

IS THE STATELESS (BIDOUN JINSIYA) CAUSE FOR SPRING IN KUWAIT? (THE RIGHT TO EDUCATION AND PARTICIPATION IN KUWAIT THROUGH COMMUNITY BASED REFORM)

Susan Kennedy
University of Adelaide
Australia

susan.kennedy@adelaide.edu.au; sfkennedy19@gmail.com

ABSTRACT

Kuwait has long been considered the 'desert flower' of the Gulf, the Arab state most likely to become a democracy due to its progressive outlook, a relative freedom of speech and liberal society. This vision is interrupted by the problem of rights, access to rights and participation of stateless people in Kuwait. The BidounJinsiya of Kuwait are stateless people. Law reform has allocated the BidounJinsiya different classes of identity status, delivered to some limited rights, others full citizenship, while others have received no benefits at all. Representation of the BidounJinsiya occurs in a confused atmosphere where it is difficult to tell who has what rights and sustained, organised protest for rights has led to some pundits calling for 'Spring in Kuwait.' They face challenges representing themselves authentically and constructing a sustainable claim to rights. Despite this, they demonstrate agency and integration in the community with Kuwaitis. As some BidounJinsiya struggle for citizenship, a model of reform that includes inclusive community education can help Kuwait achieve its future goals set out in Kuwaitisation policy. So far Kuwaitis are reluctant to study courses and work in the vocational and technical fields. Since the BidounJinsiyaparticipate in the economy, there is an opportunity for them to provide service in these fields to fill this gap. This would involve a 'Spring in Kuwait' of another kind: increased participation for the BidounJinsiya through education and employment and more satisfying study and career options for citizens.

Keywords: BidounJinsiya, citizenship, nationality, stateless, human rights, Kuwait, Kuwaitisation, education, community, economy

INTRODUCTION

The *BidounJinsiya* are people without nationality (Tétreault and al Mughni, 1995). This study concerns the BidounJinsiya of Kuwait, people who have long been members of Kuwaiti society but lost their rights to citizenship in the 1985 (al Najjar, 2000). Claiming to tell the story of the BidounJinsiya, Western humanitarian advocates utilise a rights-based discourse to shape their argument in a way that does not speak well to community's goals for a number of reasons; chiefly they pitch the BidounJinsiya as hopeless or enraged victims, downplaying their agency and capabilities (see Refugees International, 2007; Refugees International, 2012). Economists approach Kuwait with rentier and welfare state models (Crystal, 1989 and Belbawi, 1990) that position the BidounJinsiya alongside other disadvantaged migrant labour groups, if at all. They are a subject of human rights discussion in the West regarding poverty but are not recognised as a contributing pool of labour in economic policy such as *Kuwaitisation* (Randeree, 2009, Salih, 2010). Tétreault (1995), Longva (1997) and Beaugrand (2011) established without question that the BidounJinsiya are economic participants but as yet researchers have not explored the topic of rights and participation from the point of view of the BidounJinsiya as established members of the community in Kuwait. This approach acknowledges the historical integration of the BidounJinsiya in society, their participation in employment and their loyalty to existing body politic. One of the reasons for this may be the difficulty researchers encounter accessing the BidounJinsiya population for participation in research efforts. Kuwait faces the challenge of reducing its dependency on sovereign wealth and expatriate labour as Gulf States plan to transition beyond the current economic model into a more self-reliant economic future (Randeree, 2009, Salih, 2010 and Arab Development Challenges

Report, 2011). The premise of this paper is that similarly to the historical role the BidounJinsiya played in securing the state via their service in the military and policing (Tétreault and al Mughni, 1995), they have the capacity to fill gaps in the labour force that citizens remain reluctant or unable to fill (Randeree, 2009, Salih, 2010, and Abdalla and al Homoud, 2012). In this way the BidounJinsiya can benefit Kuwait by contributing to its economic security, in return for increased participation in the education sectors and work force.

Body of paper

This paper is divided into three sections. First, it sets out the methodology and interpretive lens for the analysis. Second, it defines conceptions of BidounJinsiya identity and agency. This is done by examining their relationship to Hadar and Badu (Longva, 2006), the development of extraneous populations in Kuwait, legislation that has assigned different civil statuses to the group (Nationality Law 1959 (Kuwait)) and the historical function of the group providing services for the security of the state (Tétreault, 1995, Longva, 1997). It looks at the way the BidounJinsiya have been represented by Western human rights activist groups for claims to rights and participation and the tendency of organisations to focus on the victimisation rather than capacity and participation. Third, it examines the development of social and economic capital through Kuwaitisation, a policy that sets out to transform Kuwait's dependency on the Rentier and Welfare state models (Randeree, 2009, Salih, 2010). A policy gap is identified where demands for supply of local, skilled labour for non-professional employment is met with resistance from Kuwaitis but does not consider the availability of the BidounJinsiya to work. It explores why community education has a role in providing for the increased diversity of the employment market set out in the Kuwaitisation policy (Bilboe, 2011) and enhancing the social capital of Kuwait (Alshebou, 2010) in a way that might facilitate Kuwaitis to adjust better to future working conditions. Finally, it concludes that a culturally sensitive approach increases understanding of the BidounJinsiya predicament of statelessness and their capacity to participate in the education sector, the economy and community in Kuwait despite this. I propose that increased participation is possible for the BidounJinsiya through a better understanding of the policy of Kuwaitisation and the benefits of community education in building social and economic capital (Alshebou, 2010).

1. Methodology and analysis

This is an exploratory study; it does not seek to test a hypothesis but to provide a new interpretation on an existing problem by gathering data from multidisciplinary fields. That problem is the rights and participation of the stateless BidounJinsiya in Kuwait. It employs content analysis methodology on publications and research from the economic, sociological, Western human rights and educational literature. In order to gain a deeper understanding of the community under study an analysis was made of economic commentaries and reports, sociological studies and educational policy documents, human rights organisation reports, newspaper reports and activist blogs. The study interprets through a lens that assumes the BidounJinsiya are integrated in the community of Kuwaitis (Tétreault and al Mughni, 1995), utilise agency in their daily lives despite restrictions and moreover, form part of the economic structure of Kuwait (Longva, 1997, Beaugrand, 2011).

2. Conceptions of BidounJinsiya identity and agency

The term *BidounJinsiya* means 'without State' in Arabic (Longva, 1997). The BidounJinsiya are people without nationality. For this study, the term refers to the descendants of nomadic people originating from the open national boundaries between Kuwait and Saudi Arabia before the 1920s (Longva, 2000), stateless people recruited during the 1960s to work in the military and policing offered conditions of permanent settlement and children of Kuwaiti mothers whose fathers are not Kuwaiti (Human Rights Watch, 2011). The Bidoun Jinsiya include those people who were not registered for nationality and their descendants, deemed stateless by the 1959. This included around a third of the Kuwaiti population, the remainder granted citizenship under Articles 1 and 2 (Longva, 1997) (see below, *Figure 1: Articles 1-5 of the Nationality Law, 1959 (Kuwait)* with amendments to date). Traditionally, they lived on the outer lands of Kuwait and were present for shorter periods in towns for trade, living among the Hadar (the townfolk) and the Badu (nomadic, tribal people) who lived on pastoral lands closer to the sea port of Kuwait (Longva, 2006). The term Bedouin is derived from Badu. Peterson's (1977) analysis shows that the Hadar and Badu are conceptually derived notions rather than geographical ones, where the tribes transformed from nomadism to settlement and back again over time, according to their circumstances. Longva (2006) confirmed the terms are

contextual rather than absolute in nature and, ultimately both authors concede the concepts are interchangeable. Described as separate to the Hadar and Badu, the BidounJinsiya is regarded a third group (Longva, 2000). Yet they have mixed with both of the Hadar and Badu groups through intermarriage for generations (Tétreault and al Mughni, 1995, Beaugrand, 2011). Kuwaiti law bases citizenship on descent, blood relations (*jus sanguinis*) rather than the place of birth (*jus soli*) (Beaugrand, 2011). This means that according to the law the presence of families for generations in Kuwait hold no weight for citizenship claims (Human Rights Watch, 2011); descent must be proved. Nevertheless, the BidounJinsiya are historically blended into Kuwaiti citizen families (Tétreault and al Mughni, 1995) and this was exemplified by the way they were treated until 1985: 'as a Kuwaiti citizen' (al Najjar, 2001, p.193). Some also claim that they were directly descended from people resident in Kuwait before 1920 and apparently, they can prove this with the appropriate documents (Refugees International, 1997). They are eligible for Kuwait citizenship according to Kuwait's nationality law but thousands still wait to be naturalised.

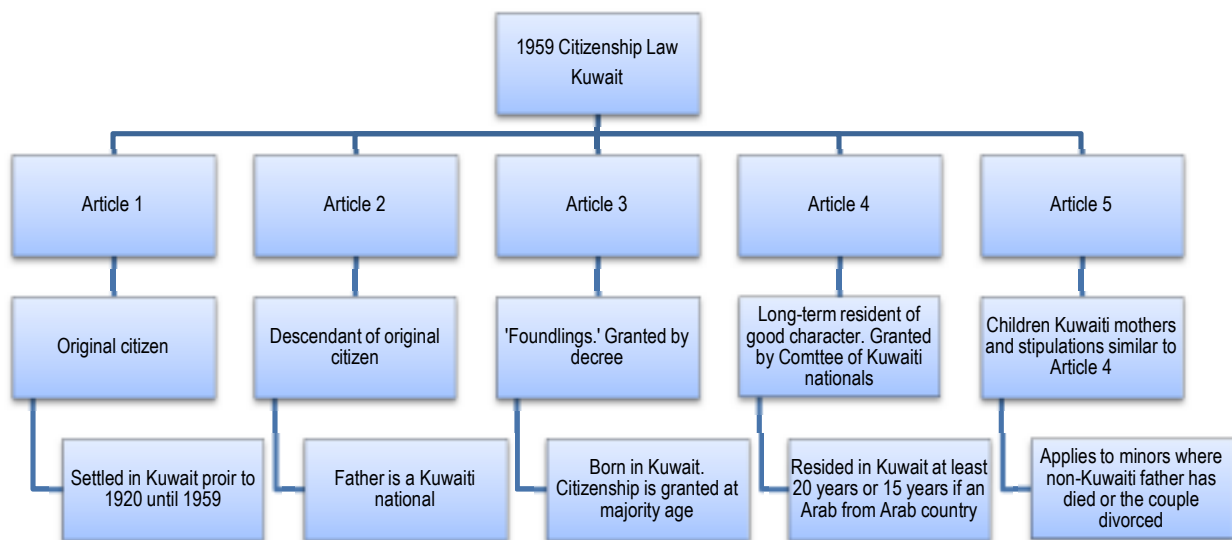


Figure 1 Articles 1-5 of the Nationality Law, 1959 (Kuwait).

Source: Reforwld.org, UNHCR. This is an unofficial translation and not a UNHCR publication. It includes all amendments from Decree Law no. 40/1987, Decree No. 1/1982, Decree Law No. 100/1980 and Statute No. 30/1970.

Kuwait commenced its modern period of state building in the 1920s when it conducted its first census to establish citizenship. The first citizenships were established through presentation of documentary evidence or oral history to a committee (Beaugrand, 2007). The administrative process was concentrated in the city therefore citizenship was conferred first to the city dwellers and then to the pastoral tribes who lived further out. Nomads located further out from the pastoral lands in the desert did not understand the importance of the need to register for citizenship. Instead they believed that citizenship might interfere with their nomadic lifestyle once national borders were established (Longva, 1997). The border between Saudi Arabia and Kuwait was not closed until the 1960s to facilitate nomadic culture and trade, which demonstrates how highly nomadism was valued in the region while the border with Iraq was closed decades earlier under the pressure from the British. Providing for the conditions of the nationality law, people could register for citizenship any time. In 1959 Kuwait passed the Nationality Act (Nationality Law, 1959, Kuwait), which categorised people according to their ties to the region going back to 1920 when the first counts for nationality were conducted. Many categories of citizens were created with different statuses, with Article 1 referring to 'original' Kuwaitis residing in the nation since before 1920 and Article 2, descendants of the original Kuwaitis.

(Refer to *Figure 1: Articles 1-5 of the Nationality Law, 1959 (Kuwait)* for the first 5 Articles that comprise the principle categories of 24 Articles). The inclusion of the BidounJinsiya in the national census as Kuwaitis up to 1965 (Human Rights Watch, 2011) demonstrates their continued inclusion in society after the first citizen and nationality papers were distributed. In 1986 Kuwait passed the Alien Residence Act, which applied the 1959 Nationality Law of Kuwait retrospectively. The BidounJinsiyawere removed from the census and re-classified illegal migrants (Human Rights Watch, 2000). This submitted the BidounJinsiya to the arbitrary deprivation of citizenship through administrative means. Since then there have been successive rounds of naturalisations. These opportunities have been tainted by uneven distribution of rights to different kinds of people and restrictive legislation targeting them. For example, foreign spouses of Kuwaitis and citizens of Saudi Arabia have been naturalised before eligible BidounJinsiya. Restrictive legislation to control civil unrest and self expression has been implemented by government in response to BidounJinsiya attempts to publicly assemble and protest for broader human rights (Human Rights Watch, 2012).

The mixing of BidounJinsiya with other peoples involves an additional, extraneous population that have appeared in Kuwait since the 1980s, most of whom are believed to be Iraqi refugees and people who have lost citizenship due to security offences against the state (Longva, 2000). This creates an additional demand on Kuwait not only as to their presence but because apparently, many claim to be the original Bidoun separated from the citizen population from the 1920 through to 1957 when the first nationality laws came into effect. They demand citizenship alongside, it could even be said in competition with, those descendants of original residents Kuwait and the government is faced with the grim prospect of trying to reinstate rights for those most deserving (see Al Anezi in Human Rights Watch, 1995, Kuwait Government Response to Human Rights Watch, 2011). Complicating the situation is a problem where the groups are often referred to as a homogenous whole in the literature making it difficult to tell who are stateless Kuwaitis and who are stateless Arabs from other places (Immigration and Refugee Board of Canada, 1999) as much of the testimony of individual experience in Western human rights organisation's reports does not disclose which sub-group of stateless persons the person might belong to beyond claiming who has received identity/security cards and who has not. On the other hand, over the years the government has naturalised successive rounds of Saudi Arabian citizens, reflecting traditional tribal and family relationships spread between the nations (Beaugrand, 2011) while there are long-standing challenges in the Kuwait-Iraqi relationship of a completely different nature, manifested in the Iraq invasion of Kuwait. Regionally, Saudi Arabia, the United Arab Emirates and Bahrain have ongoing issues regarding naturalising Bidoun who have ancestral connections with their own lands. Indeed the issue is regional wide, with stateless populations spread no only across the Gulf, but the entire Middle East as far north as Lebanon (Blitz and Lynch, 2009).

The Bidoun are known as hardworking and loyal people (Beaugrand, 2011). Historically they protected the state for the ruling family of Kuwait, providing military and policing for the prosperous town-dwelling Hadar (Tétreault and al Mughni, 1995). Their service in the military continued during the Iraq war where the BidounJinsiya made up the majority of the Kuwaiti forces. Many soldiers were captured and killed by the Iraqis, sacrificing their lives for the State. From 1986 they were banned from entering the police forces. Later, the remaining BidounJinsiya police were removed from their posts during the post-war period (al Najjar, 2001). More generally, the government reaction to the invasion by Iraq led to their rejection in the wider community (Hilleary, January 23, 2012). It also deprived the stateless community of its major, reliable source of income, coinciding with loss to access to mainstream education. These changes led the BidounJinsiya to idleness, poverty and an accompanying loss of dignity (Human Rights Watch 1995, 2000 and 2011). Since the end of the war, they have been seeking compensation for these losses as a result of their sacrifice to the nation while others were not allowed to re-enter Kuwait having crossed borders for safety during the invasion (Human Rights Watch, 2000).

A problem for those BidounJinsiya trying to obtain a more productive role in the community is their representation and development of claims for rights. Activists have tended to amplify themes of victimisation and powerlessness. For example the most recent major Western human rights report on the BidounJinsiya (Human Rights Watch, 2011) quotes stateless people despairing they have no rights but argues on the basis that the subjects of the report are legal citizens (not stateless people). This fails to address Kuwait's Reservations lodged to the *International Covenant on Civil and Political Rights* (see Note 1)entitling Kuwait to apply its national law and the application of the UN Declaration of Human Rights for non-nationals (see Note 2). This means that the reports simply demand citizen rights in a blanket fashion while not taking on a problem-solving approach addressing the issues faced by the BidounJinsiya on a daily basis. This means that when citizenship is not provided by government, the discussion on solutions ends. In fact, this outcome is exactly what happened after the Kuwaiti government responded to the

Human Rights Watch (2011) report. The government response was published on the website but the human rights organisation did not respond to the government, even where the pathway for dialogue had been opened. A follow-up report or discussion would have set a new standard in Western NGO involvement in Kuwait. Further, the visual representation of the BidounJinsiya as faceless or half-faced (for example, the faceless portrayal in Refugees International, 2007) and the promotion of generalised claims that all BidounJinsiya in Kuwait have no been provided no rights at all (Human Rights Watch, 2011, p.31) is not only in error, it does not helped the BidounJinsiya to promote their value or utility to society. Beaugrand (2011) asserts that the BidounJinsiya have been essential players in the state building process and protection of Kuwait. Her study found they are very much part of the social fabric, integrated into the community through shared history, intermarriage, and professional participation. Issues of representation in the international media now plague the BidounJinsiya is such that their productive capacity has been downplayed amidst claims of rights that are at times, flawed. This kind of representation has the potential to isolate them from the community and government even more.

Broad claims for 'rights to education' and 'rights to work' for all regardless of identity status do not take into consideration that under Kuwaiti national law, different rights are afforded to different groups. Some claimants can show papers of their ancestors living in Kuwait before 1920 while others have resorted to trying to obtain residency through illegal means with forged passports in Kuwait (Group 29, 2012) or passports showing an individual is a resident of a different nations (Human Rights Watch, 1995). Where families join individuals on these passports, the whole family is reduced to statelessness when the authorities detect fraud. There is also resistance from within the community to registering and being categorised according to their situation. For example, the activists at Bedoon Rights responded to the new identity card system with view that all were equally deserving (*Kuwait's Cabinet Approves of the Discriminatory 3 coloured IDs system*, September 25, 2012) even though the identification system appears to be structured to designate Kuwaiti stateless people citizenship before stateless people from other countries. Some reports state they refuse to register with the government as being present on Kuwaiti soil at all by their own admission, with various qualifications as to why (see for example In Refugees International, 2007, al Saadi, January 3, 2012 and Hilleary, January 23, 2012). Arguments as to why registration as opposed to non-registration is a sensible option for all stateless people trying to secure their safety, rights and participation in society are promoted by the UNHCR (see UN High Commissioner for Refugees, 2011). Ironically, al Anezi explains (in Human Rights Watch, 1995) that the distinction between long-standing Kuwaiti residents and more recent arrivals claiming statelessness who do not disclose their origin should be quite achievable considering Kuwait has held accurate records on the Kuwaiti and non-Kuwaiti stateless populations for decades.

Recent refugee arrivals from other nations compete for citizenship rights on equal par with others who have lived in Kuwait for the same privileges (for more on this problem, see Human Rights Watch, 2011). That the state has implemented mechanisms to prevent the mixing of groups legal status might be because in the Middle East communities there is no one-size fits all citizen status. Original inhabitants and their descendants are usually demarcated a special status in nationality law (see Note 3). The cultural perspective reflected in the national laws found in the Middle East does not detract from the contribution of Middle East nations to the establishment of international human rights law (Waltz, 2004), but it is unlikely Kuwait will offer a single format of citizenship regardless of personal origin in the near future. The claim to citizenship for all has been encouraged by Western human rights advocates who apply Westernised standards of freedom. These standards do not take into account the cultural differences reflected in Kuwaiti law in a community that is historically founded on civic notions of responsibility and obligations rather than the exercise of individual freedom (Longva, 2000). This might be a reason why the BidounJinsiya, despite not being conferred citizenship, have demonstrated strong loyalty and belonging such that they have protected the state (Beaugrand, 2011). For the most part the BidounJinsiyahave protested for their rights regularly but peaceably in a sustained campaign over the past few years. Their protests included statements of loyalty to Kuwait's ruling family indicating they value belonging to the community (Al Saadi, 3 January 2012, Amnesty International, 9 October 2012).

The development of a more complex dialogue that deals with the different assigned identity statuses would communicate with government on the terms they understand, terms that reflect the current law, however unjust it is perceived to be (such as the argument in *Judicial Recourse for Bedoun Colours*, Arab Times Online, Dec 23 2012). Increased openness about people's origins and an approach that negotiates opportunities for economic participation in society based on identity status might better serve individuals, or more rapidly serve them. Each identity status allocated by government is matched with certain degrees of and limitations to, rights and access to education and employment. These conditions might be expanded if a corresponding nation-wide need for labour and expertise was

identified. In terms of the current rights to participate in the tertiary education sector, BidounJinsiya children of Kuwaiti women are to an extent, provided free state tertiary education. BidounJinsiya students with Kuwaiti mothers (see Article 5 of *Figure 1: Articles 1-5 of the Nationality Law, 1959 (Kuwait)*) and those from a range of other stateless categories are accepted by competitive entry into Kuwait University (Admission and Transfer Regulations, Kuwait University, Academic Year 2012-2013). Unfortunately despite this, the admissions policy at Kuwait University includes a set of micro level policies that minimise the chances for allocation of a place. First, available seats are allocated only after all Kuwaiti citizen applicants have been offered a place (Admission and Transfer Regulations, Kuwait University, Academic Year 2012-2013). All students with Kuwaiti mothers require the benchmark GPA score to be admitted but BidounJinsiya (with Kuwaiti mother) applicants also need to have a GPA score that is above the minimum GPA score of any Kuwaiti citizen student being admitted in the same departmental intake. There appears no minimum student quota in this policy. This could mean that if there are citizen applicants to fill all seats in a department, no BidounJinsiya applicant would receive a place. Yet state-sponsored education is not the only option. In practice, the private education system in Kuwait has accepted numbers of BidounJinsiya students into university, vocational and technical education. They have accessed degree education at Arab Open University (Beaugrand, 2011) and technical and vocational education at Box Hill College for Girls. 25% of the first graduate class of an undergraduate degree course at Arab Open University were BidounJinsiya students (Claire Beaugrand, personal communications). This information does not make it into the reports of Western organisations, although it might help to balance the somewhat polarised debates to date and go a long way to providing a more positive portrait of stateless people's agency in society.

3. The social and economic capital of Kuwait and the education sector

The modern development of Kuwait occurred with increasing revenues from the oil boom. This is believed to have somewhat locked in the Gulf States to certain kinds of economic formulas as they chose to import cheap labour, distributing the profits among citizens. This resulted in the domination of expatriates in the general population, an underemployed citizen population and an over-sized public service where the majority of citizens are employed. There has also been some degree of civil unrest due to a lack of opportunity for productive engagement for citizens and stateless groups in society. The Gulf is now moving into a late/post-rentier political and economic period (el Kaitri et. al, 2011) characterised by increasing attempts by governments to respond to increasing demands from the citizen population for work. The government of Kuwait adopted the Kuwaitisation policy, similar to policies in other Gulf states such as Qatar and the United Arab Emirates, a set of policy reforms that aim to diversify the economy and reduce dependency on sovereign wealth (Abdalla and al Homoud, 2012, Salih, 2010, Randeree, 2009). Along with the diminishing of public sector jobs due to the public sector being full to capacity, the state planned to reduce the Kuwaitis economic reliance on expatriate workers by channelling them into vocational and technical occupations (Bilboe, 2011). The problem for Kuwait is that there are not enough citizens to replace the expatriate labour force, despite their rapidly increasing numbers (Mirkin, 2010).

Kuwaitisation policy was justified by some specific, unsustainable features relating to education and employment practices in Kuwait. This includes in the economy, the rate of return of investment in citizen education and employment is very low due to the cost of higher education, work and salaries being incommensurate with productivity (Burney and Mohammed, 2002). In the public service, positions for citizens are typically characterised by low output in return for high income and generous conditions including early retirement (Bilboe, 2011, Abdalla and al Homoud, 2012). In the university sector, the university education of choice for all those citizens who desired it on completing secondary education was considered until recently the primary and one-time source of employment training (Bilboe, 2011). Finally, the reliance on expatriate labour has been based on the assumption there is an unlimited supply of cheap labour is available to fill the other jobs sectors that Kuwaitis cannot or do not wish to perform (Abdalla and al Homoud, 2012). This might be so but it has limited the skills and capabilities of the citizen and local stateless populations at a time when increasing numbers of men and women want to work.

It is now believed that the rentier or welfare state formula has also prevented local people from achieving social and personal fulfilment, which in turn has created civil unrest and continues to have the potential to do so. The availability of diverse types of employment for the engagement of youth and local-employment led growth is seen as essential all Arab states' sustainable development (*Arab Development Challenges Report*, 2011, see *Towards a New Social Contract*, p.75 and *Urgent job creation on a mass scale key to stability in the Arab region*, 14 March 2013). The need for diverse employment opportunities has created a demand for different kinds of education and training

that is related directly to labour needs (Salih, 2010). And while Kuwait does not have enough citizens to fully replace the expatriate work force, there are thousands of BidounJinsiya who want work who are available to fill this gap, who currently rely on charity handouts and the support of citizen family members. There is also the question of the non-Kuwaiti stateless population, comprising numbers much larger than the citizen population from other Arab countries who are assumed to be in Kuwait looking for employment opportunities due to their inability to secure work in their home states. According to *Kuwait Government Plans to Solve Problem of Illegal Residents Issue in 5 Years – top diplomat* (May 13, 2011) and *Judicial Recourse for Bedoun Colours* (December 23, 2012) under current arrangements, the government intends to deport this population over five years based on the merits of individual cases. However, without securing transfer to a receiving nation, Kuwait has nowhere to deport them.

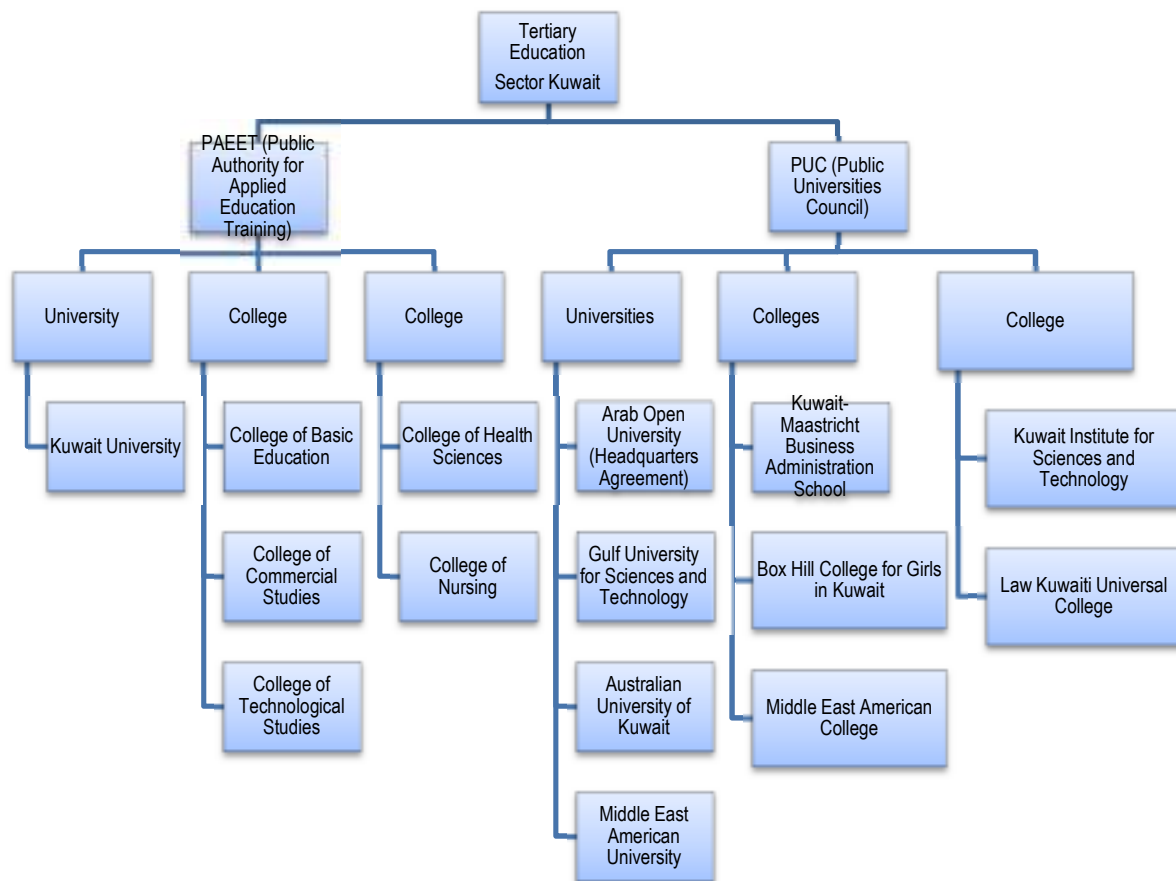


Figure 2 The Tertiary Education System in Kuwait - accredited courses.

Sources: The National Report on Development of Education 2004-2008, (2008) 81-83. The Contribution of Private Universities in Higher Education Equity in Kuwait (2010) 115.

Since the 1960s, Kuwaitis have become accustomed to receiving free university education followed by a guaranteed public service job in which they need only work for twenty years before they retire on state benefits (Bilboe, 2011). This has led to Kuwait University operating full to capacity with students and the development of a private sector education system (see Figure 2: *The Tertiary Education System in Kuwait - accredited courses*) to absorb the overflow demand for university degrees (al Atiqi et. al 2010). The private sector also provides college education in vocational and technical jobs training. It is planned that this sector can help replace of the expertise found in the expatriate labour force with Kuwait’s own highly trained community. Plans for the restructuring of the labour force

are already under way through the Government Manpower and Restructuring Program (Salih, 2010; Abdalla and al Homoud, 2012. See also *End Sponsorship System To Control Marginal Labour*, April 8, 2013). It is important to note that this situation has not presented over night. The private sector is still in establishment phase (Bilboe, 2011). Western human rights organisations have missed the mark in their arguments about discrimination being the only reason BidounJinsiya have not been able to access to tertiary education in Kuwait. For some years there was a squeeze on higher education capacity, with Kuwait's young citizens having experienced restricted access to the higher education sector because there weren't any seats available. Many Kuwaitis missed out on entry to Kuwait University due to excessive demand on places and others took overseas scholarships to study internationally, the standard option before development of the local sector (al Atiqi, et. al, 2010). To Kuwait's credit the development of the private sector education system to try to address this problem has been rapid. Due to this development Kuwait has a tertiary education sector including university, vocational and technical training and continuing adult education. Utilising both local and overseas compliance frameworks (*The National Report on Education (2004-2008)*) the higher education system aims to reflect world best standards. Bilboe (2011), Kelly (2011) and Tétreault (2011) identified important needs for increased flexibility in higher education system in regards to student-centred course options once students are enrolled in their initial preferences, to enable Kuwait to achieve this.

Finally, where Kuwait seeks to replace the expatriate population with trained Kuwaitis it faces a challenge from its own citizens. Research has shown they prefer the university model of education and to determine their areas of study based on personal choice, regardless of market demands. Both men and women want a professional level of education and work and they resist training in vocation and technical fields because there is a stigma attached to such training and work (Bilboe, 2011). For women, a university education is desired because it improves marriage options. Income and professional standing are not the main draw cards for women. For men, financial and professional status rewards remain the attractive outcomes of a university degree (Bilboe, 2011). Vocational and technical training and occupations provide none of these outcomes. Increasing access for BidounJinsiya people in the vocational and technical education and jobs sectors could offset the inability or disinterest of citizens in these areas. *Figure 3: Proposed Areas for Development of the Kuwaitisation Policy* shows how this might work. Options for engagement in the new economy via the diversification of the jobs market and areas of need in the new economy identified in Alshebou (2010) and Abdalla and al Hamoud (2012) such as entrepreneurship and expert technical skills are listed under Citizens. Disciplines offered by public colleges in vocational and technical occupations are listed under BidounJinsiya. These are based on *The National Report on Development of Education 2004-2008* (2008), but private colleges may have more course offerings (see colleges and discipline areas in al Atiqi et. al., 2010). In outlining these proposed areas I do not make any claim to providing equity for the BidounJinsiya on par with citizens as to educational opportunities. Rather, I attempt to locate gaps in the system that match the needs of the BidounJinsiya. It is also worth noting that some kinds of technical and vocational training (six months to two years) have shorter turnaround times compared to, for example, the undergraduate degree programs that in Kuwait extend beyond the standard three years (to four and five years), allowing quicker access to the workforce for those trainees (see for example at Arab Open University, a five year degree in Beaugrand, 2011).

The continuing adult education model is a community base system, characterised by more socially open and informal methods of teaching and learning and a life-long view of education (Bilboe, 2011). This is quite unlike the 'one-shot, hit or miss' model (Bilboe, 2011) of university education in Kuwait that has not yet embraced the notions of life long education, course deferral or transfers (Kelly, 2011). At this stage, there is a requirement for learners to enrol and complete their courses immediately after high school. It does not allow students to withdraw and re-enrol at a later stage (see for example, *Admission and Transfer Regulations, Kuwait University, Academic Year 2012-2013*). Continuing adult education facilitates a socially rich experience that promotes cooperation, teamwork and social cohesion (Alshebou, 2010), features that appear to be lacking from Kuwait's work culture. The continuing adult model of education could provide remedial skills programs in communications and workplace skills that is urgently needed accordingly Abdalla and al Homoud (2012), for those professionally educated citizens who have been unemployed for long periods due to not being able to gain entry to the public service, along with BidounJinsiya who have missed out on schooling or experienced patchy attendance and require foundation education skills before moving on to higher levels of education. Research has found that this form of education is not regarded as providing direct gains to individual income in Kuwait but as a builder of social capital, it is quite related to business efficiency (Alshebou, 2010).

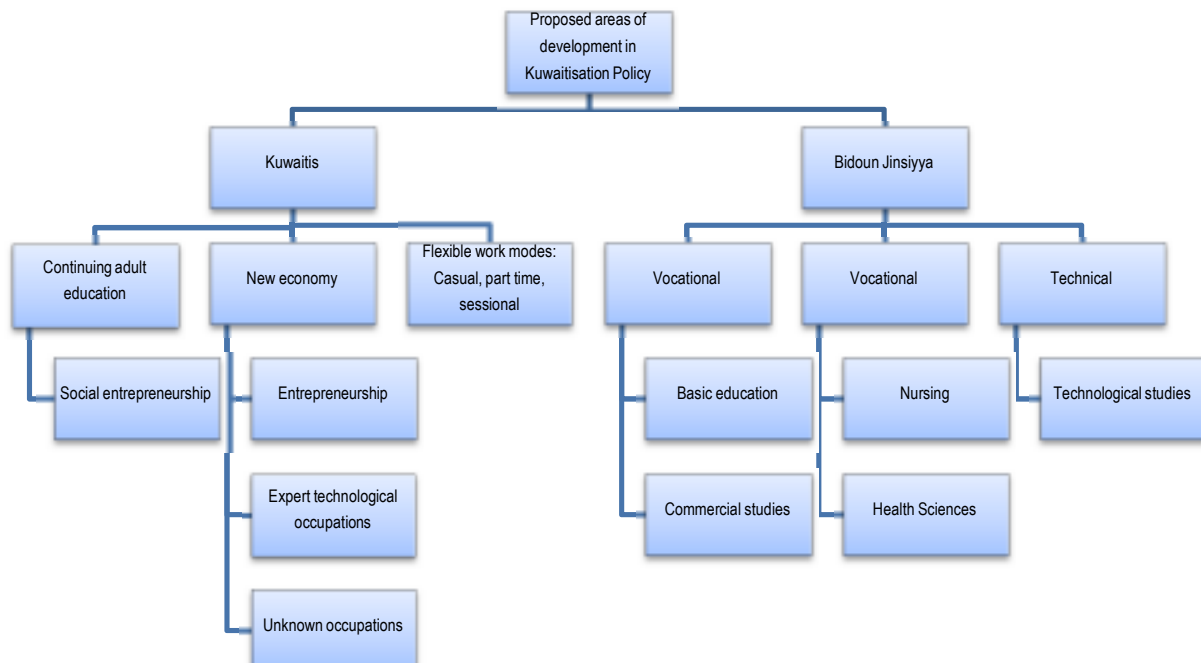


Figure 3 Proposed Areas of Development of the Kuwaitisation Policy.

Source: Vocational and technical occupations are from college disciplines in The National Report on Development of Education 2004-2008 (2008), 81-3. New economy occupations from Abdalla and al Hamoud, 2012. Continuing adult education from Alshebou (2010).

The rentier state model assumed perpetual oil production and ongoing distributions of sovereign wealth in return for political loyalty (Gray, 2011). Dependency on sovereign wealth by the population is not so much a problem of affordability, but social meaning, productivity and stability. This is particularly relevant in light of the Arab Spring where other nations realised the consequences of creating an underproductive class of loyalist citizens (Salih, 2010). Dependency on sovereign wealth is no longer seen as the way forward by economists given the level of civil unrest in the Middle East, issues with efficiency and productivity in employment sectors and the fluctuating fortunes of the global economic market (Abdalla and al Homoud, 2012). Additionally, although Sovereign Wealth Funds' assets are projected to double from 2009 to 2015 (Baghat, 2011) longstanding issues regarding transparency of the funds means that it is quite possible that they were reduced to lower levels during the global financial crisis than previously thought. In the final analysis, the reliability of data on sovereign wealth is questionable (Behrendt, 2009).

Kuwaitisation policy does not address the accompanying social resistance of the citizen base to efforts to make them responsible for their own incomes, de-professionalise and increase productivity (Bilboe, 2011). Labour markets in the state have been in need of increased levels of local labour for more than twenty years (Tétreault, 2011) while the government has had to continually out citizen's bad debts (*Politics Trumps Economics as Government Bails Out Indebted Kuwaitis Again*, April 10, 2013). Yet to put it bluntly, Kuwaiti citizens prefer not to work in non-professional sectors (Bilboe, 2011), are unproductive in the workplace in their professional jobs (Abdalla and al Hamoud, 2012). In this respect, Tétreault's (2011) observations that many students and their parents rely on corruption in the higher education system to get through university helps to make sense of Kuwait's workplace problems. Worse, unemployment is highest among the best educated of Kuwaitis and according to Abdalla and al Homoud (2012), some choose unemployment over full employment in the public sector where competition and productivity expectations are higher. Whether or not this crisis is a matter of the way people are trained or reflective of a deeper cultural attitude (Alshebou, 2012), the resultant gap in the labour force requiring local workers is where the BidounJinsiyya could support the population through economic participation. This option could provide a solution for all Kuwaitis, citizens and non-citizens. The BidounJinsiyahave a reputation for hard work and they persist in

finding opportunities to be productive (Beaugrand, 2011). Claims for increased participation in society could be negotiated with government where the BidounJinsiya could contribute economic support for the community that the citizen population cannot or will not provide.

While Kuwait's government intends to reduce numbers of available expatriate work visas over time (Salih, 2010), such moves have begun to take place (*End Sponsorship System To Control Marginal Labour*, April 8, 2013). The usual mechanism for BidounJinsiya to acquire legal residency status for whole families while waiting to be granted citizenship, is through a work permit (Group 29, 2012). Presently the BidounJinsiyahave to take menial jobs to survive (Beaugrand, 2011a) and their ability to plan for a long-term future is compromised by their legal status. Nevertheless they are a structural feature of the population and economy (Longva, 1997) and they are responsible for much of the traditional, informal economy of Kuwait (Beaugrand, 2011b). A long-term solution might involve legal residency status extended to the BidounJinsiya through an organised framework of education and jobs sponsorship. Sponsorship on the completion of tertiary education could lead directly to employment and an accompanying work permit. This need not compromise the existing system of inquiry into citizenship and residency claims. That is, legal residence could be provided under the sponsorship scheme while citizenship applications are processed. The period could be long enough for a person to establish the required literacy, numeracy, vocational, technical or professional skills they need for employment and to establish themselves well in the workforce. A suitable time period might be 5 years per unit of education and work, reflecting current timeframes to resolve legal status (*Judicial Recourse for Bedoun Colours*, Dec 23, 2012). The cost of education sponsorship could be returned through the tax system on employment while the course offerings could be directly linked to market demands.

Planned, sponsored access to education and jobs in labour force gap areas would enable the BidounJinsiya a viable means of acquiring residency, education, employment and allow them to contribute in a substantial way to the economic capital of Kuwait. Because Kuwait is a tiny state it must regulate the size of its citizen base carefully. Current levels of population growth among citizens indicate steady growth (Mirkin, 2010) but, Kuwait's economy already includes the BidounJinsiya, it does not function in without them. History has shown the government can become reactive and expel citizens when pressured by excess population and certainly the future holds tighter controls on expatriate flows. But the BidounJinsiya of Kuwait (using the definitions drawn from Longva (1997), Oskay (2010) and Beaugrand (2011a, 2011b)) are not expatriate labour, they are Kuwaitis. Increasing workplace productivity and efficiency by training willing, motivated workers who are currently chronically underemployed might be a more effective alternative than restricting them to a frustratingly idle lifestyle that is a constant drain on the government, society and Kuwait's international reputation. It would help the community recover from the bans placed on BidounJinsiya on public higher education from 1982 to 2010 that continue to have a crippling impact on the community today (al Najjar, 2001, Human Rights Watch, 2000, Blitz and Lynch, 2009, Oskay, 2010).

This plan would have a number of benefits for Kuwait. It would alleviate the burden of many citizens who financially and socially support BidounJinsiya members of their families who cannot work (Beaugrand, 2011). It would enable those citizens who do not wish to take up vocational or technical occupations (Alshebou, 2010) or to take up full time work (Abdalla and al Homoud, 2012) to have more flexibility exploring different and perhaps more satisfying options for study in the technical, vocational and continuing adult education systems and employment in the developing sectors of the new economy. Helping with the ongoing problem of the limited rights and participation of the BidounJinsiya since the 1980s, the plan would also give the government some valuable breathing space for dealing with citizen resistance to new expectations regarding education and work during the economic transition. Continuing adult education could assist citizens develop greater social cohesion and teamwork making way for the BidounJinsiya to return to stable employment and a more productive way of life.

CONCLUSION

The BidounJinsiyaare the stateless people of Kuwait who were allocated illegal migrant status in the 1986 due to the Alien Residents Act (Human Rights, 2011). This paper examined the challenges of representation of the BidounJinsiya where Western human rights activists have blended their claims with those of more recent Arab arrivals to Kuwait and focused on dialogues of victimisation. This focus has played down the BidounJinsiya's familial connections to the citizen population, their level of participation in society, their persistent participation in the work force, willingness to work and reputation for having a strong work ethic (Beaugrand, 2011). A relativist approach increases understanding of the predicament of the stateless and citizen Kuwaitis and their relationship with the government. Economic and social challenges for Kuwait beyond the rentier period involve structural changes to

the population, the education and work sectors (Salih, 2010). Kuwaitisation policy plans for the transfer of productivity and expertise from expatriate workers onto Kuwaiti citizens, while there is a need to develop greater productivity, efficiency and social capital among Kuwaitis. Citizen resistance to the vocational and technical education and job sectors (Bilboe, 2011) and the small size of the citizen population provides an opportunity for the BidounJinsiya to participate in these areas. Their uptake of vocational and technical education and jobs would allow Kuwaitis to work in new sectors of the economy or to participate in life long education that builds social capital for the community and at the same time, provides them with more flexible education and employment options. The increased social capital from continuing adult education may create on-flow effects on to the economy as a result of increased social cohesion, teamwork and efficiency in the economy. The premise of this paper was that similarly to the historical role the BidounJinsiya played in securing the state via their service in the military and policing (Tétreault and al Mughni, 1995), they have the capacity to fill gaps in the labour force that citizens remain reluctant or unable to fill (Randeree, 2009, Salih, 2010, and Abdalla and al Homoud, 2012). In this way the BidounJinsiya could benefit Kuwait by contributing to its economic security, in return for increased participation in the education sectors and work force. The outcome would be beneficial to the whole community
For M.M. al Anezi

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Notes

1. Kuwait's Reservation (21 May, 1996) to the International Covenant on Civil and Political Rights (16 December 1966). Kuwait's Reservation (21 May, 1996) Where the provisions of the Covenant conflicts with Kuwait's national law, Kuwait applies its national law. Rights will be exercised within the limits of national law.
2. Declaration of the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live (13 December, 1985) applies to non-nationals of Kuwait. Where persons are deemed migrants under national law, this Declaration applies.
3. Abdullahi Ahmed anNaim (1996) sets out the theory whereby Islamic constitutional nation states can satisfy criticisms that they do not fulfil their obligations to International Human Rights Law. He suggests this can happen where states conform to the principles laid out in their constitutions via the provision of resources for *continuous fulfilment of individual and collective identity*.

Author

Susan Kennedy is a PhD student in the Faculty of the Professions at the University of Adelaide. She became interested in the impacts of Statelessness in the Middle East through advocacy work with asylum seekers in Australia. She developed an interest in social justice education while teaching English in humanitarian programs Melbourne. She is especially grateful to Imam Abdul Kader for suggesting a meaningful response to the treatment of asylum seekers in Australia and to the members of the Kuwaiti community supporting her fieldwork, Sheikha al Muhareb and Dr Farah al Nakib.