

IS THE BIDOUN JINSIYA CAUSE FOR SPRING IN KUWAIT?

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Abstract

Kuwait has long been considered the ‘desert flower’ of the Gulf, the state ‘most likely’ to be 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 Bidoun Jinsiya of Kuwait are stateless people. Law reform has allocated the Bidoun Jinsiya different classes of identity status, delivered to some limited rights, others full citizenship, while others have received no benefits at all. Representation of the Bidoun Jinsiya 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. It has been established the Bidoun Jinsiya participate in the economy despite being allocated illegal migrant status. As they struggle for citizenship, a model of reform of 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. There is an opportunity for the Bidoun Jinsiya to provide service in these fields to fill this gap. This would involve a ‘Spring in Kuwait’ of another kind: increased participation for the Bidoun Jinsiya through education and employment and more satisfying study and career options for citizens.

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

Introduction

The *Bidoun Jinsiya* are people without nationality (Tetreault and al Mughni, 1995). This study concerns the Bidoun Jinsiya of Kuwait, people who have long been members of Kuwaiti society but lost their rights to citizenship in the 1980s (Human Rights Watch, 2011). Claiming to tell the story of the Bidoun Jinsiya, 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 Bidoun Jinsiya 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 Bidoun Jinsiya alongside other disadvantaged migrant labour groups, if at all. They are a subject of human rights discussion regarding poverty but are not recognised as a contributing factor to labour in economic policy such as ‘Kuwaitisation’ (Randeree, 2009, Salih, 2010). Treatault (1995), Longva (1997) and Beaugrand (2011) established without question that the Bidoun Jinsiya are economic participants but as yet researchers have not explored the topic of rights and participation from the point of view of the Bidoun Jinsiya as established members of the community in Kuwait. This approach acknowledges the historical integration of the Bidoun Jinsiya in society, their participation in employment and their loyalty to existing body politic. 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). It suggests similarly to the historical role the Bidoun Jinsiya played in securing the state via their service in the military and policing (Tetreault 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 Bidoun Jinsiya 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 Bidoun Jinsiya 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 (Treatault, 1995, Longva, 1997). It looks at the way the Bidoun Jinsiya have been represented by 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 Bidoun Jinsiya 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 relativist approach increases understanding of the Bidoun Jinsiya predicament of statelessness and their capacity to participate in the education sector, the economy and community in Kuwait despite this. It suggests that increased participation is possible for the Bidoun Jinsiya 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 Bidoun Jinsiya in Kuwait. It employs content analysis methodology on publications and research from the

economic, sociological, 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 Bidoun Jinsiya are integrated in the community of Kuwaitis (Tetreault 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 Bidoun Jinsiya identity and agency

The term *Bidoun Jinsiya* means ‘without State’ in Arabic (Longva, 1997). The Bidoun Jinsiya 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). Historically Bidoun Jinsiya families did not register for nationality in the first census counts from the 1920s and were later deemed stateless in the 1957 Nationality Law (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 townsfolk) and the Badu (nomadic, tribal people) who lived on pastoral lands closer to the sea port of Kuwait (Longva, 2006). Peterson’s (1977) analysis shows that the Hadar and Badu are conceptually derived notions rather than geographical ones, where the tribes may transformed back s forth over time according to their circumstances; Longva (2006) confirms the terms are contextual rather than absolute in nature. Ultimately both authors concede the concepts are interchangeable. Described as separate to the Hadar and Badu, the Bidoun Jinsiya is regarded a third group (Longva, 2000). Yet they have mixed with both of the Hadar and Badu groups through intermarriage for generations (Tetreault 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 Bidoun Jinsiya are historically blended into Kuwaiti citizen families (Tetreault and al Mughni, 1995), and some also claim that they were directly descended from people resident in Kuwait before 1920; they can prove this with the appropriate documents (Refugees International, 1997). They are eligible for Kuwait citizenship according to Kuwait’s nationality law but are still waiting to be naturalised.

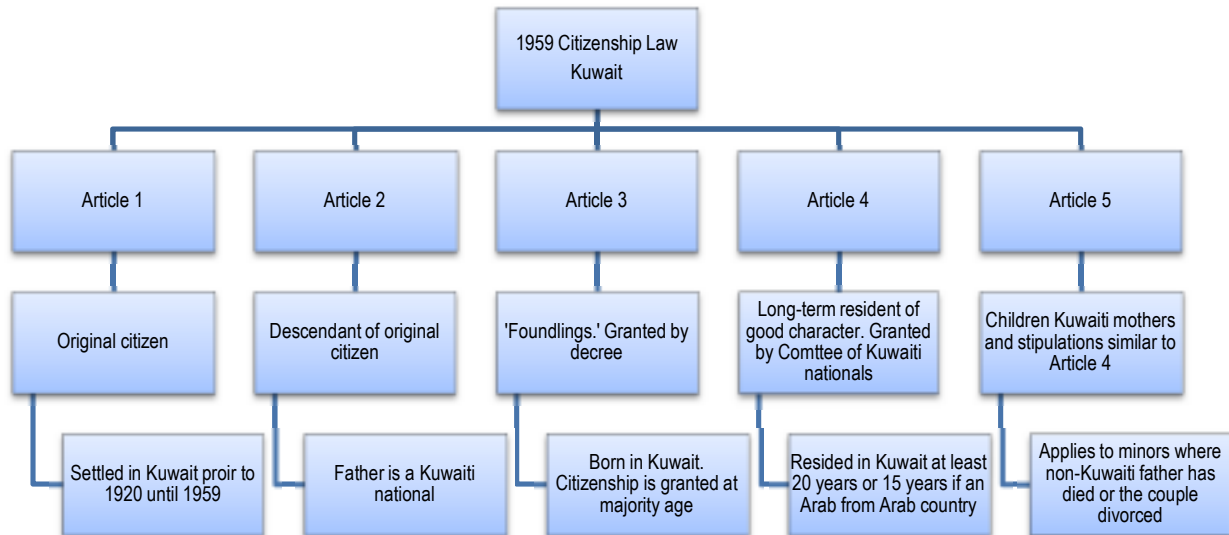


Figure 1

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 beyond the city in the desert did not understand the importance of the need to register for citizenship. Instead they erroneously believed that citizenship might interfere with their nomadic lifestyle once national borders were established (these were not closed until the 1960s to facilitate nomadic culture and trade) (Longva, 1997). Providing for the conditions of the nationality law, people could still register for citizenship anytime as long as they met the designated conditions. In 1957 Kuwait passed the Nationality Act, 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 (Nationality Law, 1959, Kuwait. 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). Historically, their inclusion in the national census up to 1965 (Human Rights

Watch, 2011) signified the notion inclusion of the Bidoun Jinsiya as Kuwaitis. In 1986 Kuwait passed the Alien Residence Act, applied retrospectively. The Bidoun Jinsiya were removed from the census and re-classified illegal migrants (Human Rights Watch, 2000). It is this the act that submitted the Bidoun Jinsiya to the arbitrary deprivation of citizenship through administrative means. Since then there have been successive rounds of naturalisations. These have been tainted by uneven distribution of rights to different kinds of people (such as foreign spouses or Saudis before eligible Bidoun Jinsiya who have waited longer) and restrictive legislation to control civil unrest and self expression as the Bidoun Jinsiya have protested for greater rights (Human Rights Watch, 2012).

The mixing of Bidoun Jinsiya 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 that the groups are often referred to as a homogenous whole in the literature (Immigration and Refugee Board of Canada, 1999) and much of the testimony of individual experience in human rights reports does not disclose which sub-group of stateless persons the person might belong to. On the other hand, over the years the government has naturalised successive rounds of Saudi Arabian citizens, related to the traditional familial ties between families of the nations (Beaugrand, 2011), while keeping Bidoun Jinsiya waiting to attain citizenship. And of course, Saudi Arabia, the UAE and Bahrain have ongoing issues regarding naturalising Bidoun who have ancestral connections with their own lands. Indeed the issue is regional wide across not only the Gulf, but the Middle East with Bidoun populations 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 more prosperous town dwellers (Tetreault and al Mughni, 1995). Their service in the military continued during the Iraq war where the Bidoun Jinsiya 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, Bidoun Jinsiya police were removed from their posts during the post-war period (Refugees International, 2012). The government reaction to the Iraqi invasion led to their rejection in the wider community (Hilleary, January 23, 2012). It also deprived the community of its major, reliable source of income, coinciding with loss to access to mainstream education. These changes led the Bidoun Jinsiya into 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 (Human Rights Watch, 2000).

A problem for the Bidoun Jinsiya obtaining 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 human rights report on the Bidoun Jinsiya (Human Rights Watch, 2011) quotes stateless people despairing they have no rights but qualifies that the government, then 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). Further, the visual representation of the Bidoun Jinsiya as faceless or half-faced (for example, the faceless portrayal in Refugees

International, 2007) and the promotion of claims by peoples that all Bidoun Jinsiya have no been provided no rights at all (Human Rights Watch, 2011, p.31) is not only in error, it does not helped the Bidoun Jinsiya to promote their value or utility to society. Beaugrand (2011) asserts that the Bidoun Jinsiya 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 Bidoun Jinsiya is such that their productive capacity has been downplayed amidst claims of rights that are at times, flawed. This has the potential to isolate them from the community and government.

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 in other countries passports (Human Rights Watch, 1995). Where families join individuals on these passports, the whole family is reduced to statelessness when the authorities detect the false papers. Some 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). There is also resistance from within the community to registering and being categorised according to their situation, for example the activists at Bedoon Rights.org. 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, BedoonRights.org., September 25, 2012) although there are many arguments that could be offered as to why registration as opposed to non-registration is a sensible option for securing safety, rights and participation in society (see UN High Commissioner for Refugees, 2011). Al Anezi (Human Rights Watch, 1995) explains that the distinction between long-standing Kuwaiti residents and extraneous populations who do not disclose their origin should be quite simple considering Kuwait has held accurate census records 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 generational and competing status, 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 and original inhabitants are usually demarcated as such (see Note 3). The cultural perspective reflected in the national laws found in the Middle East does not detract from the contribution to the establishment of international human rights law (Waltz, 2004). However it is unlikely Kuwait will offer a homogenised, single format 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 in a community that is historically founded on civic notions of individual responsibilities and obligations rather than the exercise of freedom (Longva, 2000). This might be a reason why the Bidoun Jinsiya, despite not being conferred citizenship, have demonstrated strong loyalty and belonging such that they have protected the state (Beaugrand, 2011). To illustrate this point further, for the most part the Bidoun Jinsiya have 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 (listed on the identity card) 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 conditions and limitations to rights and access to education and work. The conditions might be expanded if a corresponding nation-wide need for labour and expertise was identified. In terms of the current rights to the tertiary education sector, Bidoun Jinsiya children of Kuwaiti women are to an extent, provided free state tertiary education. Bidoun Jinsiya students with Kuwaiti mothers, who are given privileges but not rights of citizens as minors (see Article 5 of *Figure 1: Articles 1-5 of the Nationality Law, 1959 (Kuwait)*) are now accepted into Kuwait University as Kuwaitis (Admission and Transfer Regulations, Kuwait University, Academic Year 2012-2013). The admissions policy 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. All students with Kuwaiti mothers need to have the benchmark GPA score to be admitted but Bidoun Jinsiya (with Kuwaiti mother) applicants also need to have a GPA score that is above the minimum GPA score of any non-Bidoun Jinsiya student being admitted in the same departmental intake. There appears no minimum student quota in this policy. This means that if there are enough citizen applicants to fill all seats in a department, no Bidoun Jinsiya applicant would receive place. Yet state-sponsored education is not the only option. In practice, the private education system in Kuwait has accepted numbers of Bidoun Jinsiya students into university, vocational and technical education. They have accessed degree education at Arab Open University and technical and vocational education at Box Hill College (Mary McNally, Director Student Affairs, personal communications). 25% of the first graduate class of a 5 year degree course at AOU were Bidoun Jinsiya students (Claire Beagurand, personal communications). This information does not make it into the reports of the international human rights community.

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

The modern development of the state of Kuwait occurred alongside increasing oil revenues. This is believed to have locked Gulf States into certain kinds of economic formulas as they chose to import cheap labour while distributing wealth among citizens. This resulted in an underemployed citizen population and civil unrest due to a lack of productive engagement in society. The Gulf is now moving into a post-rentier political and economic period (For the development of 'late rentierism' models that see El Kaitri et. al., 2011. For an alternative view that frames rentierism as compatible with diversification, see upcoming Springborg, 2013). The government of Kuwait has adopted 'Kuwaitisation,' a policy reforms that aim to diversify the economy and reduce citizens' dependency on sovereign wealth (Abdalla and al Homoud, 2012, Salih, 2010, Randeree, 2009). Along with the diminishing of public sector jobs, the state plans to reduce the Kuwaitis economic reliance on expatriate workers. Citizens will be channelled into vocational and technical occupations (Bilboe, 2011). The policy is justified by some unsustainable features of the current economic model:

- The economy: the rate of return of investment in citizen education and employment is very low due to learning, work and salary incommensurate with productivity (Burney and Mohammed, 2002).
- The public service: Public service jobs allowing for low productivity in return for high income and generous conditions (including retirement at age 40 and 42 for men and women respectively) (Bilboe, 2011, Abdalla and al Homoud, 2012).
- The university sector: Paid university education for all who desire it as the primary and one-time source of employment training (Bilboe, 2011).

- Reliance on expatriate labour: an assumed an unlimited supply of cheap labour is available to fill the other jobs sectors that Kuwaitis cannot perform (Abdalla and al Homoud, 2012).

Growing population (fertility rates decline but infant mortality also declines and mortality rates increase) and increased participation of women in work has increased demand for employment in the sector (Mirkin, 2010). The public service sector cannot expand indefinitely to absorb citizen needs. Low productivity and efficiency indicates the sector costs too much for limited output (Burney and Mohammed, 2002, Abdalla and al Homoud, 2012). Further, there is greater need for diversification in the economy due to the increasing population and over-dependency on oil revenues. Diversity of types of employment is essential for the engagement of youth and local-employment led growth is seen as essential all Arab states' sustainable development into the future (Arab Development Challenges Report, 2011, see Towards a New Social Contract, p.75, Strategy of Response to Transformative Change Championed by Youth in the Arab Region, Urgent job creation on a mass scale key to stability in the Arab region, 14 March 2013). The flow-on effect is a demand for different kinds of education and training that is related directly to labour needs, minimising the need expatriate labour (Salih, 2010).

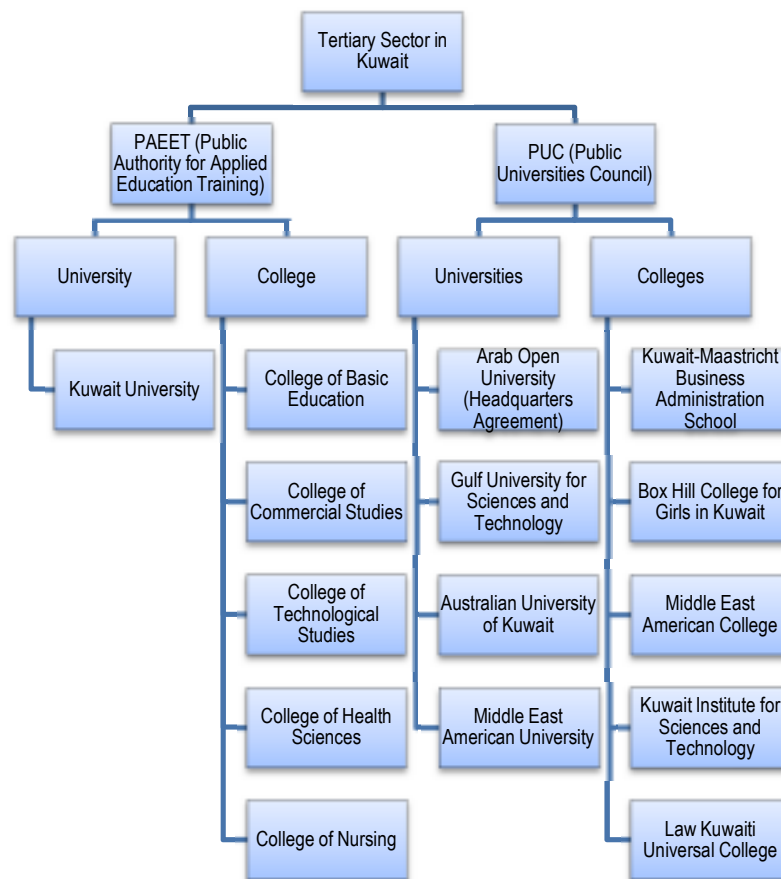


Figure 2

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.

The rentier state model that assumed perpetual oil production and the resultant generous sharing of sovereign wealth among the people in return for political loyalty (Gray, 2011). Although Sovereign Wealth Fund 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 funds is questionable (Behrendt, 2009). 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). Therefore, Kuwait is implementing Kuwaitisation as it can no longer rely on an unlimited supply of cheap imported labour to fill gaps in its labour force as it cannot control the needs of its growing population over time with this model (Mirkin, 2010). Social tensions between Kuwaitis and the expatriate community is long standing and well known; it has not been an optimal cultural fit (Longva, 1997, Bilboe, 2011). Further, there is the question of the Bidoun Jinsiya, a population much larger than the citizens yet integrated in the community in an historical and irreversible fashion. These two factors explain how Kuwaitisation policy might be compatible with the interests of the local community.

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 (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 will help Kuwait replace the technically skilled expatriate labour force with Kuwait's own highly trained staff. Plans for the restructuring of employment 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). Human rights organisations have missed the mark in their arguments about Bidoun Jinsiya access to tertiary education in an economy where for some time Kuwait's young privileged citizens have not been able to access the only public university either, 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 has been rapid. Utilising both local and overseas compliance frameworks (The National Report on Education (2004-2008) 2008), it is world standard.

The problem is that where Kuwait seeks to replace the expatriate population with trained Kuwaitis it faces challenge from its own citizens. Kuwaitis prefer the university model of education (al Ali, 1993, Bilboe 2011). 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 (al Ali, 1993, Bilboe, 2011) and association with fields involving manual labour (al Ali, 1993). For women, a university education is desired to enhance marriage prospects; income or professional standing are not the main draw cards for women. For men, income and professional status rewards remain the attractive outcomes of their university degree (Bilboe, 2011). Vocational and technical training and occupations provide none of these outcomes. Desire to avoid of this kind of education was established some time ago by al Ali (1993), who found that 51% of students surveyed at the College of Technological Studies had not chosen the college as their first priority but had wanted to attend university and 20% of respondents wanted a different career than the technical area they were being trained to work in. Increasing access for Bidoun Jinsiya 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) 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 Bidoun Jinsiya. These are based on The National Report on Development of Education 2004-2008 (2008) for simplicity, but private colleges may have more course offerings (see colleges and discipline areas in al Atiqi et. al., 2010).

The Kuwaitisation policy does not address the accompanying social resistance of the citizen base to redirect them from degree programs and employment in the public sector into college programs and employment in technical and vocational fields in the private sector that have been called 'socially unacceptable' (al Ali, 1993, p.22). These issues are associated with the failings of institutions preparing graduates for the more competitive private sector employment market (Salih, 2010, Tetreault, 2011) that may be due to an over-focus on economic capital development to the detriment of social capital development (Alshebou, 2010). The Kuwaitisation policy rests on assumptions that Kuwaitis can become 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 (Tetreault, 2011). Yet 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) and according to a recent study by Tetreault (2011) at the American University in Kuwait, students and parents rely on systems of personal favours, coercion of staff and cheating to get through higher education (Tetreault, 2011). Worse, unemployment is highest among the best educated of Kuwaitis, who would choose unemployment before employment in the public sector where competition and productivity expectations are higher (Abdalla and al Homoud, 2012). Whether or not this crisis is a matter of the way people are trained or reflective of a deeper cultural attitude (Alshelbou, 2012), the resultant gap in the labour force requiring local workers is where the Bidoun Jinsiya could support the population through economic participation. This option could provide a solution for both parties. The Bidoun Jinsiya have a reputation for hard work such that persist in finding opportunities to be productive (Beaugrand, 2011). Claims for increased participation in society could be negotiated with government where the Bidoun Jinsiya could contribute economic support for the community that the citizen population will not or cannot provide.

Continuing adult education is a different way to learn compared to university and vocational training because the sector takes the view that learning is life-long. This is quite unlike the 'one-shot, hit or miss' model (Bilboe, 2011) of university education in Kuwait that has not yet embraced the notion of life-long education. Rather, there is a requirement for learners to participate immediately after high school that does not allow them 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 a community of learners

model. Because courses are not accredited, this kind of education encourages a friendly informality that promotes teamwork, cooperation and social cohesion (Alshebou, 2010). The continuing adult model of education could provide remedial skills programs in communications and workplace skills that is urgently needed to increase efficiency, accordingly Abdalla and al Homoud (2012), for those educated citizens who have been unemployed for long periods due to not being able to gain entry to the public service and for Bidoun Jinsiya who have missed out on schooling and require foundation literacy and numeracy skills before moving on to higher levels of training and work. Research has found that this form of education is not regarded as providing direct gains to individual income in Kuwait but learners in Kuwait have found it satisfying and useful and as a builder of social capital it is quite related to improved business efficiency (Alshebou, 2010).

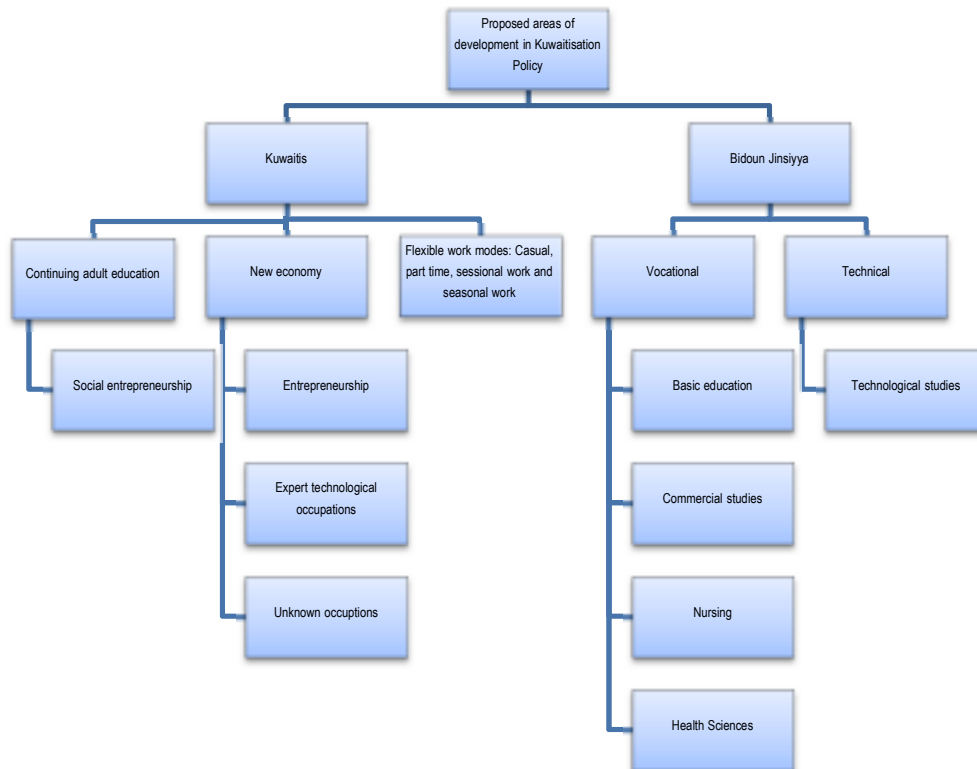


Figure 3
Proposed areas of development of the Kuwaitisation policy.

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).

As part of the Kuwaitisation policy, the government intends to reduce numbers of available expatriate work visas over time (Salih, 2010) and such moves have begun to take place (End Sponsorship System To Control Marginal Labour, April 8, 2013). The usual mechanism for Bidoun Jinsiya to acquire legal residency status for whole families, while waiting to be granted citizenship where eligible, is through a work permit (Group 29, 2012). Presently the Bidoun Jinsiya have to take menial jobs to survive and the 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 'second economy' of Kuwait (Beaugrand, 2011). A long term solution might involve legal residency status extended to the Bidoun Jinsiya through an organised framework of education and jobs sponsorship. Sponsorship 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 or technical 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 Bidoun Colours, Dec 23 2012). The cost of education sponsorship could be returned through the tax system on employment.

Planned, sponsored access to education and jobs in labour force gap areas would enable the Bidoun Jinsiya 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 Bidoun Jinsiya, it does not function 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 Bidoun Jinsiya are not expatriate labour. Increasing workplace productivity and efficiency by training willing, motivated workers who are currently 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.

This plan would have a number of benefits for Kuwait. It would alleviate the burden of many citizens who financially and socially support Bidoun Jinsiya 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 (al Ali, 1993, Bilboe, 2011) 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 and employment in the developing sectors of the new economy and in the community based life-long education model. Helping with the ongoing problem of the limited rights and participation of the Bidoun Jinsiya since the 1980s (Refugees International, 2012), 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. Community based education could assist citizens move towards a more cohesive and self-reliant economic and social state while restoring the Bidoun Jinsiya to a more productive way of life.

Conclusion

The Bidoun Jinsiya are stateless people of Kuwait who were allocated illegal migrant status in the 1980s (Human Rights, 2011). This paper examined the challenges of representation of the Bidoun Jinsiya where universal rights-

based approaches have blended their claims with those of recent arrivals and focused on victimisation. This has de-emphasised their level of participation in society, persistence in the work force, willingness to work and reputation of a strong work ethic (Beaugrand, 2011). A community perspective acknowledges the historical family and social connections of the Bidoun Jinsiya with the citizens of Kuwait and their proven utility to society. A relativist approach increases understanding of the predicament of the stateless and that of the nation. Economic and social challenges for Kuwait developing beyond the economic models of the rentier and welfare state 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. Citizen resistance to the vocational and technical education and job sectors (al Ali, 1993, Bilboe, 2011) provides an opportunity for the Bidoun Jinsiyya to participate in these areas. A system of sponsorship whereby they could be trained to work in areas of need then pay back the investment in their education upon employment would be contingent upon changes in the current migration system. Essentially it would involve a structured and coordinated program of education and work including issuing legal work permits to the Bidoun Jinsiyya. Their uptake of vocational and technical jobs would allow Kuwaitis to work in new sectors of the economy such as entrepreneurship or to mix employment with life-long education. Community based adult education could play a role in assisting Kuwaitis to manage the economic transition as it helps build social capital through informal communication, increased cooperation and social cohesion. Kuwaiti participation in this education model could have positive on-flow effects in the economy, such as improving participation, teamwork and personal resilience. Educational reform of this nature might alleviate tensions between the government and the citizen population over changes to education and work preferences and between the government and the Bidoun Jinsiya over restrictions preventing them accessing tertiary education and work. This would involve a 'Spring in Kuwait' of another kind: increased participation for the Bidoun Jinsiya through education and employment and more satisfying study and career choices for citizens.

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 an Naim (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 would 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.

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