrictions. The government states that there are only 100,000 Bedoons at most, of which 10,000 are Iraqi, another 10,000 Syrian and so on. Therefore, the number of Bedoons who need a solution is probably around the 20,000 according to the Kuwaiti state officials. So it looks like the Agency has solved the problem.²¹¹ A report states that there were tactics to lower the number of Bedoons. The individuals were asked to sign a blank piece of paper, when requesting official documents, which government officials later filled with details in which the Bedoon in question "confessed" to having another "true" nationality and therefore excluding them from benefits.²¹² According to the Bahrain News there were more than a dozen Bedoon activists detained in Kuwait since July 2019, as they had protested and took part in a hunger strike.²¹³ This shows that the Kuwaiti government is still fighting the space for the Bedoons, while at the same time trying to cover them up in light of the international community. As the government keeps making promises while there will not be any consequence, this vicious circle will stay in place for a long time. However, by showing the strength of the community of Bedoons, they became more present in daily life.

²¹⁰ Jadiliyya Reports, *Joint Letter to Kuwaiti Emir on Bidun Rights*, issued by Refugee International, Human Rights Watch, and Amesty International (27 September 2012) www.Jadiliyya.com, last visited: 03-03-2020.

²¹¹ A. Elgayar, "Without" Protection: Kuwait's stateless-Bidoon residents live on the margins of one of the world's richest states", *The Investigative Journal* (6 February 2020) last visited 03-03-2020.

²¹² U.S. Department of State, "2019 Country Reports on Human Rights Practices: Kuwait" <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/kuwait/>

²¹³ Bahrain News.Net, "Kuwait: Jailed Bidun Activists on Hunger Strike (30 Augustus 2019) www.bahrainnews.net last visited: 03-03-2020

Conclusion: What can the future bring the Bedoons?

Statelessness is a worldwide issue. The denial of rights is causing a variety of citizenship variables. A person with a few rights versus an individual who receives no rights. It can also lead to the denial of existence, as non-members hold no official position in a society. The feeling of belonging has been modified with the rise of the nation-state. As borders pushed states to become an union, the people needed to be a community according to the rulers. This new dynamic created measures of inclusion and exclusion based on, for example, lineage or place. The concept of membership flowed into citizenship, which included welfare benefits. Whilst citizenship is a continuous changing concept it is tried to be legislated. This legislation has gaps which is the basis of the construction of statelessness.

This thesis seeks to answer the question: *How has the relationship between the concepts of statelessness and citizenship developed in the case of the Bedoons in Kuwait since the independence of 1961?* First of all, the history of suppression has played an important role in the construction of citizenship in Kuwait. After the British occupation Kuwait felt the immediate threat of Iraq. The access to high amounts of oil made the state a target. Iraq, who wanted to claim the region multiple times, from the Nadj war of 1922 to the invasion of 1990, made Kuwait reconsider the open borders to labour migration. The citizenry was also narrowed. This was defined by the Nationality Law of 1948 and the one of 1959. Becoming a citizen became increasingly difficult as rulers questioned the intentions of those who wanted to be naturalised when the nation was under threat. Even political rights were limited as much as possible to give new members of the state little to no influence.

Second, crises have had an influence on the states policy towards foreigners. With the economic turmoil and terrorist attacks around the 1980s the government pushed for a more restrictive attitude. Labour migration was slowed down and the non-citizens were vetted. Bedoons got the label of 'illegal', while they had been granted some benefits over the previous years. Suddenly, birth certificates were not issued any more to this group or they were denied as official documentation to obtain citizenship. The Kuwaiti regime did nothing to change the situation for the Bedoons, but played long game. The Ministry of Interior have let Bedoons wait for decades to decide on their position. Even trying to get out of dealing with this group by making deals to export their citizenship to other nations, such as the deal with the Comoros.

Third, the international community has become a larger actor in the debate on statelessness. NGOs pleaded cases and lobbied to help the position of the Bedoons. This can be seen in the letter of several organisations to the Kuwaiti government to address the negative issues that are a stain on the reputation of a great nation. International recognition is of importance to Kuwait. As a small nation they need the help from other nations in for example the Iraq invasion. Also, the national identity, according to Arendt, is based on the

recognition of other states. By not acknowledging their problems to the international community, the position of Kuwait can be affected. Because of the international community and the protests of 2011, the Kuwaiti government officials cannot deny the existence of the Bedoons any longer. However, the international attention to the case of Bedoons also created a more difficult situation. With the conventions on statelessness, the position of the Bedoons was defined. However, this international recognition created criteria to decide who is stateless. This again defined inclusion and exclusion criteria de facto and de jure statelessness. Also, the activist approach needs to be positive towards citizens to push them to protest with the Bedoons. When citizens do not want to include Bedoons in the community, the state can use this to exclude them even more. This is what Vlieks et al. call the 'genuine connection' in which the state-individual relation needs to be optimal to strive for 'effective nationality'. This also include the feeling of 'one of us'. The citizenry needs to want to include Bedoons.

In theory the situation of statelessness has not changed but rather expanded and clearer defined. The idea of Ibn Khaldun, 'asabiyya or the social construct, changed. Whereas he saw small communities bound together by recognition and knowledge, a nation became too large to maintain this system. The traditional notion of tribe descendancy is still present in the nation, but is not the discourse anymore. The problems arose with the idea of a rights-based membership in the West and cannot be easily implemented in the Middle East. In Kuwait, the state has a cradle-to-grave welfare system in exchange for political influence. There is some influence citizens can exert, however, the power of the National Assembly has not been regarded equal in opposite to the rule of the royal family. This power dynamic needs to change, according to Arendt, who is right in my view. As the state holds the power of citizenship and states are defined by borders, which can be attacked by others, who are needed for recognition, this leads to a paradox. The threat of other states, creates a more black and white vision on inclusion and exclusion, as intrusion is being feared. However, even though there is a threat states are in need to be recognised by others to uphold their position in the world system. To let the state be the vested power over citizenship, the concept of statelessness will be constantly defined by the development of that particular state. This will lead to an indefinite refinement of inclusion and exclusion to whatever suits the state best in that particular time.

However, when looking at the protests of 2011 there is a possibility to attack the current system. Social movement can help the case of specific underprivileged groups. This created a citizenship crisis in the Middle East. The demands, which Meijer and Butenschon call 'Pandora's Box of Demands' is going to be fully opened when protests to obtain rights continue. I would argue that to this can change the position of the state to decide freely on amendments and changes in the Nationality Law, and therefore denies the free pass to

decide the faith of an individual. When this can be overcome, the position of the Bedoons will be indefinitely be changed.

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Appendix

Sheikh's of Kuwait²¹⁴

Sabah I bin Jaber (1752-1762)

Abdullah I Al-Sabah (1763-1814) - son of Sabah I bin Jaber

Jaber I Al-Sabah / Jaber bin Abdullah (1814-1859) - son of Abdullah bin Sabah

Sabah II bin Jaber Al-Sabah (1859-1866) - son of Jaber I Al-Sabah

Abdullah II Al-Sabah (1866-1892) - son of Sabah II bin Jaber Al-Sabah

Muhammad Al-Sabah (1892-1896) - son of Sabah II bin Jaber Al-Sabah and halfbrother of Abdullah II Al-Sabah

Mubarak Al-Sabah (1896-1915) - killed his halfbrother Muhammad Al-Sabah and took the throne. Also son of Sabah II bin Jaber Al-Sabah

Jaber II Al-Sabah (1915-1917) - Son of Mubarak Al-Sabah

Salim Al-Mubarak Al-Sabah (1917-1921) - Son of Mubarak Al-Sabah / brother of Jaber II

Ahmad Al-Jaber Al-Sabah (1921-1950) - son of Jaber II Al-Sabah

*²¹⁵

Abdullah III Al-Salim Al-Sabah (1950-1965) - Son of Salim Al-Mubarak Al-Sabah - first Emir of Kuwait - introduced the constitution

Sabah III Al-Salim Al-Sabah (1965-1977) - son of Salim Al-Mubarak Al-Sabah / half-brother of Abdullah - First Minister of Foreign Affairs and Prime Minister (1963-1965)

Jaber Al-Ahmad Al-Sabah (1977-2006) - third son of Ahmad Al-Jaber Al-Sabah / Before he was Prime Minister of Kuwait (1965-1978)

Saad Al-Salim Al-Sabah (15-24 January 2006) - eldest son of Abdullah Al-Salim Al-Sabah

Sabah Al-Ahmad Al-Jaber Al-Sabah (2006 - present) - Son of Ahmad Al-Jaber Al-Sabah

Prime ministers

Abdullah III Al-Salim Al-Sabah (January 1962- January 1963)

Sabah III Al-Salim Al-Sabah (February 1963-November 1965)

Jaber Al-Ahmad Al-Sabah (November 1965 - February 1978)

Saad Al-Salim Al-Sabah (February 1978 - July 2003)

Sabah Al-Ahmad Al-Jaber Al-Sabah (July 2003 - January 2006)

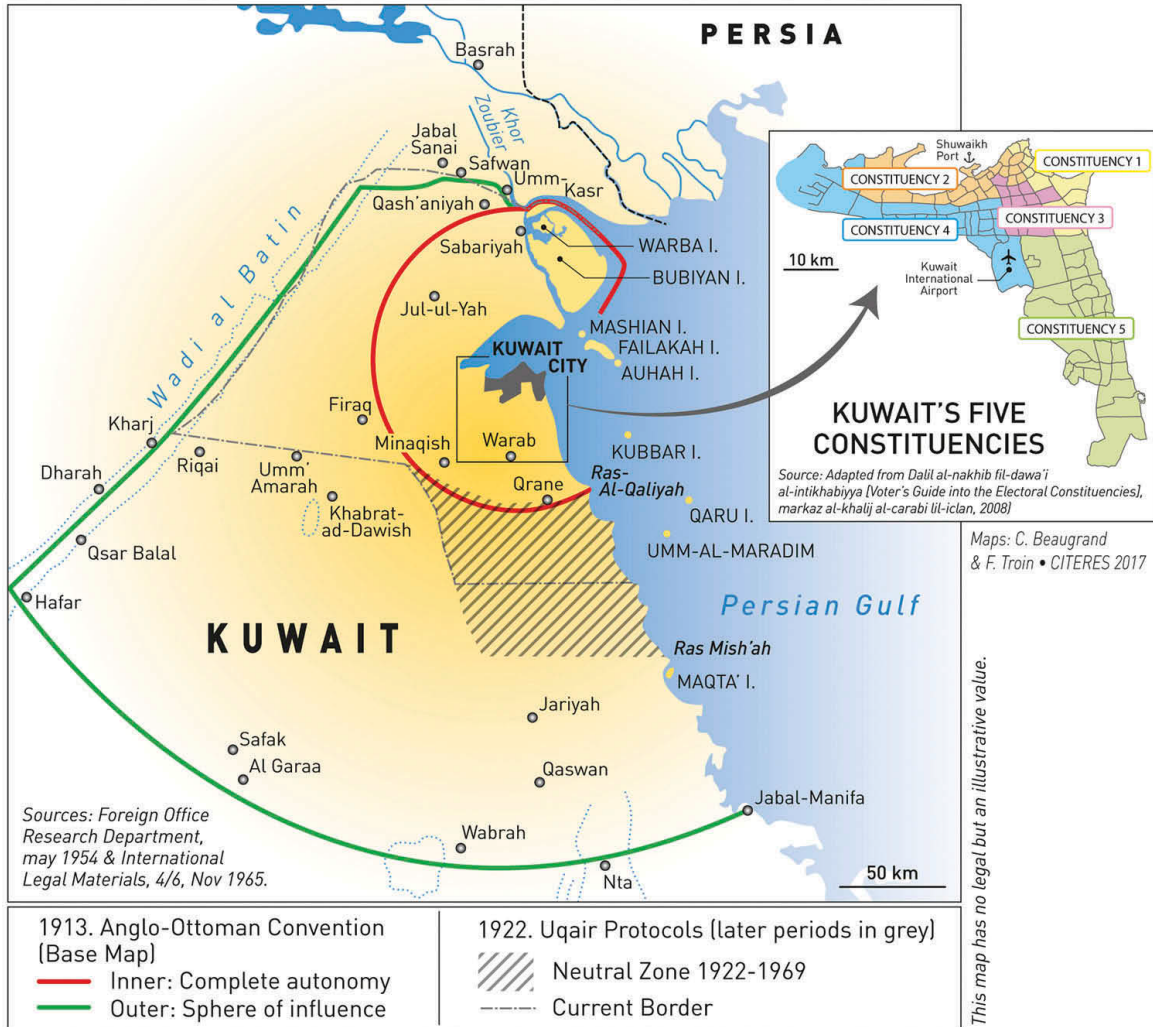
Nasser Mohammed Ahmad Al-Jaber Al-Sabah (February 2006 - November 2011)

Jaber Al-Mubarak Al-Hamad Al-Sabah (November 2011 - November 2019)

Sabah Al-Khalid Al-Sabah (November 2019 - present)

²¹⁴ Information retracted from the government website of Kuwait (<https://www.pm.gov.kw/default-en.aspx>). Under the maps 'Prime Minister' and 'State of Kuwait' + 'Rulers of the State of Kuwait' there is a list of names with the date.

²¹⁵ From * onwards the sheikhs also used the title of Emir.



Map from: C. Beaugrand, ““Borders and Spatial Imaginaries in the Kuwaiti Identity”, *Geopolitics* 23:3 (2018). It shows the Kuwaiti territory changes of 1913 and 1922. (with permission).