

# Education Rights for Stateless Bidoon Children in Kuwait: The Voice of Government Officials

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Received: 21/07/2021  
Accepted: 02/09/2021  
Published: 01/11/2021

Volume: 2 Issue: 6

How to cite this paper: Mansoor, A. (2021). Education Rights for Stateless Bidoon Children in Kuwait: The Voice of Government Officials. *Journal of Practical Studies in Education*, 2(6), 1-9  
DOI: <https://doi.org/10.46809/jpse.v2i6.34>

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## Abstract

According to the United Nations, a stateless person is someone who has no legal identity in any nation whatsoever. In Kuwait, there are almost 110,000 stateless people who are known as *Bidoon*, which literally means “without”. Since 1991 *Bidoon* children have been shut out of the public school system as they are considered illegal immigrants. The only point of contact for legal interaction between the government of Kuwait and the *Bidoon* is the Central Agency for Remediating Illegal Immigrants’ Status. This complex bureaucracy has two conflicting responsibilities: (1) to investigate claims of citizenship by the *Bidoon*; and (2) to provide limited government services, including financial support to attend private schools. This research seeks to better understand the government’s position regarding *Bidoon* education, and present the individual voices and beliefs behind the government policies. Seven government officials were interviewed, including the head of the Central Agency. Their responses, arranged here around specific themes of visibility/invisibility, inclusion/exclusion, and denial/access, suggest some possible explanations for the government’s seeming lack of ability to resolve a situation that has continued for decades. By exploring the multitude of opinions that are impacting government policy, the present study aims to enhance understanding of the political and procedural roadblocks that are preventing the Kuwaiti government from resolving problems around educational access, legal status, and the rights of *Bidoon* children.

**Keywords:** Stateless, Bidoon, Education Rights, Kuwait Nationality Law, Kuwait Educational Policy

## 1. Introduction

Kuwait is one of seven countries bordering the Persian Gulf. It covers less than 18,000 square kilometers, yet holds almost 8% of global oil reserves, making it the fifth richest country in the world. Due to its oil reserves, Kuwait has been able to give its citizens the best services, including a high-quality education from primary through university level. However, a portion of Kuwaiti society is left out. They are the stateless of Kuwait, known as the *Bidoon*. The problem of the *Bidoon*, those without citizenship, emerged when the British protectorate was dismantled in 1961 and Kuwait was established as a modern nation-state. Approximately 33% of the population were given Kuwaiti nationality on the basis of being “establishing fathers/founders” of the new country. Another third of the population were naturalized as nationals, and the rest were designated as without nationality, translated to “*Bidoon Jinsiya*” in Arabic. From this phrase, the population became known as *Bidoon*. Treated as near-equals for decades, the *Bidoon* experienced a reduction in status when they were reclassified as

illegal immigrants in 1986 and removed from the public school system in 1991.

Currently, there are four main categories of Bidoon: (1) Individuals who were included in the 1965 census, often residents of Kuwait whose fathers or grandfathers did not understand the importance of applying for statehood; (2) military families; (3) individuals with Kuwaiti mothers; and (4) *Bidoon* individuals who belong to none of the aforementioned groups, usually more recent nomadic migrants who moved to Kuwait in search of a better life (Beaugrand, 2018). There are certain government services that can only be accessed by the *Bidoon* of the first three categories, while the rest are left with nothing. This final divisive step has proven to be a key factor in marginalizing *Bidoon* and creating a class system within the *Bidoon* (Amnesty International, 2018).

The condition of statelessness has severely impacted the quality of the education that is provided to the *Bidoon* children. Their plight is different from children across the world who are refugees from war or disaster, or who live in areas without a developed educational system. In contrast, *Bidoon* children are starving in the midst of plenty. The lack of access is the primary obstacle that *Bidoon* face in attempting to gain an education for their children. Future prospects for improvement of the lives of the *Bidoon* are highly dependent on their ability to gain access to a quality education, and their present stateless status is the principal obstacle that the *Bidoon* face. Tétreault (2000) suggests that the *Bidoon* have become a permanent underclass in Kuwait, and Somers (2008) notes that the lack of quality education for *Bidoon* is compounded by the extreme social difficulties and exclusion from civil society that they face.

The disadvantages of being shut out of the public school system are numerous, but it is not accurate to state that the *Bidoon* are completely without educational access. A private school system exists and is in part funded by the government through a complex bureaucracy known as the Central Agency for Remediating Illegal Residents Status. This is the system that government officials refer to when discussing educational access for *Bidoon* children (Central Agency for Remediating Illegal Residents Status Public Relations and Media Department, 2013). However, the inferior nature of these schools is common knowledge; they are not reliable providers of a quality education, especially in comparison with the public school system. This discriminatory educational system is in fundamental conflict with the spirit of the wider principles of human rights (Weissbrodt & Collins, 2006).

The significance of the study is related to important human rights concerns. Discriminatory practices against the Bidoon violate multiple international agreements and treaties concerning human rights, not least of which is the right to education. Indeed, one of the most fundamental difficulties children in these communities face is the denial of the right to education. A range of international agreements and human rights charters have clearly stipulated basic education as a fundamental human right, with one notable example being Article 28 of the United Nations Convention on the Rights of the Child (UNCRC) (United Nations, 1989). It is the responsibility of every state to ensure that all its citizens are provided with a basic level of education according to the resources available for educational purposes. The international agreements that formulate the basic rights of citizens typically recognize that non-citizens are not necessarily entitled to all the benefits of citizenship, but nonetheless still must be provided some limited protection and access to services. Since the Bidoon are stateless and consequently lack citizenship, the status of the Bidoon has itself been a major obstacle to reform with regard to the meeting of their educational needs (Human Rights Watch, 2011).

The objective of this study is to more fully understand the government's perspective on Bidoon, especially in regards to access to education. To achieve the objective, this research is based on a series of interviews with both former and current government ministers and members of the Kuwaiti parliament.

## 2. Voices of Governmental Officials on the *Bidoon* Question

### 2.1. How It Feels to Be a Bidoon

For all intents and purposes, the Central Agency for Remediating Illegal Immigrants Status is the Ministry of the Bidoon. If, as a Bidoon, you need help of any kind, the Central Agency is where you start and if you visit this government office, it can safely be assumed that you are a Bidoon. In pursuit of my research into how the government and government officials view the issue of the Bidoon, I was granted an interview the head of the Central Agency. The interview was scheduled to take place in his office at the Central Agency.

When I arrived on the day of my interview, instead of using my special status and formal permission to drive through the gate and park my car inside the building compound, I decided to have the full experience of a Bidoon visiting the Agency. This meant parking in a lot outside the building where the Bidoon do. I asked the security guard at the gate where I should park, without revealing that I was there for an interview. He pointed to the outside lot. When I got to the lot, it was full, so I waited. But no spots opened up and my interview time was drawing close. I decided to leave the outside lot and return to the gate where I would enter and use the lot inside the building. I did have permission and did not want to be late for my interview.

The security guard saw my car again heading through the gate. He immediately left his cabin and started yelling at me saying, "Where do you think you are going? Back up! Back up now!" "You go there," he screamed, while pointing to the outside parking lot. Not wanting to scream from my car window, I kept driving towards him so that I could explain that I was allowed to enter the gate. He kept screaming that I should back up. In response, as I drew closer, I greeted him and said, "As-

salam Alaikoum.” He just kept staring at me without responding to my greeting. In Kuwait society this is very rude. I continued, “I have an appointment.”

He said, “Go there”, pointing again to the outside parking lot.

At this point, I said, “I have an appointment with Mr. Saleh AlFadhlah, the head of the Central Agency and this is my ID.” The man’s attitude completely changed!

He said, “You should have told me that you are a Kuwaiti, please give me a second to ask about your interview.”

He called someone on the phone and then said to me, “Ok, you can get in and park by the main door of the building. Follow that security man who is inside the gate and he will show you. And please, next time, tell us that you are Kuwaiti!”

I proceeded and parked where I was directed. In doing so, I recognized my privilege: I didn’t have to walk from outside and could park my car right by the main door. Others recognized it too, as a group of men standing by the door, talking and smoking, were looking at me with questions on their faces.

As I entered the door, a security guard was speaking to the man ahead of me. The man was (likely a Bidoon) wearing the Kuwaiti traditional outfit. The guard was yelling at him saying, “You can’t just walk in, you have to wait for me to tell you!” The man replied, “I am sorry, I gave you my ID so I thought about going to sit on the chair by the other people.”

The guard responded loudly, “No, no, you go when I say you go, and you better not talk back to me or you will have to leave and come back another day.”

During that time, a woman with a media tag entered from outside and the security man ignored that I was in the line and started speaking to her nicely, asking for her ID.

I said, “Excuse me sir, I am in line after this gentleman.”

He said, “No, she is before you!”

I replied, “No, I am after the man. I should get in before her, it’s my turn!”

In response, he raised his voice and sneered, “Do you think it’s up to you? Do you think this is your house, that’s if you have a house!”

I said to him, “This is my ID, and I have an appointment with head of the Central Agency.”

Again, the guard’s attitude completely changed and upon finding out that I was Kuwaiti and not Bidoon, he was suddenly nice. He also apologized to me and said, “You should have told me that you are a Kuwaiti!”

I replied, “There are no instructions saying that I should announce that I am Kuwaiti. It is best to finish with this gentleman first, then me.”

The gentleman ahead of me, a Bidoon, said to me, “Please, you can take my spot in the line I will wait.”

I said “No, it’s your turn...you go first.”

It is important to mention that security personnel at the Central Agency office are non-Kuwaitis. They are usually from Egypt and I can tell this by their dialogue and accents. It is also worth noting, is that they will never be rude or dismissive to Kuwaiti citizens, but even as non-Kuwaitis, feel it is within their right to be rude and dismissive to the Bidoon who seek services at the Agency. And this not discouraged by government officials.

## 2.2. Government Educational Services and Bidoon

The Central Committee to Remediating Illegal Resident Status was founded by the government in hopes of bringing serenity and stability to all citizens, residents and non-residents of Kuwait. This agency was and is mandated to act fairly towards *Bidoon* while also alleviating the problem of illegal residents. Through the process of establishing committees and encouraging *Bidoon* individuals to reveal their presumably hidden nationalities, the government has created a growing bureaucracy. At first mostly devoted to the citizenship status of *Bidoon* individuals, the Central Agency now is involved with many other *Bidoon*-related issues. Through the Central Agency, many government services are offered to *Bidoon* individuals who have registered as illegal residents of Kuwait. This brief overview of the evolution of government responsibilities toward the *Bidoon* in the area of education demonstrates its complex and not entirely adversarial relationship with the *Bidoon* population.

The Ministry of Education began to entrust the private education general department with enrollment of *Bidoon* students after the Gulf War of 1990, which marked a major change for the worse regarding *Bidoon* status. Today, the provision of educational opportunities for *Bidoon* follows a complicated bureaucratic trail. The Charity Fund for Education was established under the resolution of the Council of Ministers issued in 2003. The management of the Charity Fund for Education is run by a specialized committee. When a *Bidoon* student is registered in one of the private Arabic Schools, the Fund bears the expenses. During the 2012-2013 school year, according to the Undersecretary Assistant for Private Education, the Charity Fund for Education was caring for 13,533 *Bidoon* students at the cost of approximately 5.3 million KD (\$17.4 million US) (Central Agency, 2013).

## 2.3. The Voices of Government Officials: A Range of Opinions

Within the government, there is a rift between the way different officials align themselves when it comes to their choice of policies. Governmental practices and policies are issued at cross-purposes against *Bidoon*, and there exists an unfortunate legacy of unfulfilled social and political promises to the *Bidoon* by a generation of politicians. The government of Kuwait determines and formulates policies about the *Bidoon*—their rights, non-rights, and standing in Kuwaiti society—within a legal and political framework. One could presume that officials within the Kuwaiti government share the same perception and standpoint concerning the *Bidoon*; however, this is not the case. There is nothing near uniformity on the *Bidoon* issue, and individual government officials hold a range of views and positions.

In an effort to explore the range of attitudes of individual government officials on the *Bidoon*, and to illustrate and question how the debates are centered, seven government officials were interviewed: Ahmad Al-Mulaifi; Adel Al-Damkhi; Saleh Al-Fadhalah; Osama Al-Shahin; Bader Al-Issa; Abdullah Al-Traiji; and Faisal Al-Dwesan. They are listed in the table below along with their professions and governmental experience.

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#### 2.5. The Voices of Government Officials: A Range of Opinions

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**Table 1: Kuwaiti Parliament Officials and Profession**

Name	Profession	Parliament member	Minister	Experience as a Gov. official
Ahmad Al-Mulaifi	Legal scholar	Former	Former	20+ years
Adel Al-Damkhi	Sharia scholar	Current	No	Since 2012
Saleh Al-Fadhalah	President of the Central Agency	Former	Current	20+ years
Osama Al-Shahin	Legal scholar	Current	No	Since 2012
Bader Al-Issa	Sociologist	No	Former	2013-2016
Abdullah Al-Traiji	Legal scholar	Former	No	2012-2016
Faisal Al-Dwesan	Journalist	Former	No	2009-2016

Kuwait has a unicameral parliament, the National Assembly, whose democratically elected members provide a significant check on the powers of the executive. Kuwait's National Assembly is heavily influenced by an entrenched culture of tribal loyalty and affections, which can have an undemocratic and disproportionate impact on the election process. It is an unfortunate fact that bias and favoritism play a major role. If a member of parliament is favored by a tribe, that member is guaranteed a loyal voting bloc that will continue its support for his entire public career. Tribal loyalty, properly maintained, can translate into a de facto guaranteed government position for as long as any member wants to maintain a seat. Therefore, if the *Bidoon* are granted citizenship rights, they will transmit their valuable loyalty to the members of Parliament who worked to make that happen, creating a new and indestructible voting bloc.

Because of the profound difficulties that the *Bidoon* face in even the smallest aspects of life, their loyalty can be won if a member of Parliament is seen as working toward easing the situation of the *Bidoon* without going as far as granting the benefits of full citizenship. The benefits, both potential and actual, of *Bidoon* loyalty mean that many members of Parliament are active and eager to provide vocal support for their plight, although such lip service usually does not translate into legislation. While it may seem cynical, an objective observer will note that deep interest in the *Bidoon* problem as expressed by members of Parliament tends to wax and wane according to the election cycle. Some of the interviewees possessed a political motive that drove them to give their support to the *Bidoon*. Elections and votes provide a powerful motive to gain the *Bidoon's* allegiance.

In the interview process, government officials held a range of opinions with regards to their political orientations, perceptions of the problem, and points of view. Some of the participants expressed positions to support the *Bidoon*, while others often appeared to be hostile to the interests of the *Bidoon*. The different ranges of opinion that are reflected in the answers can be attributed to many things including family background, age, social position, sect, political interests, and educational status. The tribal nature of the Kuwaiti society also offers an important explanation for differences of opinion among the interviewees. Most of the *Bidoon* belong to tribes, and the tribes from the western region of Kuwait tend to trace their migration patterns from what is now the Saudi Peninsula and Yemen. Tribes from the northern region of Kuwait are more likely to be connected to Iraq, Syria, and the Levant. To a large extent, these tribes and clans share basic values, customs, and traditions. Additionally, most of the *Bidoon* reside in districts in Kuwait that have a high population of Shia. Not surprisingly, interviewees from the Shia sect seemed to hold positive attitudes towards the *Bidoon*, an attitude that can at least partially be explained in terms of sectarian loyalties. Al-Dwesan commented on the idea that most *Bidoon* are Shia:

In reality, the government and parliament do not have a count of the number of *Bidoon* based on sect. This is because in Kuwait, there is no type of census query that asks about the sect of an individual. However, it is believed that most *Bidoon* are Shia. Also, because there are no true democratic principles like human rights, justice, equality, the government uses this belief to discriminate against *Bidoon* based on their sect. The government also benefits from the lack of sectarian sorting. (Al-Dwesan, 2018)

The influence of geography and social background were also significant. There were differences in the views expressed by those of an urban background and those of a Bedouin background. The social background of the respondent also accounted for some of the attitudes toward the *Bidoon*, like Al-Mulaifi, who showed an interest in and sympathy for *Bidoon* individuals due to his origins as a *Bidu*in and a tribal individual. This was clear in Al-Mulaifi's interview, during which he argued the following:

Almost 94% of *Bidoon* live in Al-Jahra'a. This is attributed to the fact that Al-Jahra'a is a northern border area on the Kuwaiti-Iraqi border. Once an individual enters Kuwait, they are most likely to stay in Al-Jahra'a as their family and friends are living there. In addition to that, most of those individuals entering Kuwait are embraced by the northern Bedouin families – originally from Iraq and Levant. (Al-Mulaifi, 2018)

There were also significant differences between officials representing the political right and left, with officials from the left generally being more supportive of the *Bidoon*. Al-Dwesan commented on this idea by stating this:

A large number of *Bidoon* belong to the tribes of the North (Arabs of Irani and Iraqi tribes), and most of them continue to condemn Islam according to the doctrine of imamization (i'ma:m). Nationalizing them might strongly disturb the balance of population desired by the government not only in Kuwait, but some of the Gulf States, and even some of the tribes of the North. (Al-Dweson, 2018)

In examining the answers and responses of governmental officials it seems that all of them have – to a certain degree – attributed the existence of *Bidoon* to the concept of "negligence" and personal responsibility of the *Bidoon*. From their point of view, the Kuwaiti government responsibly offered citizenship to all who registered their nationality. The *Bidoon*, however, refused to register themselves as nationals, ignoring the importance of the law, and thus refusing to enter into the basics of the social contract. Some argue that the government provided an opportunity to register for citizenship, but the *Bidoon* refused to enter into this new relationship with the state, leaving both sides in limbo as to their responsibilities to each other. Others argue that the government is not fulfilling its side of the social contract because those individuals in question were not given a clear and unobstructed opportunity to become citizens. Wherever one may fall in this argument, it does appear that denying *Bidoon* access to their rights may be to the detriment of Kuwaiti society in the long run. Regardless, the government is doing as little as possible to support the *Bidoon* while doing as much as possible to remove them from Kuwait.

#### 2.6. Visibility and Invisibility in Education

The government of Kuwait committed to the international community by signing the United Nations Convention on the Rights of the Child. By these actions, Kuwait became obligated to recognize the *Bidoon* as individuals. However, an

examination of the current situation does not demonstrate that this recognition has borne any fruits or is actually anything more than words on paper. In effect, due to their status, the *Bidoon* have not achieved the promised visibility or recognition by the government, which raises serious concerns regarding Kuwait's commitment to human rights in general, and children's rights particularly.

To be visible in a country means to assume an active role as a citizen participating in the civic and institutional affairs of the nation. To be invisible means to be excluded from these affairs. There is clearly a tension between visibility and invisibility. Living as a stateless individual is compelling evidence that this person is unseen; this person is invisible. As Al-Damkhi rightly admits, "Kuwait only tries to show the bright side of the problem in front of the international community." He added, "The Kuwaiti government succeeds in signing but fails in application." But, from a humanitarian perspective, denied access to a health center or a hospital, an unwelcomed child to a school, a father who can't issue an ID card to his children, a grade-A student who doesn't have the chance to complete their postgraduate studies, are considered to be a proof of invisibility. It is as if the *Bidoon* are not here, they don't live among us, and they don't even exist.

Further reinforcing the notion of invisibility, we can examine Al-Damkhi's response to a question about the access to education for *Bidoon* children. He said, "The Kuwaiti government mentions only *Bidoon* who have access to education and neglects those who don't." However, Al-Damkhi notes that this is not entirely the fault of the government, adding, "There are *Bidoon* individuals who don't want to register within the Central Agency; since they aren't registered at the Central Agency it means that they aren't recognized." This increases the complexity of the problem. Al-Traiji also supported Al-Damkhi's assertion, saying that, "The government recognizes *Bidoon* individuals only when they are registered through the Central Agency, or if their parents are working within the Kuwaiti army." In other words, *Bidoon* children who aren't registered within the Central Agency and who have no fathers within the Kuwaiti army are shut out of both public and private education agency.

In contrast, Al-Fadhalah took a much more optimistic view of the situation when he argued, "All *Bidoon* children have access to education; Kuwait spends massive amount of money on their education regardless of their legal status; even Syrian refugees have access to education." This contradicts observable (visible) facts; there are a considerable number of school-age *Bidoon* children outside of their schools protesting and demanding their right to be educated properly. Being visible for individuals means that their government sees them, recognizes them and provides them with all their needs and rights. In the case of Kuwait, *Bidoon* individuals are only being seen through the Central Agency which is the only source of accreditation and acceptance for the government. If the individual isn't registered under the umbrella of the Central Agency, then they disappear as if they were never alive. The government seems to have no interest in discovering why some *Bidoon* have chosen a life of invisibility and hardship instead of registering themselves legally under the authority of the Central Agency.

### 2.7. Inclusion and Exclusion in Education

During the interview process, government officials were asked specifically about the process of beginning to include *Bidoon* in Kuwait society. This question took a two-pronged approach: (1) Officials explored the general possibility of inclusion of all *Bidoon* at all levels of society; (2) Officials also answered questions specifically about the inclusion of *Bidoon* children in the official Kuwaiti education system.

The concept of inclusion is the recognition of all groups and individuals as members of society. It is important for *Bidoon* people in order to advance their well-being in many areas of life. Exclusion is intended to deny the full benefits of society to certain groups and individuals. The government of Kuwait provides inclusion from time to time in order to reduce social tensions. This tension between the government and the people has only been exacerbated by the ongoing governmental promises to grant nationality to those who were registered under the 1965 census. This has had the unintentional effect of creating an entire class of people who are constantly on the verge of inclusion, without ever quite achieving it. The tension between inclusion and exclusion involves the conflict over the degree to which individuals and groups will be afforded the full benefits of society. When saying inclusion and exclusion, one's mind immediately thinks of discrimination. And there is discrimination against the *Bidoon* at all levels of education.

The government, if it chooses to do so, can include *Bidoon* children within its public school system. This public school system has high educational standards and a strong academic reputation. Unfortunately, the government claims that it is unable to include these children because the school system is not big or strong enough to support the influx of so many pupils. Al-Fadhalah, president of the Central Agency, and thus directly responsible for the *Bidoon*, stated that, "Inclusion of *Bidoon* within governmental schools is not frowned upon. Exclusion is basically due to the capacity of governmental schools to accept *Bidoon* children." Based on that, the priority goes to children of Kuwaiti mothers and *Bidoon* fathers who served within the Kuwaiti army.

In addition, the government must guarantee an educational environment that is homogenous and coherent. As the agency currently stands, including all *Bidoon* within the public school system would create a chaotic educational environment where a functional one once existed. Al-Traiji brought up the idea of capacity and infrastructure when he stated that currently the government "can't provide educational services for all *Bidoon* within governmental schools". Al-Shahin also attributed the *Bidoon* exclusion from public schools to the capacity of schools from "a logistic and managerial perspective".

In contrast, there are officials who are committed to resolving the issue and who are looking for solutions to this logistical problem. One such is Al-Mulaifi, who suggested, "Including students whose parents were counted in the 1965 census and supporting the education of other individuals within the private schools." He went on to show support for "creating private schools within the regions of *Bidoon* density and supporting them through the Central Agency and government." In

agreement with the other government officials, he was not supportive of including *Bidoon* within governmental schools already at full capacity. He suggested, "The governmental educational agency wouldn't be able to include the huge numbers of students, so why not increase the level and potentials of the private schooling and make them more able to deliver better educational outcome?"

While it is true that some logistics and managerial issues may hinder the inclusion of *Bidoon* children within the public school system, the reality is somewhat different. The *Bidoon* are only entitled to have access to education within private Arabic schools, and according to Al-Damkhi, "The government has neglected building a strong and well-built education within private schools." Al-Shahin agreed that, "The best option is to invest in the education of *Bidoon* children within private schools." On the other hand, Al-Fadhalah noted, "We don't want to overburden the government."

### 2.8. Denial vs. Access to Education Policies

Government officials were asked to explore the current policies of excluding *Bidoon* children from the public school system. They were also asked to explore the long-term effects on society of that exclusion policy along with any possibility for government change. Respondents had detailed opinions on how this current impasse will affect Kuwait in the future and described what they thought were workable solutions. Their answers were thoughtful and careful enough to demonstrate that they had been considering this issue in depth for some time.

"Unfortunately, the government has no clue of the consequences of its deeds," Al-Damkhi said. Even when balanced against the benefits of protecting the sovereignty of a country from non-citizens, denying access to rights and needs of *Bidoon* individuals may do more harm overall. Al-Damkhi also noted, however, that "The government is approaching a radical solution for the *Bidoon* within the coming years." He added that, "The charity fund founded in 2003 is doing a great deal of work to ensure that every *Bidoon* child is receiving a proper education." However, he also noted that, "A true change only takes place with will and power from the government."

The tension between denial and access to education impacts Kuwaiti society by creating a parallel society that denies the rights of citizenship to some. Access to education impacts the society by increasing the range of opportunities that are available to individuals. Al-Traiji tried to raise the awareness that the issue of *Bidoon* has a great deal of inertia; there are no easy or quick solutions and the problem has been with us for generations. He suggested that the best way forward would be to attack the entire issue of statelessness step by step, including the matter of education. He argued, "The government must deal with this issue from a humane perspective, then from a legal one, through giving those individuals the right to work, health care and education." He also emphasized that, "Being neutral is the solution," an idea with which Al-Shahin concurred. He pointed to the fact that much of the governmental dealings with the *Bidoon* are bound to the "sectarian, religious, and emotional dimension" and this is part of the reason any movement towards resolving the issue of *Bidoon* education has been restricted.

Overall, Al-Traiji's opinion is that if the government truly believes that education is a right to all children living in Kuwait, then the government should guarantee access to education among children regardless of the parents' status within the country. In contrast, Al-Mulaifi says, "*Bidoon* children's access to educational rights is something not to be discussed, it is a farce." Al-Fadhalah argued that part of the problem was resolved when "Children of Kuwaiti mothers and children of military personnel were granted access to public education; what remains is an issue of organization and planning."

Al-Shahin argued, "A good part of the problem has been solved and the government is on its way to solve the remaining issues, but emotions and sympathies are overruling the problem." Al-Fadhalah also added that "All *Bidoon* children have access to education except for those who have no birth certificate or even a birth report, this can't be a legal base to build their allegations on." With this idea, Al-Fadhalah provides assurance that in the case of any *Bidoon* who managed to do the hard work of establishing themselves legally would be given access to education directly.

Al-Mulaifi noted that "The charity funds are paying for those who haven't got money to support their education, so there is no child should be left behind." However, Al-Traiji took a less optimistic view when he stated, "I am not seeing any light at the end of the tunnel, the parliament has cancelled the existence of *Bidoon* committee and this means a lot!" Al-Mulaifi concurred with this opinion when he said, "As long as the government has the same mentality and stream of thinking, there will be no solution for the educational rights of *Bidoon* children." Well aware of the lack of government action, Al-Mulaifi takes his optimism from the non-governmental, yet government-approved charity funds and education funds.

Many officials recognize the lack of political will to resolve this issue and are frustrated that there has not been movement either to improve the quality of the private schools that the *Bidoon* can now attend or to include *Bidoon* children in the public school system. They also recognize that the inaction that characterizes the Kuwaiti government's response has dangerous repercussions for society both now and in the future. As Al-Damkhi explained, the government is basically practicing "a form of creating an ignorant population which will keep increasing with the course of time, bearing in mind that 30-40% of *Bidoon* now are children in the schooling age."

### 3. Analysis

Overall, government officials agree on a number of important issues related to the *Bidoon*. Most importantly, they agree that government inaction has been a principal cause of the *Bidoon* situation as it stands today, and that government inaction continues to be a problem. They agree that in the past there has been a lack of political will to come to meaningful solutions. They agree that this impasse continues. Those on the furthest end of the spectrum, who believe that the *Bidoon* have no claim

whatsoever to live in Kuwait, are frustrated that there is not more work towards expulsion, even among those countries that the *Bidoon* supposedly originate from. For those in the middle, there is frustration that compromise in the way of an extended residency visa or the expansion of the private school system cannot seem to be achieved. Those who support the *Bidoon* most completely are unhappy with the roadblocks placed in the way of any type of economic, education, or social justice for all *Bidoon*, documented and undocumented. It is clear that whatever the political view of the government official, the consensus is that government inaction is a primary driver of the problem, and has been since the initiation of statehood.

Government officials were very selective about the language they used to describe the problem. Some did not like to use the term *Bidoon* at all. Others made sure to clarify the difference between the *Bidoon* counted in the 1965 census and those who came later. It was clear that their political view determined much of their choice of language, as well as policy. Interestingly, those who believe that the only resolution of the *Bidoon* issue is in expulsion tended to use more optimistic language than others who believe there is the possibility of compromise. The problem of *Bidoon* was almost nonexistent to those officials.

All government officials were fully aware of the importance of the international treaties and of the human rights that have been internationally agreed upon as something everyone should have. Every official seemed to understand their responsibility to the international community. However, the difference arose in the interpretation of the government's actions. Some officials simply do not view the policies towards the *Bidoon* as they currently stand to be in violation of any treaties or agreements. Others do, but realize that their views are not in the majority. Officials who strongly believe in the need for security also believe that they are not violating either the letter or the spirit of the law; for them, the *Bidoon* issue is an administrative issue that has little to do with human rights.

The interviews clearly demonstrate that government officials play a complex role. They work to ensure that they maintain good standing in the international community nation-state in the 21<sup>st</sup> century. They also reinforce the myriad laws and policies that have made the *Bidoon* effectively stateless. In this way, they have an adversarial role as exemplified in my findings. Finally, and in a conflicting relationship with their role as de-facto adversary to the *Bidoon*, they provide the services that keep the *Bidoon* from utter deprivation, or at least the *Bidoon* who have chosen to register with the Central Committee. The findings of this study indicate that the role of government officials is to demonstrate to the international community that standards are being met while still maintaining a system whose ultimate goal is removal of the vast majority of undocumented residents. They leverage all benefits offered, including education, with that ultimate goal in mind.

Efforts to provide some access to education can be attributed at least partly to the Kuwait rulers' worthwhile desire to be considered responsible members of the international community. Current parliament member Adel Al-Damkhi stated the following:

We signed the international treaties. All these treaties come into the Kuwaiti Parliament, and we vote on it, so ... it becomes Kuwaiti policy ... during our presence in the conferences and meetings, Kuwait tries to show a positive image. The problem is we don't commit. We don't have full commitment to it. (Al-Damkhi 2019)

Legal scholar Abdullah Al-Traiji concurred: "We signed the treaties but we're not committed." While I discovered many different interpretations amongst government policy makers and legal experts as to what responsibility Kuwait has to non-citizen children, it is nonetheless evident that the expulsion of *Bidoon* children from the public school system provoked enough of a response from the international community that the government had to demonstrate that it was working in good faith to resolve the issue. Thus, the initiation of the program of funded Arabic private schools for registered *Bidoon* so that the government can be seen to be obeying the letter of the law.

In the interviews, government officials point to their abiding concern over cost and capacity as to why they feel they cannot address the problem more comprehensively. Most members of government behave as if there is not enough educational resources to properly manage so many extra students. The findings indicate that many parliament members try to strike a careful balance between providing services to the *Bidoon*, putting a good face on for the international community, and ensuring that their voting blocs that they can depend on are unchanged. The need to maintain the balance is one of the main reasons why so many officials want to keep the system as it is, with the *Bidoon* educated in a separate system. They do not appear to want the *Bidoon* to achieve citizenship, and by separating the children they can deepen the division between *Bidoon* and Kuwaiti. My investigation revealed that officials seem to fear that an upsurge in new *Bidoon* citizens would change the voting blocs that get the same member elected year after year. In addition, there is a conception that the *Bidoon* are predominantly Shia and Sunni lawmakers are eager to make sure no sudden influx of voters upsets the prevailing power structure. Better to keep the status quo and as a result, to separate out the *Bidoon* children from the rest of Kuwaitis as soon as possible.

Many government officials insist that a division between *Bidoon* and Kuwaiti exists because they emphatically reject the claims of Kuwaiti nationality by the *Bidoon*. They assert that the only way to create a united Kuwait is by expelling the *Bidoon* completely; many refuse to believe in the very existence of the *Bidoon*, especially if the term is defined as someone with ties and loyalty to Kuwait. For many officials, people who do not have their citizenship are simply not Kuwaiti and do not belong in Kuwait. They seem to perceive all claims of *Bidoon* to loyalty to Kuwait as a way to try to get something that isn't theirs. In the case of the *Bidoon*, they have dissociated citizenship with country of birth or origin and refuse to believe that descendants of nomads can feel patriotism to the nation-state of Kuwait. Government officials often expressed disbelief and dismissal of *Bidoon* claims to feelings of state loyalty, claims which I often heard in my interviews with older *Bidoon*.



With the exception of those approximately 34,000 from the 1965 census, the officials seem to believe that the *Bidoon* are basically grifters, at best. This partly explains their harsh treatment and suspicion towards all *Bidoon* and their re-categorization of them as illegal foreign residents, although grifter is truly not the worst stereotype imposed on the *Bidoon*. Former parliament member and legal scholar Ahmed Al-Mlefi illustrated this point best when he flatly stated, “There is nothing called *Bidoon*,” and would only use the term “illegal residents”. It was almost as if the term *Bidoon* offended him, and though not all government officials were so dramatic, they did seem to tacitly agree. For all intents and purposes, they believe every *Bidoon* has something to hide, at least, and therefore they are behaving dishonorably towards Kuwait. Because the prevailing attitude of the government is that the *Bidoon* cannot possibly feel loyalty, and in fact are potentially dangerous foreigners taking advantage of the benefits of Kuwait, educating the *Bidoon* children for the betterment of Kuwait becomes an illogical idea.

#### 4. Conclusion

The vast difference in opinion among members of the same parliament can at least partly explain the lack of government initiative to resolve the issues surrounding the *Bidoon*. Additionally, there are many pressures on government officials that work at cross-purposes towards each other: the need to abide by signed treaties as a nation-state, the need to manage the infrastructure of a school system that is already serving many children, the need to manage a population that will starve without charity as they are shut off from all forms of self-support, and the need to properly document and process the *Bidoon* with unimpeachable ties to the country—even by Kuwaiti government standards. All of these pressures are on top of an entrenched system of tribal loyalties and the usual struggles to pass meaningful legislation that any democratic body faces. It is to be hoped that a greater understanding of the many facets of the government officials’ positions will allow for a greater understanding of the plight of the *Bidoon* and their struggle for educational access.

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