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‘Piercing The Veil’ of Human Rights Discourse on Statelessness

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Abstract:

Sociological inquiry treats the field of human rights as a lived reality in which people live and act rather than a field of political discourse. The subjects towards whom human rights organisations direct their efforts are vulnerable and hard to reach. This makes access and representation difficult for all the humanitarian organisations that try to help them. However, these organisations share some responsibility for the discourse they create to attract attention to humanitarian issues. Some claims made about the social nature of the stateless population have not always been beneficent for them, but have been used to promote a broader argument for citizen women’s rights. The intense level of feminist rhetoric used in the human rights field is a fertile area of research. By way of example, I employ Jasinski’s (2001) notion of the close reading method to ‘pierce the veil that covers the text,’ to make a close reading of a humanitarian field report on statelessness in Kuwait. Deconstructing the rhetoric in the report, I ask whether Discrimination Against Women really does ‘Create Statelessness’? The nature of such discourse on the statelessness could just as easily render the community victims of politics, as victims of their problematic legal status. Closer attention to methodology and context might do more justice for the stateless.

Keywords: *Stateless, citizen, Kuwait, advocacy, reform, human rights*

1. Introduction

Does the humanitarian community share the interests of those they claim to represent? Humanitarian non-government organisations (NGOs), by virtue of their domination of the human rights field and the nature of the interpretations they make, create their own normative frameworks that influence how human rights issues are defined and the kinds of solutions posed (Jasinski, 2001). This inevitably impacts the subjects of humanitarian reports and the recipients of humanitarian aid, as the nature and distribution of aid is shaped by ‘rights speak’ of advocates as they position themselves as upholders of rights, moral guardians competing with what was once the domain of nation-state duties (Alston, 2005, Hilhorst and Jansen, 2012). The claim to uphold rights gives humanitarian NGOs a powerful institutional role in the sites where they act, over which they claim textual authority issuing notice of violations, sites at which they sometimes abuse their power (Hilhorst and Jansen, 2012). O’Byrne(2012) goes so far as to say that the language of human rights has become an institutionalised entity in its own right. But he (O’Byrne, 2012, p.832) reminds us that this institutionalisation entails not only abstract negotiations over power and meaning, but also the day-to-day social actions of people who operate within the human rights framework, be they perpetrators, victims, bystanders or activists. While most of the attention is centred on human rights abuses and perpetrators of abuse, disruptive discourses compete for influence and funding to mobilise the issues internationally become increasingly powerful (O’Byrne, 2012). The universalization of human rights claims and the tendency toward essentialism of some human right discourse is somewhat at odds with sociology, which takes a relativist approach, examining the specific forms of life in particular societies, with a particular fascination for ordinary life (Hynes et al., 2010, p.811 and for the sociology of ordinary life amidst everyday human rights crises in the Middle East, see Bayat, 2013). As issues enter the public space and rights-based discourse has become increasingly rhetorical, narratives may become separated from the people, societies and cultures about which they are told.

Disapproval of human rights *violations* is legitimised in text by presentation of *testimony* (Hesford and Kozol, 2005) as if evidence was put before a court of law. Yet devoid of context and short on time, some methods deployed in the field resist transparency, with texts sometimes failing to identify clearly who is being spoken about, or who is speaking – an advocate, a person who experienced human rights violations, or a member of the community on behalf of others. By this, I refers not to the naming of names, but to the identification of individuals and their membership groups - classes and types of people where categorisation is relevant, if not essential, for clarifying if the people providing testimony are referring to themselves or to others and if evidence provided is direct or reported through a third party. This article is concerned with one such field report as an example. The report is Refugees International, *Kuwait: Discrimination Against Women Creates Statelessness* (Refugees International, 17 October, 2011) by report writers Marc Hansen and Melanie Teff. From here I refer to the report according to the publishing organisation, as I do not wish to appear to be overtly focusing on the authors in a personal way, but rather on the methodology employed, which is not unique to them but a normative approach. While the report was written some time ago in 2011, it should be noted that since the Arab Spring period there has been a substantial reduction in profile of the statelessness problem in Kuwait, which has meant that there have been few international humanitarian reports published on the issue since,

with attention shifting to the stripping of citizenship of high profile citizens, women's issues, gay and lesbian community issues in Kuwait (for example, see *Pink News*, 14 October, 2013) and regional issues.

Adopting a sociological perspective, in Part I, I review some of the difficulties humanitarian NGOs have had framing their subject when referring to statelessness people in Kuwait. This includes the challenge of representation and invisibility faced by stateless activists in trying to advance their own cause. I discuss some of the methodological techniques employed by the NGOs that inevitably effect how discourse is utilised to represent the stateless in Kuwait, chiefly a lack of transparency and attention to detail in identifying who is being spoken about, and who is speaking (there is characteristically little provision of socio-economic and cultural information). In Part II I analyse the human rights discourse adopted in the field report (Refugees International, 17 October, 2011). I use a close reading method (Lukic and Espinosa, 2011) to 'pierce the veil that covers the text' (Jasinski, 2001, p.92) focusing particular sections of the report to show how easily testimony from the field is reduced to a *he heard, she heard* dialogue that is unsupported by explicit testimony. In Parts III and IV I discuss claims of wrongs by men against women as the authors advance the rights of more privileged citizen women (and not stateless women), worthy of law reform. A field report that appeared to be concerned with ending statelessness is transformed into reportage on domestic violence wrought by the exploitative and abusive Arab man (citizen and stateless) against stateless women.

I conclude that the nature of this discourse impacts the way in which stateless men and women are represented, introducing a new homelessness for the stateless: no nation, no partner, no children. This representation holds serious implications that feed into the notion of the stateless as *invisible* (Hesford and Shuman, 2011). The UN Declaration of Human Rights (UN General Assembly, 1985) sets out the right of all individuals, citizens and nationals or stateless people, to found a family. In supporting the human rights of a population, questions arise on the use of rhetoric on the cessation of family life, particularly unfounded claims used to generalise about men as abusive and exploitative. The gendering of discourse in the report subjugates the cause of stateless men and women to a liberating feminist discourse that exhibits bias toward the subject and their community, as I will set out below. Taking up the sociological concern with human rights as a lived reality (O'Byrne, 2012) among powerful human rights organisations and governments, battling it out over their authoritative claims about what to do with the stateless population (see for example, Human Rights Watch, 13 June 2011 and the Kuwait Government's response to their report), I suggest that human rights rhetoric on the stateless in Kuwait could render the community powerless as much as their problematic legal status.

2. Framing the Subject of Statelessness in Advocacy and Research

The stateless community that I refer to includes three groups. The first, those deemed stateless in the *Nationality Law (1959)* (Refworld, n.d.) and their descendants. The law divided the population of Kuwait into first-degree citizens, second-degree citizens (with nationality but no voting rights) and those without the *Bidoun Jinsiya* (see *Classes of Citizenship in Human Rights Watch*, 1995). There are also those immigrants specifically employed in the national security forces, who were offered permanent residence and citizenship by the government during the 1960s. Finally, there are also families comprising stateless men and Kuwaiti citizen women, with stateless children. This grouping of stateless people distinguishes those who are perceived as Kuwaiti stateless compared to other Arab refugees or illegal migrants who arrived more recently (see the seminal work on exclusion in Kuwait, Longva, 1997). However, such categorical definitions are abstract and may play out differently on the ground amidst social integration, intermarriage, select annual citizenships granted by Ministry of the Interior and the blacklisting of individuals to prevent them from receiving citizenship (Beaugrand, 2011a, b).

The *UNCHR Kuwait Fact Sheet (2010)* showed a breakdown of around only one quarter of Kuwait's refugee and asylum seeker 'population of concern' was considered stateless. The authors noted that this was according to their best assessment because no *empirical* figures exist (actual figures). It is difficult to get a sense of a stateless community in any part of the world when it is not considered worthy of counting in a census and its people live on the margins of mainstream society as a result. National authorities where stateless people reside do not know how many stateless people live inside their national boundaries (*Stateless People Figures*, UNHCR (n.d.)). This means that stateless communities throughout the world remain largely unaccounted for. Their populations are left out of national census statistics, or combined with other non-nationals (expatriates) without further sub-categorisation, so they cannot be counted as a group in their own right. This occurs in the Kuwaiti statistics too, for example, the *National Report on the Development of Education 2004-2008 in the State of Kuwait* (UNESCO, 26 June, 2008). Stateless Kuwaitis fit the UNHCR definition of protracted statelessness where large numbers of people were excluded from citizenship at the time of independence from Britain (*Protracted Stateless Situations*, UNHCR, n.d.). The group has been joined by others from the Arab region, whose origins are uncertain and contested. Hence, the problem of framing the stateless in Kuwait has long been a slippery one. This only increases the need for NGOs to clearly define whom it is they represent when they present testimony from the field.

The major players in the Western NGO scene in Kuwait are Washington-based Refugees International and New York-based Human Rights Watch. They have been monitoring statelessness in Kuwait and providing advocacy for the group for many years, having attempted to bring the problem to the world's attention when just a handful of academics have shown interest in the problem (Longva, 1997, 2000, al Najjar, 2001, Shiblak, 2009, Oskay, 2010, Beaugrand, 2007, 2011a, 2011b, Kennedy 2013, 2014). Reference to the stateless people of Kuwait should not go without mentioning the work of researchers who have focused on Palestinians in Kuwait and their expulsion (Lesch, 1991 and Haddad, 2010). While statelessness in Kuwait attracted a great deal of attention from the international NGOs around 2011, the content of reports varies widely according to the mandate of organisations and the interests of report writers.

Stateless people, a vulnerable group, are a hard to reach (difficult to access and sample) population (according to the conceptualisation of Atkinson and Flint, 2001, Torangeau et al., 2014) by virtue of their marginalisation. As I will explore further below, the Western human rights organisations that have produced most of the literature devoted to statelessness in Kuwait

(Human Rights Watch, 1995) and have taken a somewhat reductionist approach to explaining the research methods they have used to obtain data from the stateless community, other than inform readers they conducted interviews and were guided by activists. Because of the extremely low status of the community and practices of exclusion by the government of Kuwait (Human Rights Watch, 1995) there has been very little systematic, in-depth investigation of the stateless community itself, even in the aftermath of waves of mass expulsions from society (in 1986 and again after the Iraq invasion) and NGOs and academics have had to rely on just a few contacts per report for data and a great deal of helpful but third-party commentary from the upper echelons of citizen society: local NGOs, consultants, parliamentarians, professors, citizen activists, tribal leaders and other very important people. The larger reports (Human Rights Watch, 2011, Refugees International, 2011) have been dominated by discourse on international law and principles and the failings of government, with fairly blanket claims of persecution illustrated by one or two cases (Human Rights Watch, 1995 is an exception).

Stateless people in Kuwait face many obstacles, not least an inability to represent themselves legitimately as a coherent, organised body politic. This contributes to the difficulty for advocates and researchers trying to frame their reports. The stateless community has not yet managed to create one organisation that could represent them adequately enough to make political progress, a group that could put forward a broad claim to rights or participation in society that addresses the variety of people comprising the group. This may be due to a combination of factors; perhaps their diversity of backgrounds and significant overlap in shared origins and family connections with citizen families in Kuwait and the tribes in the Gulf region. Their leader, Abdulhakim al Fadhli, has become a target of authorities and is incarcerated regularly, more recently for being present at a gathering of citizens rather than for seeking attention to the cause of his people (Amnesty International, 1 April 2014). Perhaps most significantly, there is that law prohibits the stateless from public assembly and founding their own organisations (Group 29, August 2012). This means that stateless people are unable to negotiate directly and openly with government in organised civil society groups in solidarity, for they may be targeted by authorities and incarcerated anytime they gather in numbers.

International exposure for the stateless community in Kuwait has been achieved by the BedoonRights.org blog, founded by Mona Kareem and Group 29 Kuwait, a civil rights group. Other groups include the Kuwait Society for Human Rights (www.facebook.com/pages/Kuwaiti-Society-for-Human-Rights/) the Kuwaiti Bedoons Movement (<http://www.kuwbedmov.org/>) and the Kuwaiti Bidoon Human Rights Organisation (www.law.emory.edu/ihr/kuwa.html) (this latter group is listed with Child Rights International Network and listed on NGO pages, but they do not appear to have their own webpage). The stateless community has relied on separate clusters of support from members of government, activists, academics and members of the citizen population (Beaugrand, 2011a). An umbrella organisation of some interest groups was formed in early 2013 following Group 29's first conference on statelessness in Kuwait, *The National Committee for the Resolution of Statelessness in Kuwait*, Group 29 Kuwait (n.d.). The forming of conveniently funnelled citizen activist energy generated during the Arab Spring period into one organisation, but the effectiveness of this united approach about stateless community remains to be seen. Although the organisation has submitted a report for upcoming United Nations periodic Review of Kuwait for 2015, the group is conspicuously absent from public life in Kuwait and is virtually unknown among the stateless community. During my fieldwork in Kuwait in February to April 2014, not one of the stateless advocates I met were aware of what the group was doing for them, and the organisation did not have an on-going presence in the community (the author has since verified that this remains the case at the time of writing this article).

Only time will tell if the organisation can make positive ground for the stateless, or if the forming of this collective of working parties of NGOs actually has nothing or very little to do with the community. On my recent visit to Kuwait (abovementioned), members of the affiliated groups (Group 29 and the Society for Human Rights) were unable to provide any substantive evidence that progress was being made as a collective of activists, but rather, the joining of the groups had appeared to have dampened progress rather than facilitated it. Group 29 had suspended their activities as a separate entity (interviews with Group 29 activists, Salimiya and Kaifan, Kuwait, 3 March 2014 and 20 March 2014) after a flurry of glossy publications and website development pushed the organisation into the media spotlight in 2012-2013. By February 2014, most of the researchers who wrote Group 29's report on the violations of children's rights (Group 29, August 2012) were no longer with the organisation. Group 29 had for all intents and purposes (as explained by those remaining in Group 29) dropped the unpopular stateless cause and branched off into their television show, focusing on more palatable issues such as women's participation in society in conjunction with the opening of the UNHCR office in Kuwait.

The humanitarian NGOs supporting the stateless in Kuwait, including both local and international, had made considerable and important contributions, particularly during the Arab Spring period 2011-2012 when anti-government sentiment brought stateless and citizen Kuwaitis together. But international attention to statelessness in Kuwait has reached something of a stalemate. This is understandable when one considers that citizenship and nationality is arbitrary in Kuwait (see laws stated in Human Rights Watch, 2011). Activists in receipt of security offences will never receive citizenship, and their situation casts a shadow over their community as it tries to remain hopeful that citizenship will be granted to them some day. The threat of arbitrary deprivation of nationality provides untold leverage for the government over ordinary citizens and the activist community (*BBC News Middle East*, 25 July, 2014, *Kuwait Times*, 22, October, 2014) that comprises stateless people with many citizen family members. Notwithstanding the efforts of individuals who continually risk their lives in quite, daily acts of resistance and defence of their dignity, public protest and during incarceration for civil disturbance, Mona Kareem's Bedoon.Rights.org stands out as the only sustained and effective effort on statelessness to date, but in 2014 the blog has been substantially quieter than in previous years.

The local situation on statelessness in Kuwait brings into focus the need for international humanitarian NGOs to continue to provide a voice for the local community as it continues to attempt to establish its own. In order to try to support victims of human rights violations and communities still developing, humanitarian organisations like Human Rights Watch use 'advocacy methodology' (Human Rights Watch, *Our Research Methodology*, n.d.). Advocacy methodology is common in the field of

refugee studies, but there are others that are also popular among activists and researchers (MacKenzie et al., 2007). At the time of writing, as far as I could ascertain, Refugees International did not publish a standard methodological approach. The organisation seems to determine the approach according to individual staff or project needs. It is possible that staff independently determine their methods depending on the conditions that they confront in the field and their professional backgrounds. I concede that some flexibility within standard ethical parameters is quite reasonable in high-risk settings. However, this also means that the human rights discourse produced by Refugees International lacks some clarity on which methodology is used in the field, nor whether advocates who conduct investigations and write field reports function as supporters, researchers or campaign promoters. Nor is it clear whether they regard interviewees as research participants, victims, patients or clients. Despite this criticism, the Human Rights Watch (1995) report written by Aziz Abu Hamad remains the most rigorously researched humanitarian report on statelessness in Kuwait produced to date.

Indeed, the bulk of research on statelessness in Kuwait been carried out by Human Rights Watch and Refugees International. The organisations are dominant voices in human rights around the world, with countless advocates, governments, court systems, news agencies and researchers (including myself) relying on their information (see Kennedy, 2014, for an explanation of how these reports on Kuwait are deconstructed for use by migration courts hearing the asylum claims). Because these methodological approaches are somewhat problematic (advocacy methodology lacks rigour, the Refugees International methodology is for the most part undisclosed) the impact of the methodology on findings and interpretations as it influences human rights discourse should be taken into account (see McKenzie, et al., 2007). The lack of detail about research participants in the human rights discourse creates confusion about who is actually being referred to in a domain where the subject is often described as 'invisible' due to their lack of agency and legal identity (Hesford and Shuman, 2011). I do not suggest for a moment that methodologies should be improved because researching marginalised populations is straightforward or easy. But in witnessing marginalised people develop their political presence, I believe that the implications of labelling some 12 million people population 'hidden,' 'ghosts,' and 'invisible' warrant consideration (for example: *Reuters*, 18 September 2014, *Trust.org*, 14 October 2014, *The Guardian*, 16 September, 2014, *The Times of Malta*, 17 October 2014, *Newsweek*, 18 September 2014). Such terminology can be used carefully and with qualification. In Hesford and Shuman's (2011) important critique of Greg Constantine's photographic work on the stateless of Kuwait, they asked, 'for whom' and 'to whom' (Hesford and Shuman, 2011, p.317) are they invisible? I contend that close reading can be used as a tool to reveal *how* the stateless lack visibility as the subject of human rights rhetoric.

Regarding methodology, I refer to the basic verification of participants for describing simple categories and variables of identity and not the need for anonymity in the write-up of findings. Researchers can maintain anonymity while being clear about the general demographics of research participants and the legal status of the people whom they are quoting or speaking on behalf of. When it comes to interactions with real (*visible*) stateless people in their field, specificity suddenly disappears. There is no in-depth literature to date that specifies and compares the differences between the daily lives of stateless people eligible for citizenship and those not eligible for citizenship, nor that deal in detail with the circumstances that led persons to be deemed ineligible for citizenship. This limits our understanding of the lived reality of a population designated a multitude of different categories and classes by the Nationality Law (1959) (Refworld, n.d.) and by the classes of Illegal Residents Status by the Ministry of the Interior (UNHCR Daily, 18 June, 2012).

While Human Rights Watch (*Our Methodology*, n.d.) attempts to ensure all participants are verified as policy, their 64 page report *Prisoners of the Past: Kuwait Bidun and the Burden of Statelessness* stated in the Methodology section:

Human Rights Watch did not seek to evaluate the validity of individual interviewees' claims to citizenship.

(Human Rights Watch, 2011, p.9, paragraph 3)

Here, the humanitarian institution has become so powerful it upholds, even demands (in letters to government, such as on page 58 of the report) the rights of a population that it produces discourse for and about, quotes from frequently, but cannot account for having verified. As I will show below, a similar problem is encountered reading Refugees International reports. The term 'field report' might normally indicate stateless people are being spoken to in the field. But unable to account for the origins of their data, the stateless are veiled behind rhetoric. They are subjects who lack authoritative voice over the arguments being advanced on their behalf. Perhaps this is their choice, and it makes fertile ground for further in-depth research by academics. Returning to Hesford and Shuman's (2011) question, 'to whom' and 'for whom' are the stateless invisible? Unable to verify if the interviewees they spoke to, it appears that it is perhaps it is the method that renders the subject invisible.

It is worth exploring the use 'advocacy methodology' because the background of the method can inform us about the relationship between populations who are the subjects of human rights discourse and the kind of authoritative stance that is adopted by NGOs. Advocacy methodology is an extension of trauma methodology (Dass Brailsford, 2007 and Schweitzer and Steele, 2008). Trauma theory was adopted by the medical and health disciplines when researchers advocated for victims of war, imprisonment, torture, domestic violence and rape (Dass Brailsford, 2007). Schweitzer and Steel (2008) describe how trauma methodology frames research participants as diseased patients, suffering trauma-induced psychiatric illnesses. Such illnesses have the capacity to reduce an individual's participation and empowerment in society. According to this theory, trauma is regarded an event that can be treated by crisis intervention (Dass Brailsford, 2007). It was this kind of crisis intervention for which humanitarian aid was originally intended (Hilhorst and Jansen, 2012). Certainly the 'intervention' approach is reflected in the language of human rights discourse, which often seeks to clearly distinguish boundaries between the victims of human rights abuses and their perpetrators.

This approach can be compared to the broader social, political, economic and transnational perspectives on structural marginalisation that have helped to expand the normative framework for human rights to development aid (Hilhorst and Jansen, 2012). Mackenzie, et al. (2007) found that a weakness of advocacy methodology is that it adopts a stance that research participants always require crisis-intervention advocacy as if the population represented is sick, broken or damaged. They believed that the value system of the organisations were integral to the adoption of such an approach. Thus, the subject of reports

utilising the advocacy method to describe human rights abuses is likely to conceptualise research participants as 'victims,' weak, wounded, maligned or incomplete. Although feminist theoretical and methodological approaches may have made sense applied to Western society, Franks (2002) observed that when applied to Muslim community settings, some methods may automatically interpret women as victimised and oppressed, even though the researched population may not consider themselves the same way. She pointed out that feminist researchers have been vulnerable to projecting their notions of the objectification of women onto research participants (Franks, 2002).

It is my contention that these observations by Mackenzie et al. (2007) and Franks (2002) stand true for the Refugees International (17 October, 2011) report, *Kuwait: Discrimination Against Women Creates Statelessness* with application of the close reading method. Since the title of the report defied common sense, it was of interest to me to analyse the text to take a deeper look at what the authors were trying to say. Jasinski (2001, p.92) described close reading as a method that illuminates rhetorical devices employed in texts in order to 'pierce the veil that covers the text so as it see how it works.' I wanted to target particular sections of the text and pack them to reveal how rhetorical text was used to detract readers from the poor evidence for claims made by the authors. In particular, I was interested in how advocates employed wordplay and implied statements rather than data from the field to interpret statelessness. Interviews were the data collection method. Participants included members of the stateless community, Kuwaiti women married to stateless men, Kuwaiti government officials, UN agencies, local and international NGOs, and academics (Refugees International, 17 October, 2011). In this close reading, I was influenced by the theoretical approaches of humanistic sociology championed by Znaniecki (1952), who approached the study of culture from the standpoint of its participants and emphasised close alignment of theory to the data from which it is drawn. Second, I was influenced by the ideas of feminist scholars such as Stanley (1990), Franks (2002) and Lukic and Espinosa (2011) who challenge privileged feminist discourses and third, Abu-Lughod (2002, 2013) and Salime (2011) who challenge the objectification of Muslim women and their societies in feminist discourse.

3. Does Discrimination against Women Really Cause Statelessness?

The report stated,

Under Kuwaiti law... the child born to a Kuwaiti woman and her stateless bidoun spouse is considered stateless... Leaving aside the fact that many Kuwaiti women in this situation do not wish to divorce their husbands and break up their families, RI was told of many women who have divorced their husbands in these circumstances and waited unsuccessfully for decades for their children to be granted Kuwaiti citizenship, since citizenship determinations in these cases remain discretionary.

Amending Kuwaiti nationality law so that both women and men may confer nationality on an equal basis is necessary to ensure that no child is born stateless in Kuwait.

(Refugees International, October 17, 2011, 2)

Article 5 of the *Nationality Law of Kuwait, 1959* (Refworld, n.d.) sets out the provision of citizenship at the discretion of the Minister for the Interior (Human Rights Watch, 2000). It includes special provision for the stateless children to citizen mothers and stateless fathers to become eligible for (not necessarily to receive) temporary citizenship until they reach their majority age, if their parents' divorce or their mother becomes widowed. Among human rights reports various accounts of Kuwaiti women and their stateless husbands and children can be found (Human Rights Watch, 1995, 1 October 2000, 13 June 2011, Refugees International, 13 May 2011, 17 October 2011, Group 29, August 2012). While this particular group of women suffer discrimination, it can also be argued that families of Kuwaiti citizen women are among the most privileged of stateless families by virtue of their citizenship. The Human Rights Watch report *Promises Betrayed: Denial of Rights of Bidun, Women and Freedom of Expression* (1 October, 2011) found that while discrimination against women occurred in Kuwait, the authors conceded that the stateless population was subject to discrimination on the grounds of their origin and non-citizen status (their statelessness) and not due the non-conferrable citizen status of some of the community's wives. According to Beaugrand (2011a, 2011b) blended (stateless/citizen) families often live among the citizen community and some are well supported by their extended family members with financial help and *wasta* (social influence) that helps them to deal with government agencies and obtaining employment.

The principle of article 5 of the Nationality Law of Kuwait (Refworld, n.d.) while privileging men as the transmitters of nationality is no not so different to the nationality laws of many other nations (Parolin, 2009). Ironically, in marrying a non-Kuwaiti, the law of Kuwait does not discriminate between husbands of non-Kuwaiti nationalities and husbands who are stateless. While exercising their right to found a family, the couple is aware that whole family will become stateless while living under the jurisdiction of a legal system that does not permit women confers nationality. Where the woman is widowed or divorced, the state takes on the paternal care of the children by providing for them financially until they are adults and can earn their own living (Refworld, n.d., paragraph 5). The standard passing of nationality along paternal lines and not material lines is not unique to Kuwait. In fact it is a fairly frequently seen, normal status of nationality laws in both Muslim and non-Muslim countries throughout the world (Parolin, 2009). Therefore, while finding that this law in particular is discriminatory towards women, the authors could have contextualised the finding that is not uncommon and not particular to Kuwait, nor does reform on this issue help the majority of stateless populations.

The advocates chose to leave aside the cases of Kuwaiti women who do not divorce their husbands to obtain citizenship for their children (Refugees International, 17 October 2011, page 2). They focused instead on the discrimination they believed *caused* statelessness: discrimination experienced by citizen women, and not the direct discrimination of stateless people in Kuwait. The claim by Refugees International that changing the Nationality Law of Kuwait (1959) (Refworld, n.d.) to stop the cause of statelessness, discrimination against women, was remarkably flawed. To amend nationality law so that both women and men may pass on nationality on an equal basis would not 'ensure that no child is born stateless in Kuwait,' (Refugees International, 17 October 2011, p.1-2) because children of stateless mothers and fathers would still be born stateless. This flaw in the argument for

human rights sought a win for feminism over broader human rights that include men, women and children. The report suggested a solution that benefitted the existing female citizens of one of the richest countries in the world, while it failed to suggest any corresponding law reform for the poor and marginalised stateless men, women and children that organisation claimed to represent.

4. Feminist Theorisation: Writing off the Arab man and His Children

The report described all the right reasons for a stateless woman not to marry any man from Kuwait, citizen or stateless. Chiefly, the advocates failed to substantiate claims about Kuwaiti citizen men's violence despite gathering evidence directly from the field. Regarding the domestic violence at the hands of stateless men, only one observation was provided. The authors did not make it clear what background the woman came from (whether she was a citizen, stateless or other non-national). The report did not question the wisdom of Kuwaiti citizen women marrying a stateless man who cannot confer citizenship to his wife or children but instead, called for amendment of the nationality law to obtain equality for citizen women under the law. Yet the advocates turned the tables to question the wisdom of stateless women marrying citizen men:

Limited opportunities are available to the bidoun community in general, but bidoun [stateless] women confront even greater constraints. RI was told that the only perceived hope for many bidoun [stateless] women is to marry a Kuwaiti man to pass citizenship to their children and to potentially attain citizenship themselves.

(Refugees International, 17 October 2011, p.2)

It is more beneficial for stateless women to marry citizen men compared to stateless men because under the existing law, stateless women can receive nationality via their marriage to a Kuwaiti citizen, unlike stateless men who marry citizen women. Besides, the citizen man is quite likely to be substantially better off in terms of social standing and wealth. In order to dispute this common-sense proposition for stateless women, compelling reasons would need to be raised. Indeed, the advocates appeared find them: they claimed that stateless women 'confront even greater constraints' (Refugees International, 17 October 2011, p.2) than men in marrying citizens, despite the law favouring stateless women in this situation. The greater *constraint*, they said, was the 'risk of exploitation and abuse' (Refugees International, 17 October 2011, p.2) of these women relying on their husbands for Kuwaiti citizen legal rights. Yet no reservations were raised in the report about stateless men relying on Kuwaiti citizen legal rights, those of their wives. The perceived constraint was the opportunity in Kuwait, for a male citizen to pass on citizenship to his stateless spouse. This opportunity was the exact same aspect of the nationality law that the advocates argued should be given to citizen women: the ability to confer nationality. This aspect would allow citizen women to confer nationality to their stateless husband and their children, to stop the discrimination that creates statelessness in Kuwait.

The report described the 'risk' of stateless women relying on spousal legal rights to confer nationality,

... dependence on Kuwaiti men's legal rights inevitably puts some bidoun [stateless] women at risk of exploitation and abuse. RI heard accounts of Kuwaiti men who refused to pass citizenship to their bidoun [stateless] wives in order to prevent them from filing domestic abuse complaints.

(Refugees International, 17 October 2011, p.2)

The opportunity to gain nationality was described with the language of victimisation: exploitation and abuse awaited women who married a Kuwaiti citizen. Yet the field report provided minimal any evidence to substantiate the claim. Not one person was found who could provide direct 'testimony' of their experience of domestic violence at the hands of citizen spouses. But readers were assured that 'RI heard accounts of' it. An observation from a wife of a stateless man was provided anonymously, Kuwaiti women don't get abused at home like bidoun [stateless] women...

(Refugees International, 17 October 2011, p.3)

This comment was made in the context of stress experienced by stateless men who could not find employment. Despite the problems for stateless women described by the advocates, they did not call for further legislative amendments to address the problem of domestic violence. The risk resulting from 'dependence' on a spouse's legal rights was that these men could not be relied upon to confer nationality rights to their wives because they wanted to cover up their domestic violence. The authors were unable to offer a direct quote from a stateless woman to substantiate this important claim.

Refugees International supported the rights of Kuwaiti citizen women through their advice to the Kuwaiti government to change to law to give their spouse and children citizenship. The ability of a Kuwaiti man to confer nationality to a stateless spouse on the other hand, was described not as any kind of benefit, only as a 'risk of exploitation and abuse' regarding domestic violence which Kuwaiti men wanted to cover up, leading to their failure to confer citizenship to their wives. The only substantiation of Kuwaiti citizen's men's violence toward women in the report, was that 'RI heard' (Refugees International, 17 October, 2011, p.2). Kuwaiti men, readers were advised, 'refuse to pass on citizenship' (Refugees International, 17 October, 2011, p.2) to their families to prevent stateless wives complaining about domestic violence, but the claim was unsubstantiated. The advocates left readers in suspense as to who they actually heard accounts from. The need to provide anonymity for those providing testimony could have been explained by the advocates and other information, such as description of their nationality status and their affiliation (perhaps it was other NGO staff, citizen advocates?) could have been provided to help verify the authenticity of the claims. No such information was put forward. Crucially, there was no suggestion to amend Kuwaiti law on this front so that, for example, stateless women becoming spouses of Kuwaiti men could be automatically conferred citizenship when the marriage was registered. Such a law reform solution was not imagined.

Regarding the possibility there might be systemic domestic violence in Kuwaiti society, the authors requested funding for a UNHCR study on protection needs to set up a system to register complaints and to 'take up individual cases of stateless people in need of protection' from their spouses (Refugees International, 17 October 2011, page 1). I believe it is feasible to assume that the NGO staff were aware that it is not within the UNHCR's mandated fund individual investigations into domestic violence between married couples in private homes – the inclusion of the idea seems spurious. There was no suggestion of perhaps

increasing education or awareness about domestic violence in the home, or the mechanisms for casework that might manage the kind of violence that RI had heard about beyond the UNHCR registering and increasing their monitoring of the population. The notion that only stateless women and not citizen women could be subjected to domestic violence was not explained further in the report.

5. The End of Families for Everyone, or Just the Stateless?

After calling for the UNHCR to fund the registration and investigation of domestic violence complaints by stateless women, the report went one step further, stating:

RI met a number of bidoun [stateless] women who elected to never marry: they refused to make themselves more vulnerable to exploitation and did not want to have children through marriage to a bidoun [stateless] man since the children would also be stateless.

(Refugees International, 17 October 2011, p.2)

Could this proposition pose even greater constraints for stateless women considering marriage to stateless men (who would be exploited and have stateless children) compared to those constraints faced by stateless women considering marrying citizen men (who would be exploited but have citizen children) beside issues relating legal status? The statement is the most damaging of the report, since it implies that stateless women want to cease procreation as a solution to statelessness, but without any verification of the source, the numbers of women involved or explanation of the issues that might lead to this kind of decision. The advocates were careful to not provide any kind of judgement as to the effectiveness or the necessity of such a solution in terms of exploitation-avoidance or poverty alleviation. The wording changed from 'RI heard' to 'RI met' (Refugees International, 17 October 2011, p.2).

What does this statement of field report research actually mean? We could extrapolate the advocates wished readers to know the participants were real – they actually met them. Did the participants *say* they chose to never marry? If the information about the women that advocates met was obtained through interview with a third party speaking on behalf of some stateless women, what did the third party say and how was it verified? No information to verify the discovery of these women, who refused to make themselves more vulnerable, was offered. Surely if participants had verified these assertions, anonymous quotes could have been printed.

The advocates asserted the feminist line by making it perfectly feasible that stateless women should not want to marry the stateless (Arab) man because she would remain stateless and the children would be stateless, while arguing that neither should they want to marry a citizen (Arab) man either, as this would put the woman 'at risk of exploitation and abuse' rather than provide her with the opportunity to acquire citizenship. No man, in their interpretation, was going to share his citizenship rights with his wife. What choice is this? The approach denigrates the participants of the study, stateless men, women and families by discouraging them from exercising their basic rights to marry and procreate. Some interpreters might go so far as to suggest the advocates played on negative cultural or racist stereotypes to achieve their aims: suggesting stateless women cease marriage and procreation to achieve as a solution to statelessness, while citizen women are somehow empowered by their privileged status to avoid domestic violence and exploitation *and* should receive law reform to further advance their status in Kuwaiti society. Surely such claims could have been verified and elaborated upon with detailed explanation and contextualisation.

A similar though not identical conclusion about marriage and procreation was drawn in reference to Kuwaiti citizen women in previous, highly regarded feminist research on Kuwait, in *Gender, Citizenship and Nationalism in Kuwait* (Tétreault and H. al Mughni, 1995). The researchers elaborated on their theoretical assumptions that deconstruct family life:

Like the state, the family is patriarchal. The subjection of Kuwaiti women, though limited by law and constitution, is analogous to the subjection of Kuwaiti citizens, which is also limited by law and constitution. Women's subjection is connected to their role in sexual reproduction, one that is construed as problematic in a universe where the concept of penetration is analogous to images of threat. The control of women's bodies – who can penetrate them and the status of their issue – is an issue that transcends 'morality' or even 'social control.' Rather, it is a matter of national security.

(Tétreault and H. al Mughni, 1995, p.67)

They concluded,

Full rights for Kuwaiti women would enable them to avoid marriage altogether, secure in their own government-subsidised homes, supported by income from their guaranteed jobs and looking forward to independence in old age sustained by their generous pensions. The thought alone is revolutionary.

(Tétreault and H. al Mughni, 1995. p.75-76)

In this case, equal citizen rights for males and females would not be extended to allow Kuwait women to confer nationality to their stateless male spouses and children, but to revel in a singular, affluent, lifestyle free of abusive men and messy children, until the state collapsed. In these passages, family life has no value, or has negative value. Having read the subtitle at the top of the Refugees International (17 October, 2011) article and wondered about why the proposed legal reform 'solution' to statelessness seemed like just half of a solution since law reform was suggested for citizen women but not for stateless women, the key statement of the report takes on new meaning:

Amending Kuwaiti nationality law so that both women and men may confer nationality on an equal basis is necessary to ensure that no child is born stateless in Kuwait.

(Refugees International, 17 October 2011, p.2)

In outlining all the reasons why stateless women should stay away from both stateless and citizen men, the advocates had explained away the need for stateless women to give birth to stateless children. Somehow, in this final equation, the logic that statelessness is *created by* (citizen) women makes sense.

According to the schema, stateless women would forgo procreation (because stateless and citizen men abuse stateless women but not citizen women) and only citizen women would be stuck (miserable, no doubt) with their husbands and children. Their statelessness could be remedied by law reform. The report (Refugees International, 17 October 2011) presented a profound level of subjection for the poor and marginalised a new kind of homelessness for the stateless woman: without nation, husband or child. On close reading, the authors projected their perception of the Other (the threatening Arab man) onto their human rights discourse, in a similar feminist style as described by Franks (2002), disregarding the need for real data. In this case, not only are women objectified to satisfy the aims of disruptive discourse (Salime, 2011), but so too are the Arab men they seek to make their families with. The report did not suggest law reform options for stateless women as it did for Kuwaiti citizen women. It did not consider that stateless women who have no husband or children to support them socially, emotionally, spiritually or financially or to protect them in their old age might be made even more vulnerable than they already were, to exploitation or abuse. The report did not consider commenting as to the benefits that marriage could provide, stateless or not. Is love even to be denied stateless women?

This takes the feminist line to the *n*th degree, where abandoning any hope for founding a home and family, tantamount to extinguishing a living culture, is framed more positively than securing the emotional, social, economic and physical supports of family life. Some readers might interpret this fashioning of feminist human rights discourse a subversive conceptualisation of discrimination of stateless women, a challenge to women's right to motherhood and the values which enshrine the rights of all individuals to found families, be they citizens, nationals or stateless (UN General Assembly, 10 December, 1948). Coincidentally, Hesford and Shuman (2011) seemed to have pre-empted the association of statelessness with exploitation and abuse of women by their partners in their work from the same year as the field report, which critically appraised Greg Constantine's photographic essay on the stateless in Kuwait. Constantine's work did not involve the kind of analysis as seen in the field report but rather, it provided a basis for the ideas about invisibility (legal or otherwise) of the stateless community in Kuwait that have subsequently proliferated into the international discourse statelessness(as I pointed out above). They (Hesford and Shuman, 2011) cautioned about the representation of vulnerable participants in the human rights frame and the ways in which they have to assert themselves to be understood:

Human rights representations often risk the codification of cultures as deviant or primitive through the characterization of acts defined as human rights violations. Within the context of political asylum hearings, for example, oppressed people are (inadvertently) required to produce themselves as barbaric in order to get attention to human rights violations. The political asylum process does this especially in cases of sexual victimization. The context of barbarism and the visibility of the victimized "other" makes structural violence more legible... at the same time dehumanizes and humiliates the individual forced to narrate her multiple subjugation. The same problems apply to statelessness, especially the problem of making an invisible condition legible across multiple, often competing discourses without homogenizing others.

(Hesford and Shuman, 2011, p.317)

This work points to the way in which people and their cultures are stripped bare and contexts are debased and stereotyped in order for human rights issues to be 'heard.' Through deeper and more reflexive theorisation and the design of methodologies that make room for the stateless people's social contexts and culture, human rights issues can be presented and talked about in ways that does the community greater justice.

6. Conclusion

This paper examined the human rights discourse on the discrimination of statelessness in Kuwait utilised in a field report *Kuwait: Discrimination Against Women Creates Statelessness* by Refugees International (17 October, 2011). Research approaches popular in the fields of humanitarian discourse, refugee studies and statelessness and the local advocacy situation in Kuwait were examined to contextualise the approach of international humanitarian NGOs who produce reports on stateless people. These included the advocacy and trauma methodology and feminist theory. This helped to unpack the crafting of a Western feminist stance adopted by Refugees International (17 October, 2011) in their field report on the discrimination of stateless women in Kuwait. With regard to gender discrimination claims, the paper found the report leveraged sweeping claims of wrongs by men towards women that reflected some problematic limitations in the interpretation of feminist theoretical frameworks of the like pointed out by scholars such as Franks (2002), Salime (2011) and Abu Lughod (2013). The key premise of the report, to 'ensure that no child is born stateless in Kuwait' (Refugees International, 17 October 2011, p.1-2) was that law reform should be achieved for citizen women, not stateless women. Stateless women were instead, warned against marrying Kuwaiti citizen and stateless men, deemed exploitative and abusive (Refugees International, 17 October 2011, p.2-3).

The report went to far as to make suggestions that stateless women not marry or procreate, based on information that 'RI heard' or 'RI met' such women (Refugees International, 17 October 2011, p.2). Yet, if RI *met* the women, but they did not *tell* RI, then how did RI *know*? Rather than find out more, the rhetorical devices employed construed a reality in which stateless children in Kuwait could be born only to Kuwaiti citizen women, whose situation would be remedied by amendments to nationality law, because stateless women would cease marrying and having children. I then demonstrated that the argument appeared very similar to earlier feminist discourse on Kuwaiti society, where Kuwaiti citizen women were urged to refuse to marry or have children as a strategy to resist the patriarchal control of the state over their bodies(Tétreault and H. al Mughni, 1995, p.1-2). This warranted the use of the close reading (Lukic and Espinosa, 2011) method to 'pierce the veil that covers the text' and consideration of the possibility that some form of cultural bias might lay behind the construction of the text (Jasinski, 2001).

The nature of the human rights discourse in the Refugees International (17 October, 2011) report raises important questions about the way stateless men and women are represented by humanitarian agencies, for whom such discourse is manufactured, and why. The report revealed a risk described by Hesford and Shuman (2011) that in making statelessness, an invisible condition, legible through the application of such blunt discursive instruments as talk of abuse and exploitation by Arab men (generally) of stateless women (in particular), the community for whom the humanitarian effort is performing advocacy, becomes further dehumanised. Such a description (in Refugees International, 17 October, 2011) envisages a new kind of homelessness for the stateless: no nation, no partner, no children. Without a certain resolution to statelessness in Kuwait in sight, such a conclusion for stateless women is tantamount to extinguishing a culture, challenging the basic values upon which the right to found a family rests.

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