THE DILEMMA OF NATIONALITY A COMPARATIVE CASE STUDY: THE CASE OF THE BEDOON IN KUWAIT AND THE CASE OF THE BIHARI IN BANGLADESH

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DEDICATION

This thesis is dedicated to my blessing husband Mohammad, my wonderful daughter Joori, and my mothers Walaa and Fatima. I also dedicate this work to all members of my family and all who had helped me complete this work.
ABSTRACT

Denial of nationality and citizenship has direct impact on gaining access to human rights for all people and prominently for stateless people. Such rights are the right to freedom of movement and residence, rights of the family, the right to health, and the right to education. Stateless people have increased in number all over the world and denial of nationality and citizenship become one primary factor in explaining politics of statelessness. This study seeks through a comparative case study between the Bedoon in Kuwait and the Bihari in Bangladesh to further understand the situation of stateless minorities. The research findings suggest that the lack of nationality and citizenship lead to human rights violations. Also, the research proposition suggests that the respective governments of Kuwait and Bangladesh continue the denial of citizenship because of several reasons. These reasons include domestic law of the state, national loyalty, personal interest, political pressure, Islamic culture and religion, and political corruption. Thus, granting the Bedoon and the Bihari citizenship within the nations, where they live, would ease their problems and lessen the problem of human rights violations.
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ACRONYMS

ICCPR: International Covenant on Civil and Political Rights.
UNHCR: United Nations High Commissioner for Refugees.
A: Accession, letter followed by the year of ratification of covenant or convention.
ICEDAW: International Covenant of the Elimination of All Forms of Discrimination against Women.
HRW: Human Rights Watch.
HR: Human Rights.
WWII: Second World War.
UDHR: Universal Declaration of Human Rights.
CCMMAMRM: Convention on Consent to Marriage, Minimum Age for Marriages and Registration of Marriages.
ICDE: International Convention against Discrimination in Education.
NATO: North Atlantic Treaty Organization.
RMMRU: Refugee and Migratory Movement Research Unit.
STD: Sexually Transmitted Diseases.
ROSC: Reaching Out of School Children.
CHAPTER ONE

INTRODUCTION

“STATELESS”, “CITIZENS WITHOUT CITIZENSHIP”, “VICTIMS OF POLITICAL ONSLAGHT”; these words that describe a significant portion of the populations in both Kuwait and Bangladesh. This paper seeks to address the impact of the lack of nationality and citizenship for stateless people in Kuwait and Bangladesh; and how does that affect their human rights. In addressing that, different factors will explain why governments like Kuwait and Bangladesh continue to violate human rights for their minorities; i.e. the Bedoon and the Bihari. The research finding suggests that if those people were granted nationality and citizenship, human rights violations will be eased.

“According to official documents Human Rights Watch obtained from the Kuwaiti Ministry of Planning, there were over 260,000 Bedoons at the time of the Iraqi invasion Using a population growth rate of 3.5 percent, the total number of Bedoons in mid-1995 would be over 310,000 Between 150,000 and 180,000 are in Kuwait, while the remainder are in exile, mostly in Iraq.”¹ These are the people who have been living in

¹ Human Right Watch Middle East. “The Bedoons of Kuwait (1995).” (15. March. 2008) http://www.hrw.org/reports/1995/Kuwait.htm Some experts interviewed by Human Rights Watch believed that this is an underestimation. They believe the total number for Bedoons on the eve of the invasion was close to 300,000. See also David Mangan Jr., "Investments Combine Professionalism with Audacity," The Oil Daily, June 11, 1990; he estimated that "perhaps as many as 300,000" Bedoons lived in Kuwait at the time.
Kuwait for more than seven decades, yet they have “neither recognized citizenship, nor any functioning political status in Kuwait.” Since the mid 1980s the Kuwaiti government has been furthering the Bedoon crises by doing nothing to assist those Bedoon already facing discrimination in Kuwait’s society. Worth mentioning is that there is lack of involvement of the international community regarding this issue. So far the only achievement reached has been the Kuwaiti government’s ratification of the international conventions. However, there has not been enforcement of the articles included in these documents. Such documents are the International Covenant on Economic, Social, and Cultural Rights (ICCPR), the International Covenant on the Rights of Child (ICRC), and many others.

Another group without voice can be illustrated by the case of the Bihari community. Bihari community is a result of “the partition of India and the subsequent creation of Pakistan in 1947 [which] led to the displacement of the Biharis, and with the creation of Bangladesh in 1971, the Biharis were forced to force to flee a second time.” This community, which was supposed to be repatriated to Pakistan, has been vacillating between hope and despair because of repatriation politics. The Bihari community suffers from an identity crisis of being Bangladeshis and Pakistanis, and being refugees and minorities that are deprived of fundamental rights. The unresolved repatriation problem is a consequence of deliberate procrastination and political indecision on the part of both

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3 Bihari came from the eastern Indian states of Bihar, where they named after.
Bangladesh and Pakistan governments as will be demonstrated. Neither of these
governments have done much to resolve the problem of the Bihari community.

There are many stateless people all over the world including Lebanon, Kuwait,
Bangladesh, Malaysia, and United Arab emirates. I decided to select the case of Kuwait
and Bangladesh because they have many aspects in common. Such common aspects
include that both the Bedoon and the Bihari are associated with an enemy. The Bedoon
are associated with Iraq from the Gulf War in 1990 and the Bihari are associated with
Pakistan since 1971 from independence. Most importantly they share the same nature of
human rights violations and denial of nationality and citizenship. Both countries are
Islamic and share Islamic culture. They are both located in the same continent, yet they
differ in region. Kuwait is in the Middle East region, Persian Gulf in particular, where my
main interest is. Bangladesh is located in South Asia, which differ than Middle East. So,
the reason of why I picked the case of the Bedoon in Kuwait is that I am a Kuwaiti
citizen, and I have some background and experience about the Bedoon situation in
Kuwait due to having interaction with them, e.g. friends. And the reason of why I picked
the case of the Bihari in Bangladesh is to further understand the situation of stateless
minorities.

Both of the cases selected also share the fact that they are not considered refugees
by the United Nations High Commissioner for Refugees (UNHCR). According to Article
6(A) (1) of the Statue of UNHCR and Article 1 (A) (2) of the Refugee convention in
1951, a refugee is a person to who the following three criteria must apply:

(a) The person is outside the country of his nationality, or in the case of stateless
persons, outside the country of habitual residence;
(b) The person lacks natural protection; and
(c) The person fears persecution. These criteria apply for the Bihari case, but they fail to retain the application because according to the UNHCR a person shall stop being refugee when:

(1) He/she has voluntarily re-established him/herself in the country which he/she left or outside which he/she remained owing to fear of persecution.

Bedoon as the other case has different situation simply because they are not outside their habitual resident state.

On the other hand, these two cases are considered stateless. Article 1 of the Convention relating to the Status of Stateless Persons by the division of international protection of the United Nations High Commissioner for Refugees in 1997 states:

“For the purpose of this convention, the term ‘stateless person’ means a person who is not considered as a national by any state under the operation of its law.”

Hence, one could conclude that:

Persons who are stateless are not refugees. They usually remain in their country of habitual residence and have not been displaced by war, by persecution and that's why many of them are not known to international media, to international agencies and even, sometimes, to states themselves because population censuses are not taking place.

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In addition to that, more common aspects could be found in these two cases. Bihari consists of about 300,000\(^8\) in number of population and Bedoon as mentioned are estimated to be 310,000 in and out Kuwait. But the economic aspect becomes different one in these cases. The economic situation and the standards of living of the Bedoon in Kuwait are better than those in Bangladesh because of the fact that Kuwait is small and rich and Bangladesh is large and poor\(^9\). But this is not really to say very much since the main issue becomes why they are similar in terms of the failure of both governments to enforce International Law and to abide by the conventions they signed. In these cases I will demonstrate how governments deny human rights to these two minorities.

This paper’s research question is why both the governments of Kuwait and Bangladesh continue to violate human rights for minorities in their societies, i.e. the Bedoon and the Bihari. And why do these governments fail to enforce International Law when they have already signed several international documents. The International Covenant on Civil and Political Rights (ICCPR) was ratified by Kuwait in August 1996\(^{10}\) and by Bangladesh on December 2000. Also, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) was ratified by the Kuwaiti government in August 1996\(^{a}\) and by the Bangladeshi government in January 1999\(^{a}\). The International Convention on the Rights of Child (ICRC) was signed by Kuwait in June 1990 and was ratified in November 1991; likewise Bangladesh signed it in January 1990 and ratified it

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\(^9\) In Kuwait GDP per capita is $39,300, the land size is 17,820 sq km, and the population size is 2,596,799 (includes 1,291,354 non-nationals). In Bangladesh GDP per capita is $1,300, the land size is 133,910 sq km, and the population size is 153,546,896. See CIA- World Fact Book (2008).

\(^{10}\) A: means accession to the covenant or convention by the ratified state.
in 1990. Furthermore, the International Convention on the Elimination of All Forms of Discrimination against Women (ICEDAW) was ratified by Kuwait in October 1994 and by Bangladesh in December 1984.

The study is based on the proposition that the Bedoon and the Bihari are being denied citizenship and are excluded from their basic human rights due to the following factors: the domestic law of the country, loyalty, personal interest of these groups, political pressure, Islamic culture and religion, and political corruption within the government.

This proposition will be explored in different chapters of the paper. First chapter will discuss International Law and its main documents in regards to stateless people. Next chapter will describe the political and social situation in Kuwait via explaining historical background of this situation. Then, a discussion of the human rights violation that they face is presented. The violations include citizenship and equality in law, liberty of movement and freedom to choose residency, ability to get married and have a family, health care access, and education access. The following chapter will discuss similar points for the situation of Bihari in Bangladesh. Subsequently, this discussion will be followed by an analytical view in which the research question and the hypothesis will be addressed and answered.

The selected methodology of the paper is the comparative case study model; these are several reasons for justification of its use. One, it lends itself in the nature of the paper’s investigation. In their book *A Case for the Case Study*, Orum, Feagin, and Sjoberg state, “First and foremost, the case study, may well be the only tool by which
social scientist can truly provide the truly disadvantaged a voice.”11 Since the topic of this work is a comparative case study the case study method seems to be the most fitting method. The Bedoon can be labeled as the most disadvantaged and deprived people in Kuwait. Also, the Bihari can be seen as the most minority people in Bangladesh due to poor standards of living.

Another reason for using the case study is that it allows one to put problems in context, as Joe Feagin justifies:

Still if researchers are to provide the disadvantaged with a voice, they must also take pains to place this within the context of organizational power. Otherwise, researchers will find themselves blaming the disadvantaged for their situation, when from our standpoint; their situation has resulted from the activities of those who control organizational power in modern society and on the world scene.12

A final reason for employing the case study is the fact that it is “longitudinal in the sense that it is conducted over a period of time.”13 The authors go on to explain, “This [longitudinal approach] facilitates the possibility of capturing and analyzing events and happenings, interactions and relationships, and groups and institutions as they emerge and evolve across time.”14 The case study allows me not only to look at the problems of the Bedoon and the Bihari in the present, but to also understand the way in which their situations evolved though interaction of different sectors within the societies. For all these reasons, I have decided to use the case study method in explaining and understanding the situations of the Bedoon and the Bihari.

12 Feagin, 62.
13 Feagin, 160.
14 Feagin, 160.
I will use one source quite extensively in my research, [www.hrw.org](http://www.hrw.org). This website is maintained by Human Rights Watch (HRW). This organization “started in 1978 as Helsinki Watch, to monitor the compliance of Soviet bloc countries with the human rights provisions of the Helsinki Accords. In the 1980’s, Americas Watch was set up to counter the notion that human rights abuses by one side in the war in Central America, were somehow more tolerable than abuses by the other side. The organization grew to cover other regions of the world, until all the ‘Watch’ committees were united in 1988 to form Human Rights Watch.”[^15] HRW keeps an online database containing comprehensive information on each significant issue regarding human rights (HR); it also shows the human rights abuses of the world’s governments to hold them accountable for human rights violations. Therefore, it is an invaluable source for this topic and will be used quite often throughout this work. Another source used is Amnesty International, [www.amnesty.org](http://www.amnesty.org). Amnesty International is a worldwide movement of people who campaign for internationally recognized human rights for all people. This movement started campaigning in 1961. Other sources used come from formulating my literature reviews. I considered several scholarly journals, such as the Texas Wesleyan Law Review, the Human Rights Quarterly, and the International Journal of Refugees Law.

To sum up, this chapter has presented a brief introduction to the situation of the Bedoon in Kuwait and the Bihari in Bangladesh. It explained why Kuwait and Bangladesh were the selected case study. The research question, hypothesis of the paper, and the steps to which will seek answers and conclusions were mentioned explicitly. Finally, an explanation of why the case study model was selected as the paper’s method.

was stated. Next chapter will discuss the International Law and several major conventions and covenants which promote and protect human rights not only for stateless people, but for all people in the world.
Focus on human rights has became remarkable since 1945 (WWII), yet no one is definite about the origins of these rights and the accurate categories of those rights. In discussing the philosophical aspect of human rights, there is a variation even between western philosophers. Karl Marx “regarded many civil rights as inherently good and tactically helpful in achieving socialism, while regarding property rights as contributing to the social ills of the modern world.” 16 Speaking about John Locke, “he seems natural law provides human rights as property rights-owned by each individual… human rights are moral… no public authority can transgress.”17 On the other hand Jeremy Bentham, tells us “it was absurd to base human rights on natural rights, because ‘Natural rights [are] simple nonsense… nonsense upon stilts.”18 Likewise Ingram goes further telling “human rights are not property rights that derive from natural law… not discovery of metaphysical principles.”19

Due to the limitation of this paper, this part will only discuss international conventions, as one tool of International Law. At the first session of the General Assembly in 1946, a proposal for the Commission on Human Rights to formulate “an

17 Forsythe, 29.
18 Forsythe, 28.
19 Forsythe, 29.
international bill of rights” was approved. Following that event, the Declaration of Human Rights was adopted two years later, as a customary and nonbinding document. Then, several conventions were adopted. In addition to the Universal Declaration of Human Rights (UDHR), this part will concentrate on the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (ICCRC), the Convention against Discrimination in Education (CDE), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and International Convention on the Elimination of All Forms of Discrimination Against Women (ICEDAW). This section will go through human rights which were discussed in the previous chapters. This will be explained through the major international documents. Concerning this paper, one of the major human rights is nationality and citizenship.

**The Right to Nationality and Citizenship**

International law recognizes the importance of nationality, illustrated by many conventions that recognize this right and give a great legal application to it. Most states ratified these conventions. Article 15(1) of the Universal Declaration of Human Rights mentions that “Everyone has the right to a nationality (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.” In addition to the declaration, the International Covenant on Civil and Political Rights (ICCPR)

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addresses the same issue, but with specific regard to the child as a minor in Article 24(3)
“Every child has the right to acquire a nationality.”

In regards to the issue of gendered nationality Article 3 states that “The States
Parties to the present Covenant undertake to ensure the equal right of men and women to
the enjoyment of all civil and political rights set forth in the present Covenant.” This
Article insures that all women and men rights are equal, in essence if citizenship is passed
though men, it suppose to be the same for women. Besides, CEDAW Article 9 states:

(1) States Parties shall grant women equal rights with men to acquire, change or
retain their nationality. They shall ensure in particular that neither marriage to an
alien nor change of nationality by the husband during marriage shall
automatically change the nationality of the wife, render her stateless or force upon
her the nationality of the husband. (2) States Parties shall grant women equal
rights with men with respect to the nationality of their children.

Finally, the ICRC Article 7(1) states “The child shall be registered immediately after
birth and shall have the right from birth to a name, the right to acquire a nationality and
as far as possible, the right to know and be cared for by his or her parents.”
These
different articles and documents lead us to the next right, freedom of movement and
choosing residency.

Right to Freedom of movement and Residence

It is well known by political science scholars that the United Nations through the
Universal Declaration of human Rights has promoted the right to freedom of movement
and residence. By looking at the Article 13 of the Declaration “(1) Everyone has the right

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22 ICCPR, Article 24.
23 ICCPR Article 3.
24 CEDAW Article 9(1-2).
25 ICRC Article 7(1).
to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country." Also, the International Covenant on Civil and Political Rights, provides the same right in Article 12(1) "Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. (2) Everyone shall be free to leave any country, including his own. (3) The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. (4) No one shall be arbitrarily deprived of the right to enter his own country." Human Right Watch mentioned that the word "country" does not mean citizenship only, but it means any link between the individual and the state, which does not make him an outsider. Once the individual have a clear concept of country and settlement, the formation of family can be reached easily.

**Right of the Family**

Different international conventions mention the importance of having a family and the guides to do so. The ICESCR provides in Article 10(1) “The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is

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26 Universal Declaration of Human Rights, Article 13(1) and (2).
27 ICCPR, Article 12.
responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.”²⁸

The universal Declaration of Human Rights mentions in Article 16:

“(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”²⁹

Moreover, Article 3 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (CCMMAMRM) “all marriages shall be registered in an appropriate official register by the competent authority.”³⁰

The ICCPR also mentions in Article 23:

(1) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. (2) The right of men and women of marriageable age to marry and to found a family shall be recognized. (3) No marriage shall be entered into without the free and full consent of the intending spouses. (4) States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.³¹

Furthermore, Article 24(1) states that “Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin,
property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.”

International law also recognizes the importance of keeping families together, mostly through law that is meant to protect children. Article 8 of the Convention on the Rights of the Child places responsibility on states to make sure a child maintains family relations. In recognition of the importance of state and family, one should mention that having stable state and family have a major impact on the quality of health care standards.

Right to Health

Article 11(1) of the ICESCR, Article 11(1) states:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

In the Universal Declaration of Human rights, it is stated in Article 25(1) that:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”, and 25(2) “Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

A question of birth certificate can be considered a sub area of health. This is illustrated by Article 24(2) of the ICCPR: “Every child shall be registered immediately after birth and

32 ICCPR, Article 24(1).
33 ICESCR Article 11(1).
34 Universal Declaration of Human Rights, Article 25(1) and (2).
shall have a name.” Coming to the end of the right of health, one should address that privileged levels of education are attributed to higher levels of medical care and healthy clinics.

Right to Education

A very important right to the development and well-being of society and a community is the right to education. The right to a free primary education is a fundamental human right; Article 26(1) of the Universal Declaration of Human Rights guarantees the right to education. “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.”

The Convention against Discrimination in Education also promotes more rights to education. Article 1(1) states:

For the purpose of this Convention, the term ‘discrimination’ includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular: (a) Of depriving any person or group of persons of access to education of any type or at any level; (b) Of limiting any person or group of persons to education of an inferior standard; (c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or (d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man. And in the same Article paragraph 2. For the purposes of this Convention, the term ‘education’ refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.

In addition to Article I of the CDE, Articles 13 and 14 of the ICESCR recognize education as free for all in different stages of learning:

35 ICCPR, Article 24(2).
36 Weston., 378.
37 ICADE, Article 1.
a) Primary education shall be compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education.  

This section has addressed the major international documents that are placed to protect individual’s rights. Those are the rights violated by the governments of Kuwait and Bangladesh towards their minorities. Next chapter will discuss the situation of Bedoon in Kuwait as minorities facing different types of human rights violations.

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38 ICESCR Article 13(2)a,b,c,d.
CHAPTER THREE
THE SITUATION OF THE BEDOON IN KUWAIT

This chapter will begin by giving background of Bedoon in Kuwait. Then, a discussion of several factors that show human rights violations faced by the Bedoon will be presented.

Background of the problem of Bedoon in Kuwait

As mentioned in the introduction, according to official documents Human Rights Watch obtained from the Kuwaiti Ministry of Planning, the total number of Bedoons in mid-1995 would be over 310,000. The term Bedoon is short for the Arabic phrase meaning "without nationality" (Bedoon jinsiya).39 In Kuwait it refers to longtime residents of Kuwait who, under the terms of the Nationality Law 15 of 1959, should be eligible for Kuwaiti nationality by naturalization but have not been granted it.

Bedoon can be categorized as follow:

1. Individuals descended from nomadic groups whose ancestral lands are within the borders of present day Kuwait but who were unable to claim automatic citizenship under the Nationality Law of 1959 because they could not prove continuous settled presence in Kuwait from 1920, as that law requires.

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39 In the 1980s the government also began using the term "of undetermined nationality" (ghayr muhaddad al-jinsiya) to refer to this group, and since 1993 it has also used the term "illegal residents" (muqimun bisura ghayr qanuniya). Despite the new official terminology, in meetings with Human Rights Watch in April 2000 officials from the Ministry of Interior continued to refer to this group as Bedoon and made distinctions between Bedoon and other "illegal residents" like visa overstayers.
2. Individuals who could have registered as citizens under the Nationality Law and earlier citizenship regulations but neglected to do so.
3. Individuals who attempted to claim citizenship under the Nationality Law and earlier citizenship regulations and whose applications were accepted for consideration but [was] never acted upon by the Kuwaiti authorities.
4. Individuals who migrated to Kuwait from nearby countries to work and over time lost effective links to and effective nationality in their country of origin, as well as children of such migrants who failed to establish nationality in their parents’ country of origin.
5. Children of Bedoon parents, including notably the children of Kuwaiti mothers and Bedoon fathers. 40

Until the mid of 1980s, Bedoon were treated as lawful Kuwaiti residents whose claims of citizenship were considered by the government. They were distinguished from foreign residents and also stateless residents such as Palestinians from Gaza. Bedoon were included in the total number of Kuwaiti citizens in the Ministry of Planning’s Annual Statistical Abstract, and they were issued with documents that specify them as Bedoons. They maintained all the rights that Kuwaiti citizens had, such as housing subsidies, education, and access to health services. They were only excluded from the political right to vote as Kuwaitis since the condition of nationality and citizenship was not available.

Bedoon were highly involved in the police and military departments more than the Kuwaiti citizens themselves. In the mid-1980s they were entitled to have temporary passports under Article 17 of the Passport Law of 1959. 41 Intermarriage among Bedoon and Kuwaiti citizens was and is a common phenomenon. Also, because of the variation of the Nationality Law implementations, it is not unusual for a single family to have

04.htm#P189_28805 (1. April. 2008)
41 Civil and Political Rights Violations in Kuwait
Human Rights Watch’s submission to the UN Human Rights Committee, (2000).
members with different citizenship statuses: original citizenship, citizenship by naturalization, and Bedoon. Article 1 of the Nationality Law 15/1959 creates a category of "original Kuwaiti nationals, who [were] settled prior to 1920." The “year 1920 was chosen because it was that year that residents of Kuwait City erected a wall to defend themselves from attacks by nomadic militias.”

New provisions regarding the Bedoon status were applied for Alien Residence according to Law 17 of 1959. In 1985 the Kuwaiti government imposed many restrictions on the Bedoon, and issued a series of regulations stripping the Bedoon of almost all their previous rights and benefits. In April 1986 the government severely restricted Bedoon’s eligibility for travel documents. The issuance of travel documents to Bedoon was contingent on their renouncing their right to return to Kuwait. Although in 2000, for the first time, the government issued a limited number of one-trip only travel documents for Bedoon to go on pilgrimage to Saudi Arabia. Faisal, a Bedoon person, mentioned that “the only way to travel outside the country is to go on Hajj (the Muslim pilgrimage to Mecca).”

Several human rights violations of the Bedoon started in 1986 when the government decided from that date that there would be no one called Bedoon, h/she would be labeled a Kuwaiti or a non-Kuwaiti. This surprising decision was made as a result of a “claimed plot to overthrow the government organized by eighty-three Bedoon persons working in

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the military.” No one knows how realistic such a claim was since no one was brought to trial. The claimed plot and the suspects were all from the military as mentioned, so they were not tried or investigated within the ordinary judicial process. The trials of the alleged plotters did not result in indictments, and the result of that claim on the lives and affairs of the Bedoon was devastating; it was an equivalent to an act of “denationalization” as was rightly portrayed by Human Rights Watch. Specifically, it was mentioned in the Article entitled “Human Rights in A crisis Situation: The case of Kuwait after Occupation” by Ghanim Alnajjar that:

In April 1986, the government restricted eligibility for travel documents which used to be issued to the Bedoons… Later in 1986, the government ruled that all its employees had to produce valid passports or risk losing their jobs. Private businesses were told to adopt a similar policy… Only those Bedoons serving in the army and the police were allowed to keep their jobs and were issued residency papers. In 1987, the [I]nterior [M]inistry banned the issuing or renewal of driver’s licenses for Bedoons, except for those in the military and the police… In 1988, Bedoons were banned also from attending [the university], a ban that has continued since then.46

The violations of the Bedoon’s human rights situation increased more and more in the aftermath of the 1990-1991 Iraqi occupation of Kuwait; this event that built an association between the Bedoon and the enemy of Kuwait, Iraq. Because many Bedoons fled to Iraq to escape the aerial bombardment by North Atlantic Treaty Organization (NATO) forces in 1991, they found themselves stranded there when Kuwait refused to allow the reentry of all but a few after the war. Bedoon preferred seeking refuge from the aerial attacks in Iraq than in Saudi Arabia, because if they wished to cross to Saudi Arabia, Iraqi authorities required them to surrender passports. However, Passports were

46 Alnajjar, 194.
not required to pass into Iraq directly, and since most Bedoon lacked passports those fleeing the fighting tended to cross into Iraq.

Human Rights Watch also mentions in the annual state report of Kuwait that “Beginning in 1993 Bedoon were also required to pay fees to utilize health care centers, although those services remained free for Kuwaiti citizens. Bedoon not employed by the government found themselves facing serious obstacles when seeking to register births, marriages, divorces, and deaths, because they lacked the required identification and were typically required to go through lengthy security checks before the Ministry of Interior would issue a letter of no objection.”

Bedoon in Kuwait faced widespread and systematic discrimination on the basis of their origin and status. As I will discuss in the following chapters, this discrimination results in violations of civil and political rights protected by international legal agreements, such as the right to leave and return to one's own country, the right to marry and find a family, children's right to be registered immediately after birth, and children's right to acquire a nationality.

Moreover, according to several international documents, the government is responsible for the increasing number of cases of serious violations of economic and social rights. These rights include the right to work, the right to education, and the right to health that face Bedoon. These violations show the non adherence of Kuwait to the

48 For a more extensive discussion of this discrimination, including extensive case studies, see Human Rights Watch/Middle East, The Bedoons of Kuwait: “Citizens without Citizenship” (New York: Human Rights Watch, 1995).
international conventions. Starting with the violations faced by the Bedoon nationality and citizenship is one of the important violations of their human rights.

**Nationality and Citizenship**

In discussing the descriptive part of the situation of Bedoon one should address the issue of nationality and citizenship. This issue is the main problem the Bedoon face. International law recognizes the importance of nationality by recognition of this right in several documents that give a legal application to it. Such documents include the Universal Declaration of Human Rights in Article 15 and the International Covenant on Civil and Political Rights Article 24.

Unless they acquire the nationality and citizenship of Kuwait, the situation of the Bedoon will always be in the same status with no significant improvements. There are no coming improvements or amendments on their status in sight, at least in legal terms. Human Right Watch annual state report stated, “In May 2000, the Kuwaiti National Assembly passed amendments to the Nationality Law which were intended to be the final statement on which Bedoon would be eligible for naturalization, and in June 2000 the Ministry of Interior ended a nine month program during which Bedoon who signed affidavits admitting to a foreign nationality and renouncing claims to Kuwait nationality could apply for a five year residency permit and other benefits.”

From this we can see that no serious laws are being passed.

"My father had bad luck. He tried to register in the 1960s, but when he went to register it had closed the week before. I admit we were lazy, but no one knew it would

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be important’. They gave him an appointment, but when he went they told him [the period] for accepting people for registration had ended." This statement was repeated by a Bedoon who was born and raised in Kuwait. Bedoon themselves have neglected the serious effects of not submitting their legal papers or in delaying to do so. In theory, Kuwait's Nationality Law provides numerous means for individuals to acquire Kuwaiti nationality. However, many of its provisions violate the principle of non-discrimination on the basis of gender, religion, or status, and undermine the ability of children to exercise their right to acquire a nationality.

In “Gender and Citizenship in Middle and Eastern States” Suad Joseph, explains the reasons why the obtainment of citizenship in Islamic states are determined on the father’s side rather than the mother’s. One reason why citizenship is often dependent on the father is explained by the notion of “patriarchy weaves”. It is well known in Islamic states that women and children are considered dependent upon men. Yet one of the important elements for democracy from the Western theories perspective is the independence of women and children from others. The gendered nationality and citizenship is clear in Kuwait in general and the Bedoon in particular. That is, the fact that the man is responsible for women and children might explain the lack of nationality for the Bedoon spouse and children of a Kuwaiti woman. Another reason why citizenship is gendered has to do with some Islamic movements and institutions within states “[S]ome states have directly or indirectly fostered religious movements (Egypt, Kuwait, Saudi Arabia) or ceded authority to religious institutions in key areas, such as personal status

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laws (Israel, Lebanon, Kuwait). In such cases, women’s individual rights are often [scarified] in the interest of an alliance between national and religious forces.”

In Kuwait, implementation of the naturalization provisions in the Nationality Law has been highly arbitrary and lacking in transparency. In the past, the Ministry of Interior has failed to provide applicants with clear, detailed information regarding the criteria used in making decisions. The ministry has engaged in lengthy and unexplained delays in making decisions, and failed to make public procedures and mechanisms to allow applicants to submit supporting evidence, challenge evidence supplied by the ministry, or appeal ministry decisions. Administrative decisions of nationality are not subject to judicial review and legislative committees dealing with complaints have failed to ensure effective remedies in cases of abuses. Although official figures (naturalization eligibility) are difficult to obtain, it appears that only a very small number of the individuals eligible for naturalization have been naturalized, and many of those naturalized are not Bedoon. Naturalization could be granted to any resident in Kuwait

52 Brigadier Mohammad al-Subay’i, the director of the Ministry of Interior’s Executive Committee on Illegal Residents, told Human Rights Watch that persons with complaints about Executive Committee actions have” no judicial appeal, but [do have] administrative appeal: [they] can complain to the Minister of Interior, or go to the parliament's Human Rights Committee, or the Complaint Committee in parliament, or the press." Human Rights Watch interview, Kuwait City, Kuwait, April 8 (2000).
53 Article 2 of Kuwait’s Judiciary Service Code 1990/23 excludes "sovereign actions of state," officially interpreted to include matters related to nationality, from consideration by the courts, and Article 5)1of Formation of a Division of the Court of General Jurisdiction to Review Administrative Cases Law 20/1981 excludes administrative decisions on" matters relating to nationality, residency, and deportation of non-Kuwaitis "from that court's jurisdiction.
54 As non-citizens, Bedoon can only make complaints to the parliament's Human Rights Committee, and not to the Complaints Committee. In a meeting with Human Rights Watch, M.P. Sami al-Manayyes, the chairperson of the National Assembly’s Human Rights Committee, said that while the committee had received some complaints from Bedoon who alleged that government agencies had overstepped their powers, the committee saw its role as "humanitarian only ,"and limited to asking questions. In particular, he stated that the committee does not take a position on whether a person qualifies for nationality or naturalization. Human Rights Watch interview, Kuwait City, Kuwait, April 3(2000).
who has had unique achievements in the country, or to a Kuwaiti spouse under certain conditions. The requirements for Nationality and Naturalization are as follows: Article 1 "persons who were settled in Kuwait prior to 1920 and who maintained their normal residence there until the date of the publication of the law [May 21, 1959]."  

Persons, who could not prove settled residence, including many from tribal and nomadic backgrounds who are now Bedoon, were excluded from obtaining nationality automatically. This includes their children who are born and raised in the country mostly of Kuwaiti mother. Contrast this with the children born to Kuwaiti fathers (example of gendered citizenship), and children born in Kuwait to unknown parents (who are considered Kuwaiti by birth), and all other Kuwaiti citizens who have a right to be are naturalized.

Article 3 of the Kuwaiti Nationality Law shows the injustice in the application of citizenship in Kuwait. Article 3 allows naturalization of the child of a Kuwaiti mother and an unknown father. There is no clear reason for making children of unknown fathers eligible for nationality. I have to say that when I first read Article 3 I got the sense that the government is indirectly increasing the number of the children of unknown fathers, the rate of prostitution, and divorce. Why divorce? Because in the Nationality Law of Kuwait an adult woman of twenty one years old and over can get nationality and citizenship passed to her children when she proves that she is divorced (irrevocable divorce).

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55Kuwait Nationality Law 15/1959, Article 1.
Article 4 of the Kuwaiti Nationality Law allows naturalization of any adult who meets all the following conditions:

1. He has lawfully resided in Kuwait for at least twenty consecutive years or for at least fifteen consecutive years if he is an Arab belonging to an Arab country. 2. He has a lawful means of earning his living, is of good character and has not been convicted of an honor-related crime or of an honesty-related crime; 3. He has knowledge of the Arabic language; 4. He possesses qualifications or renders services needed in Kuwait; 5. He is an original Muslim by birth, or that he has converted to Islam according to the prescribed rules and procedures and that a period of at least five years has passed since he embraced Islam before the granting of naturalization. 56

Although Article 4 of the Nationality Law allows naturalization of any adult who meets the five conditions previously mentioned, Bedoon are barely acquiring citizenship or being eligible to have nationality even when meeting the previous requirements. All naturalizations are subjected to the discretion of the Ministry of Interior’s Executive Committee on Illegal Residents. The right to obtain a nationality is lost and the decree of naturalization rendered void if the naturalized person expressly renounces Islam or if he behaves in such a manner as that clearly indicates his intention to abandon Islam. In any such case, the nationality of any dependant of the apostate who has acquired it upon the naturalization of the apostate is also rendered void. Restricting nationality and citizenship for the Bedoon made the freedom and movement and traveling is too hard to seek.

**Liberty of Movement and Freedom of Choosing Residency**

The Kuwaiti government has a lot of restrictions on the Bedoon concerning their travels in and out of the state, even in cases of education, health, and the Islamic pilgrimage (Hajj). As of July 2000, the ministry of Interior declared displacing Bedoon if they did not correct their political situation in Kuwait. The previous statement does not state how

56 Kuwait Nationality Law 15/1959.
they could correct their situation especially when considering the fact that they do not have nationality and their families who were alive in the 1950s are now dead. Who can correct their political situation? This question ends up unanswered, because no one can correct their situation besides the Kuwaiti government. With the lack of nationality and citizenship and the lack of freedom of movement and choosing residency, the formation of family becomes impossible.

Family and Marriage

Another problem faced by the Bedoon people has to do with procedures of getting married and having a family. International law also recognizes the importance of keeping families together mostly through laws that are meant to protect children. Article 8 of the Convention on the Rights of the Child places responsibility on states to make sure a child maintains family relations. A Bedoon father said in his interview with Human Rights Watch: "What future do my children have? There isn't hope, there isn't stability. I tell my father why, why did you let me marry?"57

In practice, families with Bedoon members face discriminatory laws and policies, which undermine both the right to marry and the ability to live together as a family. In some instances the violation stems from the government's insistence on treating Bedoon as foreigners while penalizing them for not providing proof of a foreign nationality; in other instances it reflects discrimination on the basis of sex as mentioned earlier in the discussion of gendered nationality. The Bedoon face difficulties registering marriages between Bedoon couples or between a Bedoon and a Kuwaiti citizen, because the Bedoon

member(s) of the couple lacks a civil ID and must obtain a letter from the Ministry of Interior after completing a lengthy security check. Without proof of legal marriage, women lose recourse to court in almost all matters involving personal status law, disputes such as divorce, maintenance, and child custody. Similarly, Bedoon families may be split between countries, either as a result of the government's refusal to allow the re-entry of a Bedoon member, or because the government treats the Bedoon husband and adult children of Kuwaiti women as foreigners who require a "sponsor." Kuwaiti women who meet minimum income standards can petition to sponsor their husbands or adult children, but only for one year. Then, the husband or adult child must find legal employment in order to maintain legal residency.

As "foreigners" the Bedoon husband and the adult child are also subject to annual residency fees. Kuwait entered a reservation to Article 23 when it ratified the International Covenant on Civil and Political Rights (ICCPR) seeking to avoid changing any provisions in its domestic laws regarding marriage and the family. It asserted that "the matters addressed by Article 23 are governed by personal-status law, which is based on Islamic law," to which Kuwait effectively wishes to give precedence over the ICCPR. But this fundamentally undermines key rights contained in the ICCPR, notably the peremptory norm of non-discrimination in enforcement and enjoyment of the rights of the Covenant.

Having children also raises problems. The Bedoon family will not be able to register the child for a birth certificate. In practice, the majority of Bedoon face tremendous difficulties in obtaining birth certificates and many other basic civil
documents, including death certificates, registrations of marriage and drivers’ licenses. Since Bedoon lack proof of nationality, they are unable to obtain the civil identification document (ID) someone normally shows as proof of identity when applying for such documents. In the absence of a civil ID, government offices typically require a letter of no objection from the Ministry of Interior's Executive Committee on Illegal Residents, which the Executive Committee may or may not issue, at its discretion. As quoted from Faisal, Bedoon person, he said “I haven't had a driver's license in six years, and the only way to travel outside the country is to go on Hajj (the Muslim pilgrimage to Mecca). I couldn't get a death certificate for my mother.” After concluding with the major problem of having family and getting married faced by the Bedoon, health access become an important right to discuss especially that one of the basic human rights is to have free health access for all.

Health Access

The right to health care access is also being violated in the case of Bedoon. The Bedoon do not have access to health care even in cases of emergency. “They do not receive medical attention when they are sick.” Access to free health care provided by the government of Kuwait has been a forbidden to Bedoon since 1985. As explained by Faisal, a Bedoon person: “Faisal’s wife suffers from heart disease and his four children from diabetes. Kuwait’s national healthcare system provides medical services free of charge to its citizens. Those without nationality must pay from their own pockets.

58 The Personal Status Law stipulates individuals must have official documents attesting to a marriage prior to bringing legal claims arising from the marriage. Personal Status Law 51/1984, Article 92.
60 Burns H. Weston et al., Supplement of Basic Documents to International Law and World Order. 3rd ed. (St Paul: West, 1997), 490.
Although he had been a soldier for 30 years, he did not receive a pension when he had to leave his job after the liberation of the country in 1991.⁶¹ Faisal has a low paying job, a sick wife and four children, but he could not get the assistance from the governmental hospital because he is Bedoon. This is a clear violation of the human right to health and an apparent violation to the Article 25(1-2) of the Universal Declaration of Human rights. The lack of nationality, freedom of movement, family stability, and health access affect the educator person in a way that a Bedoon person cannot afford education because of the high coast of education. Besides, the lack of the entire above rights end up having illiterate disappointment and frustration population.

**Education Access**

In practice, since 1986 the Bedoon have been banned from attending Kuwait University and cannot enroll their children in the governmental schools in the early stages of education. The only way for their children to receive education would be to enroll them in private schools, but Bedoon person could not afford that because private schools require high fees⁶². This is a clear violation to the articles of International Law and international conventions.

This situation ends up having people full of pessimism and dependency. As Faisal mentioned in his interview about his child: “I am a teacher, but my teenage son has no interest in his studies. He asks me, ‘If I finish my exams, what will I do afterward? Sleep?”

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⁶² Jasim, a Bedoon father, get salary of K.D 150 (Kd. 1= $ 3.4). The school fees are around K.D 100- 2,500 for full academic year. See http://www.islamonline.net/servlet/Satellite?c=ArticleA_C&cid=1176802082675&pagename=Zone-Arabic-Namah%2FNMALayout (Arabic).
What good is going to school if I can't work?’ My son is depressed. He knows that without a degree, he can make the same salary as his college-educated father.”

After going through the descriptive part of the situation of the Bedoon explaining the human rights violations they face. It was clear that all these violations are dependent variables for the main independent one, nationality. It was apparent once they have been granted nationality and citizenship of Kuwait their human rights violations will be eased. Next, I will go to parallel violations faced by the Bihari in Bangladesh.

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CHAPTER FOUR
THE SITUATION OF THE BIHARI IN BANGLADESH

In the case of Bihari community in Bangladesh, there are some identical factors to the Bedoon’s case when discussing human rights violations. This chapter will begin by providing background to the problem of Bihari, followed by examples of violations faced by them.

Background to the problem of the Bihari community in Bangladesh

In August 1947, upon creation of independence India and Pakistan (East and West), around one million Urdu speaking Muslims from the present day Indian provinces of Bihar, Uttar Pradesh, Madhya Pradesh and Rajasthan moved to East Pakistan, which later became Bangladesh. Their movement to East Pakistan was due to a desire to escape from continual bloodshed and “to preserve their Islamic way of life.” They also saw migration (Hijrat) as an escape from the possibility of living in a Hindu majority India. To their disappointment, when they arrived in East Pakistan, leaving behind their possessions, their familiar environment and professions, they felt alienated in the new society in terms of language, customs, traditions, and culture. Although speakers of the Pakistani official language, Urdu, they found themselves a minority in the majority

Bengali-speaking East Pakistan. These differences resulted in the Bihari identifying with West Pakistan whose dominance over the Pakistani state assured them of receiving greater privileges from the Central Government. While Bengalis were overwhelming employed in the agricultural sector, the Biharis, as full citizens of Pakistan, came to be involved in industry, small business, trade and commerce.65

The Bihari community never assimilated with the local people and maintained alliance with the West Pakistani regime against the interest of the Bengali people. For example, they supported the adoption of Urdu as the official language in East Pakistan, where the language of the majority was Bengali, and opposed the Bengalis’ language movement in 1952. They also supported the issues of United Pakistan in the national and provincial elections in 1970.66 During the 1971 Bangladeshi war of independence, the Biharis, as Urdu speaking people of non-Bengali origin, collaborated vocally and by intelligence with the West Pakistani regime and opposed the Bengalis’ freedom struggle. When Bangladesh finally achieved independence, Bihari people wanted to go to West Pakistan, but could not do so immediately due to complication, in the repatriation process such as not willing to have the Bihari who were against the new regime sent back. This situation left them stranded in Bangladesh. Bihari people formed a community in Bangladesh, where they live in camps. They reached 300,00067 in number and they face human rights violations in regards to nationality and citizenship, liberty of movement and freedom of choosing residency, family and marriage, health, and education access. After

65 Haider, 528
66 Haider, 529.
67 Bihari population in Bangladesh’s camps is 40,357 families, and 238,093 individuals. See Farzana p.5.
addressing all types of violations faced by Bihari, one should start with nationality and citizenship due to its importance.

**Nationality and Citizenship**

Nationality and citizenship in Bangladesh is based on the Citizenship Act (Provisions Order) which was issued in 1951. In considering cases like citizenship by birth, Article 4 of the Citizenship Act states:

Every person born in Bangladesh after the commencement of this Act shall be a citizen of Bangladesh by birth: Provided that a person shall not be such a citizen by virtue of this section if at the time of his birth:

(a) his father possesses such immunity from suit and legal process as is accorded to an envoy of an external sovereign power accredited in Bangladesh and is not a citizen of Bangladesh; or

(b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.  

This Article explicitly states the reason for restrictions on the cases of citizenship by birth. Bihari were associated with the government of Pakistan (West Pakistan) prior the independence of Bangladesh. In this case they would be applicable for the first part of the restriction, if the father was an enemy alien via supporting the Pakistani government against the Bengali one.

Another issue is gendered nationality. Like in Kuwait, in Bangladesh women cannot pass their nationality to their husbands and children because nationality is passed through the man to his dependents. According to the Citizenship Act Article 5 “Subject to the provisions of Section 3 a person born after the commencement of this Act, shall be a

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68 Bangladesh Citizenship Act, Article 4, 1951.  
citizen of Bangladesh by descent if his father is a citizen of Bangladesh at the time of his birth.\footnote{Bangladesh Citizenship Act, Article 5, 1951.} What this means is that citizenship can be transmitted by Bangladeshi men to their children irrespective of whether they are married to Bangladeshi women or not. Bangladeshi women who are married to non-Bangladeshi men cannot transmit citizenship to their children. This act violates the international Covenant of the Elimination of all forms of Discrimination Against Women (CEDAW) such as in Article 9(2): “States Parties shall grant women equal rights with men with respect to the nationality of their children.”\footnote{CEDAW, Article 9(2).} Yet the government of Bangladesh has several reservations on the articles of this convention. A good example is Article 2 of CEDAW which seeks gender equality. This Article contradicts with Islam from the Bangladeshi government prospective. Those restrictions are assembled briefly by gender equality. Like the case of the Bedoon, the Bihari face violations in regards to liberty of movement and choosing residency as a result of the lack of nationality.

**Liberty of Movement and Freedom of Choosing Residency**

In the constitution of Bangladesh, Article 36 tackles the issue of freedom of movement. But in this Article the citizen freedom of movement is implied only for the citizen of Bangladesh. Even though migrants are not specified in such law, they could not gain freedom of movement because of the way they live. After the surrender of the Pakistani forces and the independence of Bangladesh in 1971, Bihari were massacred. For their own safety they were gathered in camps by the International Committee of the Red Cross (ICRC). If they were not gathered, they were left without food, water, or
medical treatment. The government of Bangladesh’s act was rigorous because the Bihari were never repatriated to Pakistan, so they fail to retain the Pakistani nationality.

A major problem in the case of the Bihari is that they do not seem likely to be interested in obtaining any other nationality in the world. According to a survey distributed for the Bihari, they only desire the citizenship of Bangladeshi at firstly and secondly Pakistani citizenship would be satisfactory because they consider themselves part of Pakistan before its independence. This survey was of 51 households in Mohammadpur Geneva Camp, Tejgaon Camp, and Mirpur Camp, conducted by Refugees and Migratory Movement Research Unit (RMMRU) in 1993. It shows that 59 per cent of the Bihari people have identified themselves as Bangladeshi and wanted to get Bangladeshi citizenship. Thirty-five per cent wanted to go to Pakistan and the rest, 6 per cent, did not comment on the issue. From this survey it is clear that the Bihari are either willing to stay or to go back to Pakistan. Bihari can not repatriate to Pakistan because of the restrictions of the Bangladesh government, as they are considered enemies. The questions of repatriation and self determination lead the Bihari to have breakable families.

**Family and Marriage**

Securing a healthy environment for a family in the case of Bihari is a complicated issue. To establish a healthy environment for a family needs have to be a safe home, children, medical treatment, clean water and food, and stable job. After the creation of Bangladesh, almost all Biharis were fired from their jobs on various pretenses. Bihari

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71 “Stateless in Bangladesh and Pakistan”, (2006), 5. [www.strandedpakiastani.org](http://www.strandedpakiastani.org) (9.9.08)
72 Farnaza, 12.
children were expelled from schools. Bihari pensions, bank accounts and investments were seized. Most of their homes and businesses were declared abandoned/enemy properties and therefore confiscated under the cover of law.\(^\text{73}\)

The breakup of families was a common phenomenon after the war of independence. During negotiations of this time, the government of Pakistan asserted that all the Biharis living in Bangladesh are the responsibility of Bangladesh and Pakistan had no responsibility for those people. Furthermore, the government of Pakistan amended the citizenship act of Pakistan in 1978 to deny nationality of Pakistanis living in Bangladeshi camps.\(^\text{74}\) At the same time, Bangladesh considered Biharis traitors and enemy collaborators so did not accept them as citizens. As a result, Bihari were effectively rendered stateless and have remained in the camps of Bangladesh since then. This has had a major impact on the quality of life for the Biharis especially regarding health, education, and human rights.

**Health Access**

The topic of the health problems that arise due to malnutrition leads appropriately to the topic of the right to access of health facilities. In the Bihari camps families and individuals suffer from contagious diseases as a result of poor sewage facilities and poor drainage systems. Diseases like diarrhea and dengue fever are very common because of the unhealthy, dirty, damp, and unhygienic environment surrounding the camps.\(^\text{75}\) Such conditions are violations of the right to health.

\(^{74}\) “Stateless in Bangladesh and Pakistan”, (2006), 7.
\(^{75}\) Farzana, 7.
Another problem included in the violations of the right to health is the toilets and bathrooms for those people. “According to a recent survey report of Refugees International in Rangpur City (in the northwestern part of Bangladesh), there are only two working wells and ten latrines for the 5,000 residents of Camp Three.” Furthermore, the toilets are shared, for both males and females, which create problems for females in regards to privacy. As they belong to a Muslim community women cannot visit the toilets facilities at night unless they are with their parents or guardians (brother, husband, uncle).

An additional problem is the acute, scarcity of safe drinking water. For example, in Hatikhana Camp there are only 9 tube wells for 400 families. This problem leads the people having to bring water from long distances. Having water from long distances and not knowing how pure and clean has led to diseases like cholera, typhoid, and skin disease. The increase of multiple diseases and the lack of health access rise the need to medical care in those camps.

Every human being has the right to medical care and sufficient access to it. However, in the case of Bihari community the evidence shows that one of the largest camps, Mohammadpur Geneva Camp has 25,000 people. Those people are considered to live in good conditions in comparison with the other camps, but the fact is those people have only one poorly equipped medical clinic (Al-Falah Model Clinic). These poor clinics have raised the number of infant mortality.

Infant mortality is increasing because of the lack of medical care. According to Farzana in his Article on “Stateless people in Bangladesh” “60 percent of infants die

76 Farzana., 7.
77 Farzana., 7.
before they reach their childhood.” Likewise, because of the poor facilities in the medical clinic and because of the fact that the poor people and cannot afford the medical facilities in private institutions, women face unsafe delivery, chronic disease like polio, and Sexually Transmitted Diseases (STD).

Nowadays, there are many national and international institutions and organizations such as Dhaka Shishu (Children) Hospital founded by the Asian Development Bank (ADB), World Vision Bangladesh, and others that periodically support the Bihari camp dwellers by providing free medical check ups for a few people in the Dhaka camp. It is important to note that the result of the poor medical facilities provided in the camps, not all camps benefit from the medical aid provided, and even not all sectors of each camp benefit from the medical aid. Why this is the case? The ICRC provided food and medicine for a time and when the Bangladesh Red Crescent Society took over, the supplies went down and reached its peak in 2004. Low levels of health and the spread of disease can be seen to be attributed to poor levels of education.

Moreover, having poor and uneducated people is an important factor in not being aware of the important immunization for the children such as measles, small-pox, DPT, and poliomyelitis. Also, most of the families are not aware of the family planning. All of these increased problems are in a close circle, i.e. poor levels of education affect the above problems and those problems affect education in return.

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78 Farzana., 7-8.
Education Access

“Recently, the Bangladesh[i] government has taken an initiative to improve the rate of child literacy which is called ‘Reaching Out of School Children’ (ROSC), a six-year long project to educate 5 hundred thousand deprived children by 2015.”

Nevertheless, this project will not be sufficient for the number of children in these camps. Families cannot afford the expenses for education especially since some of the families would need to send their children outside the camps. Moreover, in the case of sending the children outside the camps, families cannot enroll their children because of the need for official papers such as nationality, ID, home address, and parents’ occupation. All of this makes access to education impossible.

There are 55 thousand Bihari families in the camps throughout the country, and the current numbers of schools though out the country are 500. Education therefore is inadequate in general. In the camps one percent of Bihari children attend school, which accounts for the high rate of illiteracy in the area.

As discussed in the Bihari case, parallel violations of the human rights were found between them and the Bedoon in Kuwait. Again I insist on mentioning that the major problem that is causing the entire situation is the lack of nationality and citizenship. So emphasizing the importance of granting the Bihari the nationality of Bangladesh is crucial step to help alleviate their situation. This section and the previous one about the Bedoon will lead to analysis of why do government like Kuwait and Bangladesh continue

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80 Farzana., 8.
denial of citizenship to their minorities? This will highlight that the grant of citizenship would ease the problems of both the Bedoon and the Bihari.
CHAPTER FIVE

ALTERNATIVE POSSIBLE EXPLANATIONS OF WHY THE DENIAL OF CITIZENSHIP IN BOTH KUWAIT AND BANGLADESH HAS CONTINUED

Before discussing the possible explanations of why denial of citizenship in both Kuwait and Bangladesh has continued. It is time to present comparative findings between those cases, point by point, after addressing the situations of the Bedoon in Kuwait and the Bihari in Bangladesh in the previous chapters. Starting with the backgrounds of these cases the Bedoon case starts by neglecting the registration of the nationality back in 1920 and most importantly the plight in 1986. But in the Bihari case it started with the creation of Bangladesh after the war of independence of Bangladesh in 1971. Secondly, there is a denial of nationality and citizenship in the case of the Bedoon because the Nationality Law of Kuwait in 1959 that restrict the right to claim nationality. Likewise, Bangladeshi Citizenship Act in 1951 restricts nationality for the Bihari. Also the issue of gendered nationality is apparent in both cases as discussed previously. Thirdly, liberty of movement and freedom of choosing residency in both cases is restricted by the fact that only the national citizens can have this right whether in Kuwait or in Bangladesh.

In discussing the family and marriage right the Bedoon face several complicated processes when trying to register marriage, to have birth certificate “birth registration”. So, having split families because of the previous complications is common phenomenon.
Plus, the complications of fees are apparent since annual fees are required for children and husband of a Kuwaiti national mother. In the case of the Bihari, breakup families are apparent, no jobs and poor standards of living which are clearly shown in the place where they live, camps. Next, health access differs in degree in both cases. In the case of Bedoon, free health access is restricted for non-citizens. So in any case even in cases of emergency Bedoon should go to private hospitals or care providers and pay high rate fees. In the Bihari case, poor facilities and medical care are leading to several serious issues. High rate of contagious diseases, infant mortality is presented especially when considering that safe drink water is scarce. Finally, in both cases no access to public education is explicit; both cases are ban from public schools and are welcomed in private ones, yet seeking private schools is difficult. First, private schools require high rate fees; second, they need official papers such as ID and nationality to register their children, which they actually lack. As presented in this section the comparative presentation of these cases has well illustrated that the grant of nationality and citizenship would ease the cases of the Bedoon and the bihari.

After presenting the descriptive and the comparative parts of the paper, I will now address the paper’s research question. That is why do the governments of Kuwait and Bangladesh continue to have human rights violations for minorities in their societies, i.e. Bedoon and Bihari? And why do these governments fail to enforce International Law when they have signed several human rights conventions? Answers can be found in such factors as domestic law of the state, national loyalty, personal interest, political pressure, Islamic culture and religion, and political corruption. Below I will address each of these factors.
One primary explanation can be attributed to the **domestic law of the states**. Regarding Kuwait’s, the government can proffer many reasons for the denial of citizenship to the Bedoon. First, the Nationality Law of Kuwait 15 of 1959 has many restrictions that forbid the Bedoon from acquiring nationality and citizenship of Kuwait. One specific restriction is illustrated in Article 1: “original Kuwaiti nationals who were settled in Kuwait prior to 1920 and who maintained their normal residence there until the date of the publication of the law.”\[^{81}\] Most Bedoon could not prove that they were settled prior to 1920, so they are considered non-citizens of the country according to the domestic law. Also, the case of Bedoon became like a de facto situation that no body can reverse since the Bedoon are in a legal bind in trying to prove settlement before 1920. This is similar to the domestic law of Bangladesh.

The case of the Bihari is more complicated than the Bedoon because the laws in Bangladesh. The constitution of Bangladesh is broad leaving the person without any specification; e.g. Article 6 of the constitution of Bangladesh: “The citizenship of Bangladesh shall be determined and regulated by law.”\[^{82}\] On the other hand, the citizenship act of Bangladesh is specified in a way that gendered nationality is apparent just like Kuwait. These laws are clear in a way, yet confusing because the constitution never addressed any single issue in regards nationality that makes it specific at least in legal terms.

Moreover, the patriarchy type of law explains much because in the case of having Bengali women married to Bihari men, nationality cannot be passed to the spouse and

\[^{81}\text{Kuwait Nationality Law 15/1959.}\]

\[^{82}\text{The constitution of Bangladesh, Article 6.}\]
children could never be acquired because according to the Citizenship Act of Bangladesh, Article 5 tells “Subject to the provisions of section 3 a person born after the commencement of this Act, shall be a citizen of Bangladesh by descent if his father is a citizen of Bangladesh at the time of his birth. Provided that if the father of such person is a citizen of Bangladesh by descent only, that person shall not be a citizen of Bangladesh by virtue of this section.”

Since Kuwait and Bangladesh are Islamic states it could be acknowledged that everything should be descended after the father in both cases.

In regards to issuing passports, Article 15 of the 1973 Bangladesh Passport Order (President's Order 9 of 1973) provides that the government may issue a passport or travel document to a person who is not a citizen of Bangladesh. This could be a method that might give the Bihari freedom of movement without the need to claim citizenship so that they may at least be able to travel.

**National loyalty** can be another explanation for the denial of citizenship for the Bihari and the Bedoon. Bedoon in Kuwait had association with Iraq, the enemy of the country. Bedoon were associated with Iraq because many of them went and settled there after the First Gulf War in 1990 in Iraq. Some Bedoon desired to return to Kuwait after the war, but they were denied re-entry by the Kuwaiti government. Regarding the loyalty of Bedoon, one could argue that they are not loyal to Kuwait and its government and that they might threaten State security. As mentioned earlier there was a plot to overthrow the government in 1986, was linked to 83 Bedoon military persons. This example could be one of the most important reasons that the Kuwaiti government denies citizenship to the Bedoon. The situation of the Bedoon is not clear. The government has no trust of who is

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83 Citizenship Act of Bangladesh, Article 5.
Bedoon and who is not. Many people claim that they are Bedoon without any legal papers to prove so; as many people also claim that they lost their legal documents. Many of them were not counted in the 1956 census. And many petitioners are not Bedoon and belong to neighboring countries. This complicated situation only worsens the problem, rather than solving it.

For citizenship one might argue that the Bihari people have divided loyalty, in either supporting or opposing the Bangladesh government or the Pakistani government resulting in destructive political factionalism. Also, because some Bihari collaborated with the West Pakistani regime during the Bangladeshi war of independence in 1971, associates them with the enemy, just like the case of Bedoon. This could explain why the government of Bangladesh does not have trust in the Bihari.

Another major explanation can be found in the personal interest of the state. The issue of nationality and citizenship in Kuwait increases the burden on the government because everything is free and complementary. For example, Kuwait has no taxes, no obligatory military service, no fees for health access, no fees for education access, and provides housing and marriage subsidies. All of these benefits are shared by each citizen of the country. This fact has made many people come from neighboring countries to Kuwait as workers, or visitors, and then discard their original passports claiming that they are Bedoon as well. As a result, several high ranking officials are not interested in solving the Bedoon issue in general, and view that the solution would be to send them back to the countries they came from. Moreover, the government by itself has added many unexpected dangers by having many Bedoon in both the Military and the Defense by treating them equally like Kuwaitis. This has motivated other nationalities to
sacrifice their original citizenship in a desire to take advantage of the wealthy benefits of Kuwait. The motivation for a safe and secure place was the main reason of having the Bihari in Bangladesh.

In the Bihari’s case the issue of safety and security was the main reason for letting them move to Pakistan, which later became Bangladesh. During the war of independence of India in 1947 (independence of both India and Pakistan), the Bihari moved to East Pakistan to escape from the war, seek security and safety, and “to preserve their Islamic way of life.”

It could be observed that the Bihari bear no blame because when they went to East Pakistan they never knew that in the future it would become Bangladesh and that they would face a hinder from both governments, Bangladesh and Pakistan. These governments are hindering the Bihari either for naturalization of Bihari in Bangladesh or repatriation to Pakistan. The personal interest of the state led to several levels of pressure such as political pressure.

The political pressure is another major factor in explaining the denial of citizenship. In the Bedoon’s case, in June 2000 the Ministry of the Interior ended a nine month program during which the Bedoon who signed affidavits admitting to a foreign nationality and renouncing claims to Kuwait nationality could apply for a five year residency permit. This partial solution was welcomed by many parliamentary members and high governmental officials. The best policy, as mentioned in a Kuwaiti Forum “The Bedoon Speaks”, sponsored by the Kuwait Society for Human Rights, is to have legal identification rather than citizenship. This ID is to allow the Bedoon access to job, health

84 Haider., 525.
services, education access, and a secure life.\textsuperscript{85} For the Kuwaiti government officials this solution helps to alleviate the problem and minimizes human rights violations. Kuwait political pressure, as discussed, has no incentives to change the policies simply because other solution may decrease from the several violations faced by the Bedoon as the above proposal; and also because they do not want “foreigners” to benefit from the wealth of Kuwait. Domestic law interferes with International Law in terms of citizenship. Having reservations on conventions of International Law weakens the validity of International Law over the domestic law. All of these discussed factors can explain why the government of Kuwait fails to enforce International Law and continues the denial of citizenship of Bedoon.

**Islamic culture and religion** is also a major factor that has a great effect on the policies of the states. Because both of the states are Islamic many reservations were made on the signed International conventions. The Kuwaiti government has reservations on articles 2(1), 3, 23, and 25(b) of the International Covenant on Civil and Political Rights (ICCPR); and on articles 2(2), 3, 9, and 8(1)d of the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Other reservations were made upon the International Convention on the Rights of Child (ICRC) on articles 7 and 21. Finally, reservations were also placed on articles 7(9), 9(2), and 16(1)f of the Convention on the Elimination of All Forms of Discrimination against Women (ICEDAW). These reservations could be a strong excuse for the government to deny citizenship in the case of Bedoon.

\textsuperscript{85}\textcopyright{} The Bedoon Speaks”, the Kuwaiti Forum, by Kuwait Society for Human Rights. 4 November, 2006.
Like wise, the government of Bangladesh placed similar reservations in regards the signed conventions. The government of Bangladesh has reservations on the articles 10(3), 11, 14(3) d, and 14(6) of the ICCPR. Reservations were also made on articles 1,2,3,7,8,10, and 13 of the ICESCR, and other reservations were made upon ICRC on articles 14(1) and 21. Finally, the government had reservations on articles 10(1), 8, and 9 of the ICEDAW. These reservations could also be a strong explanation for the Bengali government to deny the citizenship of Bihari.

All these reservations mentioned above regard the following issues:

a. Women political rights.

b. Gender equality before the law and equality in marriage, custody, guardianship, trusteeship and adoption of children.

c. Discrimination on the basis of race, ethnicity, color, religion, and sex.

d. Social security issues.

e. Children’s right to acquire nationality.

f. Children’s rights to freedom of belief and religion.

g. The right to refer to the International Criminal Court when any party of dispute requests that.

Most of these issues discussed above are prohibited from an Islamic prospective, because these articles contradict some instances of Islamic Law. The main source of legislation in Kuwait and Bangladesh is Islamic Law. Article 2A of the Constitution of Bangladesh states that: “the states religion of the Republic is Islam.”86 Likewise, the Constitution of

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86 The Constitution of Bangladesh, Article 2A.
Kuwait states in Article 2 “the religion of the state is Islam, and the Islamic Sharia shall be a main source of legislation.”

In discussing the above elements one should recognize that the Islamic vision on gender equality differs according to the issues. For example, Islamic Law gives the right to men to be responsible for women and children in different forms: financing, food, shelter, education, employment, marriage, etc. So by the same analogy “qiyas” nationalitiy and citizenship follows the same pattern of thought; as a result, nationality is descended through the guardian of the family “the father”.

Another point in regards to children’s rights to freedom of religion is prohibited in Islam. That is, the child should follow the father’s religion; e.g. if the father is Muslim and the mother is Christian the child should be a Muslim why? One because the child should follow the father’s religion; and second because the condition on having Muslim Christian marriage is restricted by different aspects: a. the mother should convert to Islam. b. if not, she should not interfere in the way of raising the children because they should be Muslim believers c. gender; man can marry any women from the “people of the book”, e.g. Christian or Jewish, but the Muslim woman should only marry a Muslim man again because every aspect of their lives follow the man.

Finally, political corruption is another way to explain the dilemma of nationality. Many court verdicts were made in regards to the Bedoon, yet the bureaucracy in Kuwait refuse to abide by the court verdict. A good example is a story of a Bedoon son

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87 The Constitution of Kuwait, Article 2.
88 Qiyas is one of the sources of Islamic Law that is accepted by some schools and not by others. It means “the extension of a Shariite [Islamic Law] ruling or value from a known and accepted case (asl) [original] to a new case with the same effective cause.” See: Sayyed Hossein Nasr, The Heart of Islam, (2004), 121.
whose mother is Kuwaiti. The son died, and the mother was unable to collect the son’s bequest because she had no death certificate. Thus, the family went to court and obtained a verdict that proved the son’s death as ruled that the family should inhere the son’s property. The family never received the son’s assets because of other requirements were demanded by the government, such as a paper from the Committee of Bedoon.\(^89\)

Another example of political corruption in Kuwait was decisions made in 1986 concerning the Bedoon. When the Presidential cabinet dissolved the Kuwaiti parliament in 1986, several serious decisions were made such as condemning the 83 Bedoon soldiers for their alleged plot to overthrow the government; this resulted in serious restrictions for the Bedoon population. However, in Kuwait such restrictions of condemnation can only be approved by the parliament, so the previous act is considered illegal.

Also, corruption can be seen regarding speaking the Bedoon population census different numbers. In 2002 first number of the registered Bedoon was 76,000 this number was then changed to 90,000.\(^90\) Similar to the court verdicts in Kuwait, Bangladesh has denied many verdicts and never applies them. All of that collaborates on the fact that “Kuwait was ranked 60 out of 180 countries surveyed in Transparency International’s 2007 Corruption Perceptions Index.”\(^91\) And in 2008 it was ranked of 65 out of 180.\(^92\)

In the case of Bangladesh, “a petition [was] made to the High Court by a group of four women and six men claiming their citizenship rights. In August, 2003 the High

\(^{89}\) “The Bedoon Speaks”, ...
\(^{90}\) “The Bedoon Speaks”, ...
\(^{92}\) Transparency International’s Corruption Perceptions http://www.transparency.org/policy_research/surveys_indices/cpi/2008 (10.7.08)
Court declared them citizens of Bangladesh by birth and ruled in favor of their voting rights."\(^{93}\) However, the Bangladesh government did not abide by the High Court verdict, since the government did not grant these people citizenship. This reflects the political corruption in the state and can explains a lot of the multiple human right violations in Bangladesh. Worth mentioning that “Bangladesh was ranked 162 out of 180 countries surveyed in Transparency International’s 2007 Corruption Perceptions Index.”\(^{94}\) And in 2008 it was ranked of 147 out of 180.\(^{95}\)

In sum, there are multiple factors that explain the denial of citizenship for both the Bedoon and the Bihari. These factors are: the domestic law of the states, the issue of loyalty, the personal interest in those states, political pressure, Islamic culture and religion, and political corruption. On the other hand, one could add that the Universal Declaration of Human Rights is customary law because no ratification and as a result no legal obligation could be found, so the Declaration could be ignored by the states since no rules or measurements of enforcement are being done.

What we have seen is that both respective governments continue to deny citizenship for the Bedoon and the Bihari for multiple factors, yet the clear point that could be driven is that granting them citizenship would ease their problems.

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CHAPTER SIX

CONCLUSION

This paper started by introducing the concept of stateless people in countries like Kuwait and Bangladesh. Then, the reasons for case selection were clearly stated; followed by presentation of a research question, i.e.: Why do governments such Kuwait and Bangladesh continue to marginalize minorities and continue to violate their human rights? The hypothesis suggested was that there human rights violations such as nationality and citizenship, freedom of movement, family and marriage, health and education access, faced by the Bedoon and the Bihari as a result of the lack of nationality. It suggested also that there are several factors that are involved in explaining why Kuwait and Bangladesh continue denial of citizenship. These factors include the domestic law of the states, national loyalty, political pressure, personal interest, Islamic culture and religion, and political corruption.

Using the case study method, I have been able to look at the situation of the Bedoon in Kuwait and the Bihari in Bangladesh and see that the issue of nationality and the organizing of power in those states played a major role in the crises of the Bedoon and the Bihari. Taking into consideration the descriptive part of these situations helps in understanding how and why these cases exist. It also helps us to clarify the human rights
violations since their situation began. It is more useful to compare two states with similar cases. In these two cases similarities of religion and government policies helps to highlight the congruencies in both cases.

The discussion in the chapters on the Bedoon and the Bihari considered similar factors. Specially, chapters focused on nationality and citizenship, liberty of movement and freedom of choosing residency, marriage and family, health access, and education access. The situations of the Bedoon and the Bihari were examined through the lense of the international human rights law. Due to this one can observe violations for the major documents and conventions ratified by Kuwait and Bangladesh. Examples of these documents are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRD), the Convention against Discrimination in Education (CDE), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the International Convention on the Elimination of All Forms of Discrimination Against Women (ICEDAW). All of these documents were created to protect people from discrimination. It is important to recognize the significance of international law, because it can act as a yardstick to measure the treatment of people. It also empowers NGOs (local, regional, and international) to hold governments accountable. Therefore it is necessary to examine if this law can be enforced on violators.

The argument of the paper address the need of having nationality and citizenship for both the Bedoon and the Bihari and the need to reconsider the issue of gendered nationality in both cases, as it is one of the obstacles faced by Muslim women in these
cases. I do not think that the situation of the Bedoon could be solved in any other way than to grant them Kuwaiti citizenship; likewise, by granting the Biharis Bangladeshi nationality. It is apparent that nationality and citizenship is the major solution in solving these cases. At the same time, withholding nationality and citizenship has been demonstrated to be a direct cause of human rights violations faced by the Bedoon and the Bihari.

The international community seeks international security as first priority. So, having unsolved situation such the Bihari and the Bedoon could be dangerous in the future on the state, regional, and the international levels. The situation of Bedoon not only poses a humanitarian challenge, but also threatens the security and stability of the state of Kuwait, the Persian Gulf region. If the situation was ... it could have an effect on the international system. If portions of the Bedoon fall into disarray, neighboring, and other, countries (such as Iraq, Saudi Arabia, Canada...) would be forced to bear the burnt of them, even though they are not refugees, and cope with the resulting political and economic disruptions.96 A good example that shows how the Bedoon affect Kuwait’s security and stability is the plot of 1986 which was mentioned in the Bedoon’s chapter. If in 1986 there was a Bedoon plot to overthrow the government, what would happen in the years time if the Bedoon population increases as they are still denied citizenship?

The situation of Bedoon and Bihari are caused by their respective governments, and each government needs to improve its efforts to alleviate their respective situations. There is also a need for more respect of International Law to help correct their status. Six

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thousand, approximately, people combined in Kuwait and Bangladesh is not a small number of stateless or non-citizen people. Moreover, the need for the domestic laws and government reform are the most important part of the correction. As the population increase, the danger increases. Having more than 150,000 Bedoon in Kuwait can be a serious danger for the state’s security and political stability, especially knowing that the Bedoon were mostly employees of the military and police departments in Kuwait before the Gulf War in 1990 and still have connections with officials in these departments. The Bedoon is one essential phenomenon the Kuwaiti government needs to examine the Bedoon’s potential impact on the future of the state. Plus, the government needs to address human rights violations of the Bedoon that it has been ignoring for such people. More importantly by giving the Bedoon Kuwaiti nationality and citizenship their entire situation can be solved.

In conclusion, the situation of the Bedoon is not a simple one for Kuwait, the region, and the international community to deal with. There are many factors that are involved in this situation, such as the question to verify of their original settlement date in Kuwait, the origin of the people, the nationality law of Kuwait 15 of 1959, problems obtaining documentary papers of the Bedoon. Furthermore, questions concern where they belong to, and their association with the enemy brings the situation of the Bedoon and the Bihari people in Bangladesh on the same path, as mentioned in both chapters on the Bedoon and the Bihari. The Bihari is the other case of my study which illustrates the seriousness of the stateless people.

This is especial evident that these people are marginalized in camps. This situation could be alleviated because as I demonstrated in my case study the cause is
apparent and clear. This situation might be dissolved when granting nationality and citizenship of Kuwait for the Bedoon and Bangladeshi citizenship in the Bihari’s case. Hopefully, by engaging the governments of Kuwait, Bangladesh, Pakistan, and the international community the situations of the Bedoon and the Bihari will be better addressed and solved “If there is interest on the part of the world community, there is a solution.”  

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