



Australian Government
Refugee Review Tribunal

Country Advice

Kuwait

Kuwait – KWT37495 – Bidoons – Religion
– Tribal groups – Al Jahra – Registration of
births – Marriages – Deaths – Household
registration
8 October 2010

Introductory note on terminology

The Arabic word *bidoon* means “without”, from the Arabic phrase *bidoon jinsiyya*, literally meaning without nationality or without citizenship. It should not be confused with the English word Bedouin, from the Arabic word *badawi*, meaning “nomad”¹. In Kuwaiti usage, *bidoon* is used as a singular or plural noun; however, many English language texts use “Bidoon” for the singular and “Bidoons” for the plural, and that pattern of usage will be followed in this advice. Some of the documents cited use the alternative transliterations “Bidun” or “Bedoon”.

1. What religion are the Bidoons from Kuwait? If Muslims, is there a particular school that they follow?

Bidoons are defined primarily by their common lack of citizenship. Very limited information relating to religious affiliations was found, but indicates that Bidoons in Kuwait are Muslim.

Kuwait’s Constitution states that Islam is the state religion. The national census does not distinguish between Shi’a and Sunni Muslims, but estimates indicate that 70 percent of citizens belong to the Sunni branch of Islam and the remaining 30 percent are Shi’a. These estimates relate only to the citizen population, however, which comprises only 1 million of Kuwait’s population of 3.4 million. The US Department of State reports that an estimated 100,000 non-citizen residents are Shi’a; however, it makes no specific reference to Bidoons.²

Refugees International, a Washington-based non-governmental organisation, has observed that Bidoons are indistinguishable from Kuwaiti citizens, including sharing a common religion in Islam.³ While Kuwait is “fairly integrated religiously”, some areas had higher concentrations of Shi’a or Sunnis; Jahra province reportedly had a small Shi’a population compared to Sunnis.⁴

¹ Human Rights Watch 1995, *The Bedoons of Kuwait: “Citizens without Citizenship”*, August, p.2 – Attachment 1.

² US Department of State 2009, *International Religious Freedom Report for 2009 – Kuwait*, October, Section III – Attachment 2.

³ Refugees International 2007, ‘About Being Without: Stories of Stateless in Kuwait’, UNHCR Refworld website, October <http://www.unhcr.org/refworld/pdfid/47a6eb910.pdf> – Accessed 8 October 2010 – Attachment 3.

⁴ US Department of State 2006, *International Religious Freedom Report for 2006 – Kuwait*, September – Attachment 4.

2. Please provide information on clan/tribal affiliations of Bidoon in Kuwait, particularly around Al Jahra in the north-west of Kuwait.

Ethnicity and affiliations

As previously mentioned, *bidoon* is an Arabic word meaning “without” and is used to denote those in Kuwait who are *bidoon jinsiya*, meaning without citizenship or without nationality.⁵ Bidoons are therefore defined primarily by their common civil status, rather than by ethnicity or other characteristics or affiliations. To some extent, they are now also characterised by their marginalisation.

The *Foreign Policy Digest* offers the following succinct background:

Estimated to be between 80,000 and 120,000 in number, the Kuwaiti Bidoon are part of a larger Bidoon demographic that resides in Saudi Arabia and the United Arab Emirates, as well as Kuwait. Many of the Bidoon trace their lineage to Bedouin tribes that migrated for centuries among the lands that became the nation states of Kuwait, Saudi Arabia, and Iraq in the 20th century. In 1959, Kuwait passed a Nationality Law that defined Kuwaiti nationals as persons settled in Kuwait prior to 1920 who maintained normal residence thereafter until the Nationality Law’s passage. Upon the law’s passage, one third of Kuwait’s residents were recognized as citizens, a second third were naturalized and granted partial citizenship rights, and the remaining third were classified as Bidoon Jinsiya.⁶

According to Human Rights Watch, for the most part Bidoons are not distinguishable from Kuwaitis in their appearance, nor could they be distinguished by their clan names given that clan members could belong to any citizenship category.⁷ The Bidoons include:

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.

Individuals who could have registered as citizens under the Nationality Law and earlier citizenship regulations but neglected to do so.

Individuals who attempted to claim citizenship under the Nationality Law and earlier citizenship regulations and whose applications were accepted for consideration but never acted upon by the Kuwaiti authorities.

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.

Children of Bidun parents, including notably the children of Kuwaiti mothers and Bidun fathers.⁸

⁵ Human Rights Watch 1995, *The Bedoons of Kuwait: “Citizens without Citizenship”*, August, p.2 – Attachment 1.

⁶ Sorel, M.A. 2010, ‘Statelessness in Kuwait: Kuwait’s Bidoon’, *Foreign Policy Digest*, June – Attachment 5.

⁷ Human Rights Watch 1995, *The Bedoons of Kuwait: “Citizens without Citizenship”*, August, p.10 – Attachment 1.

⁸ Human Rights Watch 2000, *Discrimination based on origin and status: The Bidun*, October – Attachment 6.

The US Department of State refers to the Bidoons as “stateless Arab residents”.⁹ The United States Committee for Refugees and Immigrants states that the majority of the Bidoons are “Palestinian or Iraqi refugees, members of Bedouin tribes, and their descendents”.¹⁰

The UK Home Office’s *Operational Guidance Note – Kuwait* refers to the Bidoons in Kuwait as “Arabs who have residency ties to the country, some persisting for generations and some for briefer periods”. The operational guidance note observes also that “Bidoon have an extended tribal identity which is sufficient to bring them within the meaning of the term ‘race’ under the 1951 Convention”, but does not comment further on this identity.¹¹

Refugees International observes that many of Kuwait’s stateless residents today are “affiliated with the Anazeh, Shammar, Abu Kamel and other tribes that for generations roamed freely across the borders of present day Kuwait, Saudi Arabia, Syria and Iraq”,¹² and prejudice by the *hadhari*, Kuwait’s longer-established city-dwellers, toward the Bedouin may be one of the reasons the plight of the Bidoons has not been addressed.¹³

Although many Bidoons are of Bedouin origins, most have long settled in the urban centres of Kuwait, and have never lived a nomadic life.¹⁴

While the Bidoon self-identify as Kuwaiti,¹⁵ a 2009 report published by the London School of Economics notes that the Bidoon issue in Kuwait “overlaps with historic sensitivities about Iraqi influence inside the emirate; many who continue to be denied Kuwaiti nationality are believed to have originated from Iraq”.¹⁶ The US Department of State similarly notes that the Kuwaiti government has maintained that “the vast majority of Bidoon were concealing their true identities and were not actually stateless”.¹⁷

Al-Jahra

The town of Al-Jahra is in central Kuwait, and is the capital of the governorate of Al-Jahra, the centre of the country’s principal agricultural region. The governorate comprises about two-thirds of the area of Kuwait and is mostly sparsely populated desert. In 2005 the population of the town was reported to be 28,387 and that of the governorate 272,373.¹⁸

⁹ US Department of State 2010, *2009 Country Reports on Human Rights Practices – Kuwait*, March, Introductory section – Attachment 7.

¹⁰ US Committee for Refugees and Immigrants 2009, *World Refugee Survey – Kuwait* – Attachment 8.

¹¹ UK Home Office 2009, *Operational Guidance Note – Kuwait*, March – Attachment 9.

¹² Refugees International 2007, ‘About Being Without: Stories of Stateless in Kuwait’, UNHCR Refworld website, October, p.1 <http://www.unhcr.org/refworld/pdfid/47a6eb910.pdf> – Accessed 8 October 2010 – Attachment 3.

¹³ Refugees International 2007, ‘About Being Without: Stories of Stateless in Kuwait’, UNHCR Refworld website, October, pp.12-13 <http://www.unhcr.org/refworld/pdfid/47a6eb910.pdf> – Accessed 8 October 2010 – Attachment 3.

¹⁴ Human Rights Watch 1995, *The Bedoons of Kuwait: “Citizens without Citizenship”*, August, p.7 – Attachment 1.

¹⁵ Refugees International 2008, ‘Kuwait: Honor Nationality Rights of the Bidun’, UNHCR Refworld website, 17 September <http://www.unhcr.org/refworld/pdfid/48d223c72.pdf> – Accessed 8 October 2010 – Attachment 10.

¹⁶ Partrick, N. 2009, ‘Nationalism in the Gulf States’, October, pp.21-23 – Attachment 11.

¹⁷ US Department of State 2010, *2009 Country Reports on Human Rights Practices – Kuwait*, March, Section 2d – Attachment 7.

¹⁸ ‘Al-Jahra’ 2010, *Encyclopaedia Britannica Online* <http://www.britannica.com/EBchecked/topic/299439/Al-Jahra> – Accessed 8 October 2010 – Attachment 12.

The *Kuwait Times*, in an article published in July 2009, referred to Jahra (sic) as Kuwait's second city, and put the district population at 420,000. Jahra was described as "a place of unique contrasts – urban and tribal":

The vast majority of Jahra's citizens are Bedouins who represent a variety of tribes like Al-Enizi, Al-Thefiry, Al-Khaldi and Al-Mutairi, making it one of the most colorful tribal societies in Kuwait. The influence of tribal traditions is apparent on the streets – women are always wearing the hijab or niqab, and the Bedouin's accent and even style of speaking is always present...¹⁹

It is reported by Refugees International that the majority of Kuwait's Bidoons "live in virtual exile, in squalid housing projects in Sulaibiya and Jahra, in Ahmadi and the rundown neighborhood of Jilib ash-Shuyukh".²⁰

3. Please provide information on particular customs of Bidoons that are widely practised.

No information was found to indicate that there are customs which are particular to Bidoons. Sources indicate that Bidoons in Kuwait are indistinguishable from Kuwaiti citizens and share a common culture, language and religion;²¹ moreover, it is not unusual for a single family to have some members who are citizens and others who are Bidoons.²²

Refugees International has observed that the *hadhari*, Kuwait's longer-established city-dwellers, "are distrustful of the country's citizens with tribal backgrounds, who tend to be more conservative in their outlook", indicating points of cultural difference between the *hadhari* and those of "tribal backgrounds".²³ However, while many Bidoons have Bedouin origins, tribal background is not a defining feature of Bidoons.²⁴

4. Are certificates such as birth/marriage/death, etc. issued in Kuwait to Bidoons?

Refugees International reported in 2007 that Bidoons in Kuwait are "denied" documents such as birth, death and marriage certificates²⁵ and are "not allowed to register officially the birth of a child, a marriage, or a death... Couples must either bring lawsuits to prove in court that

¹⁹ Saeid, A. 2009, 'Kuwait's second city: Inside Jahra', *Kuwait Times*, 10 July http://www.kuwaittimes.net/read_news.php?newsid=Nz11ODY0NjY2 – Accessed 8 October 2010 – Attachment 13.

²⁰ Refugees International 2007, 'Kuwait: State of Exclusion', UNHCR Refworld website, 25 July <http://www.unhcr.org/refworld/pdfid/47a6ee9bd.pdf> – Accessed 8 October 2010 – Attachment 14.

²¹ Refugees International 2007, 'About Being Without: Stories of Stateless in Kuwait', UNHCR Refworld website, p.8, October <http://www.unhcr.org/refworld/pdfid/47a6eb910.pdf> – Accessed 8 October 2010 – Attachment 3.

²² Human Rights Watch 2000, *Discrimination based on origin and status: The Bidun*, October – Attachment 6.

²³ Refugees International 2007, 'About Being Without: Stories of Stateless in Kuwait', UNHCR Refworld website, October, pp.12-13 <http://www.unhcr.org/refworld/pdfid/47a6eb910.pdf> – Accessed 8 October 2010 – Attachment 3.

²⁴ Refugees International 2007, 'About Being Without: Stories of Stateless in Kuwait', UNHCR Refworld website, October, p.1 <http://www.unhcr.org/refworld/pdfid/47a6eb910.pdf> – Accessed 8 October 2010 – Attachment 3.

²⁵ Refugees International 2007, 'Kuwait Voices: Detained Stateless People', 24 September – Attachment 15.

they are indeed married, or otherwise arrange to have their marriages registered in another Arabian Gulf country”.²⁶

Human Rights Watch recently stated that Bidoons “frequently cannot obtain essential state-issued documents, such as marriage licenses and birth and death certificates”.²⁷ Similarly, the US Department of State has observed that the Kuwaiti government “made it difficult for Bidoon to obtain official documents” such as birth certificates, civil identification cards and marriage certificates, noting that:

On March 25 [2009], the Court of First Instance decided to issue a marriage certificate to a Bidoon woman married to a Kuwaiti citizen. Based on this precedent, on April 5 and again on May 26, the same court affirmed a Bidoon man’s right to receive a marriage certificate and birth certificates for his children. Neither the justice nor health ministries had complied with these court orders by year’s end.²⁸

The Australian Department of Foreign Affairs and Trade (DFAT) provided advice in May 2009 on the entitlement of Bidoons in Kuwait to receive a green civil identification card known as an “unlawful residence card” from the Executive Committee for the Affairs of Illegal Residents. DFAT advised that, upon receiving this card, a Bidoon is entitled to attain an “article 17” passport at the discretion of the Ministry of Interior and the right to apply for a temporary drivers licence valid for two years. It was DFAT’s understanding that, upon receiving an “unlawful residence card”, a Bidoon gives up any right to Kuwaiti nationality.

DFAT also advised that a “certificate of live birth” is used to document Bidoon children, but that the issuance of such a certificate depends on whether or not the child is born to documented Bidoons, that is those with the green residence card.²⁹

Discussions in the National Assembly of a draft law that would grant Bidoons the right to official birth and marriage certificates, amongst other civil rights, resumed in 2010; however, such changes have been under discussion for many years without being adopted into law.³⁰

5. Do Bidoons in Kuwait have to register their residence (e.g. like household registration)?

No specific references were found to household registration, but sources indicate there are restrictions on both home ownership and tenancy by Bidoons.

Recent information in the *Foreign Policy Digest* indicates that Bidoons “can not own property in their own names”.³¹

²⁶ Refugees International 2007, ‘About Being Without: Stories of Stateless in Kuwait’, UNHCR Refworld website, October, p.1 <http://www.unhcr.org/refworld/pdfid/47a6eb910.pdf> – Accessed 8 October 2010 – Attachment 3.

²⁷ Human Rights Watch 2010, ‘Kuwait: Deliver Promised Rights Reform’, UNHCR Refworld website, 12 May <http://www.unhcr.org/refworld/docid/4bf0ee25c.html> – Accessed October 2010 – Attachment 16.

²⁸ US Department of State 2010, *2009 Country Reports on Human Rights Practices – Kuwait*, March, Section 2d – Attachment 7.

²⁹ DIAC Country Information Service 2009, *Country Information Report No. 09/47 – CIS Request No. KWT 9711; Entitlements of Article 17 Passports for Bidoons (sourced from DFAT advice of 22 May 2009)*, 22 May – Attachment 17.

³⁰ Human Rights Watch 2010, *Kuwait: Abuses against marginalized groups*, 24 January – Attachment 18.

³¹ Refugees International 2010, ‘Kuwait: Still Stalling on Statelessness’, 12 May – Attachment 19.

Refugees International has similarly reported that Bidoons are not permitted to own property,³² and that public homes built in the 1980s in Jahra as public housing for government employees “must be registered in the name of a citizen” unless one of the occupants is a government employee. Amongst its case studies, is that of a man who “[I]ike all bidun...can not own a home, nor rent an apartment in his own name.”³³

Human Rights Watch, again more equivocally, has reported that Bidoons “frequently cannot obtain essential state-issued documents... making it difficult or impossible for them to own property”.³⁴

Attachments

1. Human Rights Watch 1995, *The Bedoons of Kuwait: “Citizens without Citizenship”*, August. (CISNET Library)
2. US Department of State 2009, *International Religious Freedom Report for 2009 – Kuwait*, October.
3. Refugees International 2007, ‘About Being Without: Stories of Stateless in Kuwait’, UNHCR Refworld website, October
<http://www.unhcr.org/refworld/pdfid/47a6eb910.pdf> – Accessed 8 October 2010.
4. US Department of State 2006, *International Religious Freedom Report for 2006 – Kuwait*, September.
5. Sorel, M.A. 2010, ‘Statelessness in Kuwait: Kuwait’s Bidoon’, *Foreign Policy Digest*, June. (CISNET Kuwait CX245480)
6. Human Rights Watch 2000, *Discrimination based on origin and status: The Bidun*, October. (CISNET Kuwait CX154391)
7. US Department of State 2010, *2009 Country Reports on Human Rights Practices – Kuwait*, March.
8. US Committee for Refugees and Immigrants 2009, *World Refugee Survey – Kuwait*.
9. UK Home Office 2009, *Operational Guidance Note – Kuwait*, March.

³² Refugees International 2007, ‘About Being Without: Stories of Stateless in Kuwait’, UNHCR Refworld website, October, p.15 <http://www.unhcr.org/refworld/pdfid/47a6eb910.pdf> – Accessed 8 October 2010 – Attachment 3.

³³ Refugees International 2007, ‘About Being Without: Stories of Stateless in Kuwait’, UNHCR Refworld website, October, p.11 <http://www.unhcr.org/refworld/pdfid/47a6eb910.pdf> – Accessed 8 October 2010 – Attachment 3.

³⁴ Human Rights Watch 2010, ‘Kuwait: Deliver Promised Rights Reform’, UNHCR Refworld website, 12 May <http://www.unhcr.org/refworld/docid/4bf0ee252c.html> – Accessed October 2010 – Attachment 16.

10. Refugees International 2008, 'Kuwait: Honor Nationality Rights of the Bidun', UNHCR Refworld website, 17 September <http://www.unhcr.org/refworld/pdfid/48d223c72.pdf> – Accessed 8 October 2010.
11. Partrick, N. 2009, 'Nationalism in the Gulf States', October, pp.21-23. (CISNET Library)
12. 'Al-Jahra' 2010, *Encyclopaedia Britannica Online* <http://www.britannica.com/EBchecked/topic/299439/Al-Jahra> – Accessed 8 October 2010.
13. Saeid, A. 2009, 'Kuwait's second city: Inside Jahra', *Kuwait Times*, 10 July http://www.kuwaittimes.net/read_news.php?newsid=NzI1ODY0NjY2 – Accessed 8 October 2010.
14. Refugees International 2007, 'Kuwait: State of Exclusion', UNHCR Refworld website, 25 July <http://www.unhcr.org/refworld/pdfid/47a6ee9bd.pdf> – Accessed 8 October 2010.
15. Refugees International 2007, 'Kuwait Voices: Detained Stateless People', 24 September. (CISNET Kuwait CX244219)
16. Human Rights Watch 2010, 'Kuwait: Deliver Promised Rights Reform', UNHCR Refworld website, 12 May <http://www.unhcr.org/refworld/docid/4bf0ee252c.html> – Accessed October 2010.
17. DIAC Country Information Service 2009, *Country Information Report No. 09/47 – CIS Request No. KWT 9711; Entitlements of Article 17 Passports for Bidoons (sourced from DFAT advice of 22 May 2009)*, 22 May. (CISNET Kuwait CX226682)
18. Human Rights Watch 2010, *Kuwait: Abuses against marginalized groups*, 24 January. (CISNET Kuwait CX239093)
19. Refugees International 2010, 'Kuwait: Still Stalling on Statelessness', 12 May. (CISNET Kuwait CX243529)