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IMPACT OF GENDER RELATED LEGAL REUGULATIONS ON PURSUING

SUSTAINABLE DEVELOPMENT: A STUDY OF KUWAIT'S NATIONAL

DEVELOPMENT PLAN (2035)

BY

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ABSTRACT

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Title: IMPACT OF GENDER-RELATED LEGAL REGULATIONS ON PURSUING SUSTAINABLE DEVELOPMENT: A STUDY OF KUWAIT'S NATIONAL DEVELOPMENT PLAN (VISION 2035)

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This thesis seeks to analyze the impact of gender inequality on the Sustainable Development Goals 2030 as expressed in the UN Post-Millennium global program. More specifically, it aims to illustrate how gender equality and empowerment are essential to sustainable development, and argues that gender-based discrimination hinders national development visions and goals. In order to illustrate the effect of gender inequality on political and economic development, the thesis will focus on the institutional and legal discrimination in the Kuwaiti Nationality Law in order to show how structural gender discrimination in public policy will challenge and hinder the Kuwait National Development Plan 2035.

Recognizing the complexity of gender, class and tribal dynamics in Kuwaiti society, and notwithstanding the pitfalls of some of the global development paradigms, the thesis contends that gender equality, legally, economically, and politically, provide the most viable platform for achieving and realizing national development aspirations in Kuwait. Finally, this thesis will present the challenges and prospects for national development strategies and provide policy recommendations.

DEDICATION

To My Family

ACKNOWLEDGMENTS

I would like to thank the members of my committee and my thesis supervisors, Dr. Mahjoob Zweiri and Dr. Imad Mansour for all of their guidance and assistance in this process. I would also like to thank my friends and family for their support.

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CHAPTER 1: INTRODUCTION

This thesis provides an explanation of the impact of gender inequality on the Sustainable Development Goals 2030 (SDGs). SDGs were adopted by the United Nations in 2015 to work for peace and prosperity for all people in the world. SDGs are an urgent call for all countries to take real action and create policy to end poverty and deprivation in order to achieve human development. Essential to achieving this, is putting strategies by all countries together in order to improve other aspect health, education, reduce inequality and spur economic growth. Women's equality and empowerment is one of the 17 Sustainable Development Goals, but it is also integral to all dimensions of inclusive and sustainable development. In short, all the SDGs depend on the achievement of Goal 5. Goal 5 aims to "provide women and girls with equal access to education, health care, decent work, and representation in political and economic decision-making processes will fuel sustainable economies and benefit societies and humanity at large. Implementing new legal frameworks regarding female equality in the workplace and the eradication of harmful practices targeting women is crucial to ending gender-based discrimination prevalent in many countries around the world" (United Nations Economic and Social Council, 2017).

In this thesis, the State of Kuwait will be used as a case study to show how institutional and legal discrimination against Kuwaiti female citizens hinders the Sustainable Development Goals 2030, and impedes Kuwaiti National Development Plan 2035. There will be two dimensions (political and economic) that will focus on showing the implication of gender-based discrimination on the SDGs. This thesis will analyze the Kuwaiti Nationality Law to show how discrimination between citizens in both articles 2&3 impede the process of national development in Kuwait. The State of Kuwait, as a member of the international community, should be a contributor to

achieving the Sustainable Development Goals 2030. As previously stated, the most important one is Goal 5, which states gender equality and empowerment of women and girls is essential.

The Nationality Law in Kuwait legitimates discrimination based on gender in Article 2. The paper argues that there exists an inconsistency between Articles 7&8 of the state of Kuwait Constitution which states, "Article 7: Justice, freedom and equality are the pillars of society; and cooperation and compassion are the firm link binding all citizens. Article 8: The State shall preserve the pillars of society and shall guarantee security, tranquillity and equal opportunity to all citizens," and Article 2 of the Nationality Law, "Any person born in, or outside, Kuwait whose father is a Kuwaiti national shall be a Kuwaiti national himself." The constitution considers Kuwaiti citizens as having equal rights and opportunity while Nationality Law in Article 2 discriminates against Kuwaiti female citizens married to non-Kuwaiti men by denying the children of such marriages the Kuwaiti nationality based on blood ties. Examples of such discrimination are given to prove that the nationality law in Kuwait is discrepant with the constitution and affects the status of female citizens and all other laws.

The pervasive bias against women could be observed at three levels of the state: in political institutions, in gender-related discourses and policies, and in legal status. Accordingly, the concept of citizenship that exists in Kuwait remains ambiguous; importantly, it is rooted in the belief that women are allowed to be members of society, but not as rightful citizens in the state. In short, Kuwait Nationality law regulates women's lives based on their imposed role in society rather than on their citizenship (Mughni ,2001, p:126). The strong influence of the social structure on drafting Nationality Laws in Kuwait has been influenced by other laws such as family law and personal status law (*Al-Issa, 2013*) As a result, the Nationality Law in Kuwait does not

treat women as full citizens (Mughni ,2001, p:155). This discrimination is reflected in the state's strategy and planning, which means an absence of equal opportunities for all citizens, and this will impede the process of the development in both political and economic dimensions (Mason, 2014).

Research Problem

After independence in 1961, Kuwait ratified many international conventions and treaties concerning gender equality and accepted related regimes (Abu Hamza, 2011, p:1). Most significantly, Kuwait ratified and became a member to *the Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) on September 2, 1994 (Abu Hamza, 2011, p:1). The aim of this Convention is to enhance the rights of female citizens as political members of the state, rather than only members of society. While ratifying the Convention, the State of Kuwait had reservations on important CEDAW articles, arguing that they conflict with Islamic Law and Sharia – these articles pertain to women's rights as equal citizens. Kuwait's ratification of CEDAW did not result in changes to the domestic legal/constitutional contradiction. In general, women are framed as mothers, sisters, caregivers, wives, but are not referred to as citizens with equal, constitutionally sanctioned rights. More specifically, the National Constitution (of 1962) considers all Kuwaiti citizens as having equal rights and opportunity while the Nationality Law discriminates against gender itself. Article 3 further distinguishes among births by married women and those who give birth out of wedlock. The pervasiveness of such discrimination against Kuwaiti female citizens can be observed in the outcome of sustainable development policies. The irregularity in the concept of female citizen hinders the development process.

Kuwait's position on CEDAW acts as a gender-based discriminative legal attitude against women (or sex, as framed in the constitution). Specifically, it shows the

discrepancy between international conventions committed to gender equality and human rights signed by the State of Kuwait, and the Nationality Law (that discriminates against Kuwaiti Female citizens and children). These discrepancies are observed in the fact that no clear change in Kuwaiti Nationality Law occurred to give greater benefits to Female citizens and their children since 1994 when Kuwait ratified CEDAW. Given that Kuwait is a signatory to conventions and treaties confirming its commitments to countering violence and discrimination against women citizens, it is rather curious to see that this same state actually undermines the citizenship status of its women subjects.

Kuwait was designated by the United Nations as a Capital of Humanity and is known for its continuous support to oppressed people all over the world (Al-Baghli,2016). Moreover, in 2018 The United Nations bestowed on the Amir of Kuwait the title "Humanitarian Leader" due to the clear efforts of the leadership in respect for humanity, and kindness towards humans and humanitarian (Aldustor,2018). In fact, Kuwaiti citizens enjoy handsome oil rents-generated welfare benefits, education, and health care services. However, Kuwaiti female citizens suffer from serious humanitarian problems and the government is the only authority in Kuwait can end this suffering.

Significance of study

This thesis will contribute to a certain type of literature on sustainable development at the national level, as well as gender studies.

Development addresses means of building the state in the contemporary (modern) era. As a concept with policy implications applied via international organizations and national governments, it developed with time from being broad to being more specific; moving from emphasis on raising the levels of income (in the post-World War Two era), to improving standards of living and centering human life in the

new millennium. Amin (1983) distinguishes between development and growth. He focuses on economic development and assumes that economic development is the foundation of other aspects of development. Moreover, Amin discusses that the state's role must be clear and tangible in the development process, because the state intervenes through legislation and laws which manage the development process and creates goals that extend beyond the economy to other aspects of life. Accordingly, the way that this thesis understands the concept of development is the link that Amin (1983) argues is the concept of development is changing through years with the global changes and development is a process that is always different from time to time. The needs of development changed in addition to what was expected from governments. Global changes associated with the emergence of international organizations changed the concept of development, these included interest in environmental issues as well as global peace during the Cold War. International organizations put specific indicators and definitions and indicators for development. SDGs, which this thesis studies are the more recent manifestation of how the concept of development has changed.

Regarding the case study of this thesis, it is curious to observe that little has been written on gender-related issues in the Gulf. Exceptions are *Gulf Women* by Amira Sonbol, and *Women in Kuwait the Politics of Gender* by Haya Al-Mughni. This lack on scholarship on gender in the Gulf is greatly attributed to the emphasis commonly placed on studying Gulf societies from a rentier perspective, and thus reducing social dynamism and diversity in state-making. In addition, historiography on the Gulf has typically been more interested in foreign policy and rulers' dispositions and interests, and much less so in societal issues, especially gender dynamics. Therefore, scholarship about women in the Gulf has been isolated and their role in social, economic and political life was ignored before the period of urbanization. During the oil boom of the

1970s, state-building, with the construction of cities, were financed by hydrocarbon revenues. Urban settlement in large cities and institutional growth as activities led by government were a central feature of state-building; these transformations impacted the live of all citizens, including women, but they remain understudied. Thus, this thesis will try to contribute to the literature on gender and women in the Gulf from a new point of view that reflects the reality of women before urbanization (as part of the development process) to understand the shift that happened under the urbanization and how gender" codification "was used in the modern state.

More recently, Kuwait's government launched a national development plan named *New Kuwait* (or National Vision 2035). This plan aims at transforming the country into a diversified economy with heavy reliance on citizenship participation across sectors; this means that all national human resources will be mobilized towards that goal. In essence, this national plan recognizes existing dislocations in the human resource pool, and seeks to address them. Therefore, it becomes imperative that we understand the obstacles to such investments, especially discrimination against the integration of Kuwaiti female citizens.

Kuwait's Nationality Law determines who becomes a citizen, under what conditions, and according to select criteria. In this Law, children of a male citizen for instance are eligible for scholarships and other employment opportunities, while the children of a female citizen from a non-Kuwaiti father are labeled as "non-citizen" and thus cannot benefit from the same opportunities (education, healthcare, employment). Discrimination between Kuwaiti citizens based on gender has negative consequences on the family, society, and on the state's national development plans: it impacts citizens' engagement and prevents full participating in the state's vision. It has a negative effect on the growth process and development because this discrimination is

based on gender not on competencies and resources, which leads to abuse of human resources properly (Pettinger, 2017). Discrimination hinders attainment of SDGs.

Research Questions

This thesis examines the impact of gender inequality on the attainment of Sustainable Development Goals 2030. In its case study, it examines the extent to which gender impacts the nationality law impacts Kuwait's National Development Plan 2035 (KNDP). In so doing, the thesis highlights the relationship between the KNDP and the SDGs, since the modern state is expected to abide by global regimes in the form of issuing domestic legislation or changing existing policies. This expectation emerges from, and is reinforced by, the work of international organizations such as the United Nations, World Bank, World Health Organization, and United Nations Human Settlements Programme (Habitat), among others. This requires countries to follow and protect the norms of these organizations.

Specifically, the thesis investigates the degree to which Kuwait's commitment to international regimes has impacted its domestic legal and constitutional structures, and to what extent. Importantly, the research question asks how women's citizenship and personal status in Kuwait affects the national development plan. Specifically, it investigates how considering women as second-class citizen in the Kuwaiti Nationality Law hinders their contributions as well as their participation in achieving the political and economic development in the state. Moreover, the thesis asks how does Kuwait reconcile its domestic legal-constitutional regulations with its global political commitments? Finally, a related issue to highlight is how the national constitution argues for the protection of women (albeit within the realm of the family), while the nationality law discriminates against Kuwaiti women (by selecting who can be the mother of a Kuwaiti citizen).

Purpose of Research

The purpose of this research is to show how gender-based discrimination among citizens impedes the pursuit of SDGs. This is because development in its broadest sense is a process of growth and development and requires the involvement of all citizens in society. Each individual represents the basis of this process because citizens affect the development process while also being affected by it (UNICEF 2010). Therefore, it is difficult to exclude any citizen in society in this process and if this exception happens, there can be no real development (Mason, 2014). In addition, it explains the direct and positive relationship between gender equality and Sustainable Development. This research will show by addressing two indicators (political and economic) how gender equality achieves development and gender inequality prevents development.

Review of Literature

The literature review is structured into two sections, which are in turn organized thematically. First, I will examine gender inequality as a serious problem for discrimination against women in the world. Second, I will cover the Sustainable Development Goals 2030 by focusing on Goal 5 "achieve gender equality and empower all women and girls."

Gender Inequality, Violence, and Discrimination Against Women

Several studies demonstrated a difference between sex and gender. The World Health Organization defines sex as biological and physiological characteristic that defines male and female, while gender reflects socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. For instance, Wright & Rogers (2015) talked about the relationship between the distribution of underlying biological dispositions in men and women and the distribution of manifest behaviors of men and women under existing social relations. Moreover, Al-

Mughni (2001, p:63-66) claimed that gender is not predetermined, but it constructed by societies who give specific characteristics and roles that are attributed to women and men, and became a stereotypical prototype for both sexes. Gender does not mean women only; it goes further and is a way to study both sexes. Furthermore, there is a difference between gender and sexual orientation, which are often incorrectly thought to be the same thing. However, gender and sexual orientation are two distinct aspects of identity. It became critical to distinguish these two concepts because confusing gender with sexual orientation is likely to result in wrong assumptions about a young person that has nothing to do with who he/she is. For instance, when someone's gender expression is inconsistent with others' expectations, they are frequently assumed to be homosexual, such as boy who loves to play princess is assumed to be gay, and the adolescent girl who buys clothes in the boy's section and favors a short haircut may be assumed to be a lesbian. These are wrong assumptions.

Gender identity is given by society according to cultural understandings, and thus differs globally as well as across time. Confusing between gender and sexual orientation can also interfere with a young person's ability to understand and articulate aspects of their own gender. This prevents the realization of their gender identity because it is given by their society, so even they will not have the opportunity to discover their interests since they must follow certain roles and behavior which are determined by their culture (website: gender spectrum, 2017). Accordingly, Chaudhary (2018) and Valenti (2015) and West (1984) argued that gender inequality happens because of the unequal relationship between men and women. This is because society gives men higher status over women and the ability to control women in different spheres of life. Al-Mughni (2001, p: 120) explained the reasons behind the unequal relationship between men and women by citing society's perspective of women, according to the

perspective that women's emancipation will lead to moral corruption in society. All the authors showed through their analyses the social status of women is largely due to society's belief that women cannot stand on their own and therefore need to be subordinate to men. These authors examine the roles and stereotypes as a wide set of practices that reflect the gendered nature of power.

Violence and Gender

Women are exposed to violence all over the world and suffer from physical and psychological abuse, which in some cases can lead to loss of life (World Health Organization, 2017; Joseph, 1996). Moreover, legal and institutional violence, as other manifestations, compromise laws which target and undermine women. Resultant suffering is reflected in the family and society, and adversely affects the development of society (El Jack, 2007*)*. The United Nations Committee on Human Rights defines violence against women as "a manifestation of strong and unequal relations between men and women throughout history that has led to male domination and discrimination against women and the prevention of their full rise, and that violence against women is a crucial social mechanism for women to be subordinate to men." Based on this definition the link between violence and discrimination is that discrimination against women is a type of the violence against women.

To achieve development goals, therefore, it become essential for the government to enact laws to eliminate sources of violence and discrimination, and empower women to directly contribute to creating more productive and civilized societies (World Health Organization, 2017*)*. Creating safe conditions for women and all members of society is among the fundamental principles embodied in international law and international conventions ratified by most countries in the world.

Scott (2015) and Kazemi (2010) showed that violence is often associated with

gender concepts and the roles of men and women based on the norms of a specific culture at a specific time in each society. Joseph (1996) argued this is expressed through the pursuit of power and control over the bodies and lives of women. Violence against women is directly linked to deeply rooted concepts of society, which prescribe to both sexes from the moment of birth certain roles and behaviors which became a stereotype of each sex to be adhered to according to specific standards of society. Moghadam (2013) claimed that violence against women can be addressed or even eliminated through appropriate awareness, resources and political will by redrafting all laws that represent exclusion and violence against women.

Women in Arab societies suffer from similar factors (Sonbol, 2012; Raday, 2012; Al- Mughni, 2001). Sonbol (2012) showed that women are exposed to different types of violence and abuse in the Arab world such as domestic violence, legal violence that Arab states practice, and lack of political representation. Raday (2012) explained that violence against women occurs because states practice discrimination in their laws based on gender and consider this discrimination between men and women to be legal based on internal laws. Al-Mughni (2001, p: 45-55) emphasized that states legitimize violence against women because they treat women as second-class citizens.

Forms of Gender Inequality

In addition, in Arab societies, sexuality has been viewed in multiple ways in the study of gender inequality. Some have considered it as a possible motivating cause for inequality, while others have explored how gender inequality can mold the experience and practice of sexuality and tried to incorporate sexuality as a peculiar tension between women and men (Jackson, 2018; Kamrany and Robinson, 2012). Additionally, Kamrany and Robinson (2012) emphasized the impact of sex-selection, they argued that families opt for boys over girls since females are widely viewed as weaker, more

expensive, and less intelligent than men. For instance, in Arab societies in general, the birth of a boy is welcomed, while that of a girl is viewed as a burden; the patriarchal structure of society favors males because the male can preserve the inheritance from the father's family (Anwar, 2011). The Institute of Development Studies showed that male dominance leads to the subordination and even exclusion of many women from public life, and also of many men who do not conform to hegemonic forms of masculinity. This effectively sidelines more than half of the world's talent, experience, and knowledge, leaving our societies operating severely under capacity.

In addition, Tekkas (2015) and Edwards (2015) presented that the causes of gender inequality can be understood through violence, privilege, injustice, and impunity. They claimed that violence is culturally 'masculinised,' and Gender-based violence is related to feelings of power. As a result of this women are viewed as something less compared to men and men should guide and control them. Thus, women become as persons subjected to male authority. Generally speaking, culturally dominant norms of masculinity encourage men to use violence against women and consider any violent action against women a means of protection.

Another source of gender inequality in Arab society is the structure of patriarchy, which generally bestows status and decision-making ability in men. This is reflected in the belief that women's physically and emotional dispositions give them a comparative advantage in the household (including for child bearing, cooking, cleaning, among others), while men have a comparative advantage in market production. Accordingly, jobs get asymmetrically distributed, with women being more valued in the home while men get specialized in monetized jobs (Kunsmann, 2000; Candace& Don 1987; Zimmerman & West 1975). The above under-values contributions of women to society through their work at home. However, when women

do join the labor market, state institutions and laws discriminate against them because of embedded patriarchal attitudes (Kunsmann, 2000; Marmot, 2005; UNICEF 2010). In spite of the formal recognition of equal rights and opportunities in constitutions, empirical disparities are substantial between men and women, where for example women earn less than their male counterparts (Directorate General for Internal Policies, 2013).

Van de Vijsel (2014) discussed other forms of social inequality which is reflected in ownership inequality. Ownership of property rests mainly on male members. The law of inheritance in Arab societies provides such ownership rights to a man. This denial coming out of hierarchical dualism within the family not only reduces the value of women but also prevents them from participating in commercial, economic and social activities. Tétreault & Al-Mughni (1995) argued that this kind of social deprivation means unequal opportunities. As a result of this, women are subject to various kinds of exploitation. The consequence of this social inequality distorts the process of sustainable development. Van de Vijsel (2014) claimed that ownership inequality does not begin with marriage, but starts earlier in a woman's life, under the influence of her father, then continues after marriage under her husband and finally, remains continuous after her husband death, when her son takes over of her property.

Pertaining to the core of this paper, it has been commonly observed that nationality laws in Arab societies, aside from the Kuwaiti case, contribute to discrimination against women. Discrimination takes the form of denying female citizens the right to pass nationality to their children. This denial of all basic rights of women leads to serious consequences on the development process. The discrimination in the Nationality Law between men and women is the cause of all other forms of discrimination against women because it determines who is the citizen and who is not

and based on this, who has duties and rights and who does not *(Raday,2012*; Emanuel,2012; Ghaddar, 2017; Al-Mughni, 2001, p:155).

For example, in Jordan the children of female citizens are not Jordanian and even permanent resident status is given with very strict conditions and limited cases (Emanuel,2012). In Lebanon, a female citizen does not have the right to grant her nationality to her husband and children (Human Rights Watch, 2018). On the basis of this, women are not treated as rightful citizens (Al-Mughni, 2001, p:50; Alhewail, 2017, December). Alhewail (2017, November) confirmed that when women are subjugated in-laws, they are subjugated in the home as well, and by this, woman are exposed to different types of violence. Moreover, Al-Mughni (2001) and Allanana (2013) agreed that laws in the Arab states are made by men and societies are shaped by a patriarchal past. As a result, men are the ones drafting the laws which discriminate against female citizens.

Finally, and briefly, studies have also affirmed how change in discrimination against women is largely a function of government policy; this is critical to processes of development. Chaudhary (2018) affirmed that gender equality can only be achieved by correcting the imbalances in the laws. In addition, Scott (2015) and Robinson (2015) said that the empowerment of women and girls and the protection of their rights from all types of violence is a fundamental function in the state to achieve the national development.

Conclusion

To sum up, the literature agreed that the issue of women lies at the heart of the national vision process of the state, which is a prerequisite for achieving development and a criterion for its success. In this sense too, the issue of women is not a particular class issue, rather it is the issue of social progress towards more developed and

progressive societies, which requires considering the issue of women as a crosscutting issue in the society. Poverty, lack of education, high level of female unemployment compared to men, low integration into organized and rewarding economic activities, weak of political and public participation, especially in decision-making structures, etc.., are among the causes of violence and discrimination against women. Combating violence against women requires comprehensive development policies for all groups in a society. This puts the debate at the center of the state's development and political agenda. The state has a responsibility to re-produce an enabling environment that prevents violence against women from continuing its structural causes.

Additionally, researchers showed that some forms of gender inequality reduce economic growth and development in addition to the negative effects of gender stratification on women's relative capabilities. In short, there will be a social cost if gender inequality continues. The emergence of Human Rights Organizations in the mid-20th century and women's movements across the world since the 1960s have contributed to the increasing attention of the world to this form of inequality. Through women's empowerment, patriarchal dominance and the exploitation of women can be broken, and this will achieve true and real development.

CHAPTER 2: THE SUSTAINABLE DEVELOPMENT GOALS 2030 BY FOCUSING ON GOAL 5 "ACHIEVE GENDER EQUALITY AND EMPOWER ALL WOMEN"

The concept of Development in the 20th century

Since the mid-twentieth century, development has been understood as a process calling for the establishment of coherent economic and political systems; this struck roots especially in the newly independent states in Asia and Africa in the 1960s (Soares Jr. and Quintella, 2008). The importance of this concept of "development" was reflected in its multiple dimensions and levels, and is intertwined with many other concepts such as planning, production, and progress. Furthermore, the concept of development elsewhere emerged mainly after the Second World War. There was a brief period in which this concept was not used; namely since its emergence in the era of the British economist Adam Smith in the last quarter of the eighteenth century until the second World War. The terms used to denote evolution referred to in the society were material progress, or economic progress. Even when the question of the development of some Eastern European economies emerged in the nineteenth century, the terminology used was modernization or industrialization (Amin ,1983).

Amin (1983) pointed out that the concept of development first emerged in economics, where it was used to denote the process of creating a set of radical changes in a particular society. There was an aim of providing this community the capacity for continuous self-development to ensure the increasing improvement in the quality of life of all its members to respond to the basic needs and the growing needs of its members. Additionally, it was to ensure that these needs are further satisfied by the continued rationalization of the utilization of available economic resources and the good distribution of the proceeds of such exploitation.

The concept of development has moved into the field of politics since the 1960s; it has emerged as a single field concerned with the development of non-European countries towards democracy. Political development was linked with industrialized countries. Developing countries were called upon to create pluralistic systems in the form of European systems that achieve economic growth, electoral participation and political competition, and consolidate the concepts of sovereignty and allegiance to the nation-state (Amin,1983). Later, the concept of development evolved into many cognitive fields. There has been cultural development, which seeks to raise the level of culture in society and the promotion of human beings as well as social development aimed at developing societal interactions between the parties to society: individual, community, various social institutions, NGOs. In addition, the concept of human development was formed, which is concerned with supporting the individual's abilities, measuring people's standard of living and improving their situation in society (Soares Jr. and Quintella, 2008).

The Impact of Inequality on Development

Scholars have debated the impact of inequality on development and the quality of institutions in a society. Some argue that unequal opportunities encourage competition and productivity between society members, and this motivation for relative advantage motivates a desire for unequal distributions in every sector (Ferreira and Walton, 2006; Norton, 2014). The argument here is that states do not work for equality between citizens because individuals in societies do not accept equal rights and duties for all. Essentially, members of the society believe that there is a difference between citizens based on social class, and these differences are good because it makes people work hard to have a better situation (Leathwood and Archer, 2004; Cox, 2013).

Others believe that unequal opportunities, particularly in terms of the inequality

access to basic goods and services, leads to the wasting human potential and lowering the levels of development (Molina & Narayan&Chanduví,2013; United Nations Population Fund in the Arab Region,2017). Development policy must focus on inequality reduction by addressing the relationship between unequal opportunity and development outcomes. (UNDP,2013; Reynolds et al,2003). Pettinger (2017) said that the unequal opportunities help incentivize effort and thus it encourages extra effort. By rewarding hard work, there will be a boost to productivity leading to a higher national output, so everyone can benefit. However, this argument is very weak to in generalizing that unequal opportunity for people can have a good impact on the national output. Accordingly, this explanation can fit only some limited cases related to the economic sectors only. In contrast, Mason (2014) emphasizes that when individuals feel that they are equal and have the same access of opportunity this gives them greater motivation to work more accurately and to make a greater effort which is in turn reflected on the outputs of national production, and this contributes to the real national development. Here, the argument is that people have a natural aversion to inequality and there is a universal desire for more equality. Starman, Sheskin, and Bloom (2017) showed that people all over the world seek to achieve justice and they will contribute to achieving equality by dividing future resources in an effort to correct or minimize the inequality between people. As well, people situate their position toward the equal distribution of resources as a moral good (Davidai, 2015).

The argument that states discrimination between citizens based on the consent of society is not true. This is because states are supposed to treat citizens equally and respect them based on law regardless of race, gender, and social class. States should impose one treatment for all and equal opportunities for all citizens (Tetreault & Al-Mughni, 1995). Thus, the relationship between the citizen and the state should be based

on citizenship, and through citizenship the rights and duties for individuals are determined (Parker, 2001). Accordingly, states differentiate between male and female citizens based on their biological differences and based on this perspective; states give different rights and duties for men and women (Al-Mughni, 2001; Ghabra, 2017).

The World Development Report 2006 on Equity and Development showed that the equality of opportunity for all members of society gives similar chances to everybody to become socially active, politically influential, economically productive, and to contribute to sustainable development (World Bank, 2005). Heckman (2006) and Borghans et al (2008) presented that people who have better opportunities in life, for example in education and enjoy a better family unified environment, are more likely to be able to develop their full human potential and achieve better outcomes in different sectors in the state. Moreover, increasing opportunities for disadvantaged groups proved an increase in their skills, including improvements in personality and social and emotional traits. These general skills have been proved essential in producing perfect performance in both the social and economic sectors. Glaeser et al (2004) debated that human capital is a fundamental source of development and human capital accumulation is the key factor that leads to institutional improvement and economic development. Thus, improving opportunities for all citizens and reducing inequality of opportunity is essential because it helps to build a just society and realizing a society's aspirations of economic prosperity (Starman, Sheskin, and Bloom, 2017). Thus, discrimination is an enemy of economic development and prosperity. Discrimination in the workplace results to low productivity, which in turn drives the economy backward.

Discriminatory Laws v. Development

Heckman (2006) and Borghans et al (2008) claimed that gender-based discrimination has negative implications for development because discrimination

reduces the productivity of citizens. This make citizens feel of injustice and oppression, which increases their feeling of disloyalty to their state or institution. Baldwin (2017) showed that one of the biggest forms of discrimination is racism. Furthermore; discrimination plays a big role in global poverty (Human Rights Watch, 2013; Hyde, 2016). This is because inequality in opportunity leads to underdevelopment in the areas that experience this discrimination (World Bank, 2005). Additionally, Hyde (2016) discussed how discrimination affects the health of its victims, as well as, the impact of gender inequality on mental health and others health problems which costs the state a lot.

Several studies showed that there is a relationship between law and development. The existence of law in any society is important to achieve justice and protect individuals from injustice. Mohammed (2006) presented that the law is also the authority that is supposed to combat all forms of discrimination against any category of individuals in society. The function of the law to regulate relations in society and arrange the dealings among its members. In addition, Davis & Trebilcock (2008) said that it is fundamental to have equal rights and duties between all citizens in the state in order to ensure justice among them. Consequently, the law directly affects society and society is influenced by law (Moach, n.d). Mohammed (2009) and Mohammed (2006) confirmed that laws are intended to serve all members of society, not to harm them or to promote any kind of discrimination between them. This means laws should be appropriate for society and compatible with the principles, values, and attitudes of its members. Moreover, the law perhaps considers any type of violence as illegal. Davis and Trebilcock (2008) linked this relationship between law and development through the idea that when the laws are fair and there is an absence of discrimination, it ensures equal opportunities for all citizens. This leads to the existence of social justice for all,

and will directly reflect on the outcomes of development. However, most of Arab countries are discriminating against female citizens in rights and duties as well. For instance, being denied citizenship due to some discriminatory reasons such as gender restricts one's access to employment, education, partaking in government policies and other opportunities.

Gender equality and Development

Gender equality is considered a human right and a basic development goal. Discrimination against women and girls hinders progress in all development areas (Aoláin, Cahn, Haynes, and Valji, 2018). The states must focus to eliminate and monitor gender disparities to achieve the national development , and also should change all conditions and factors contributing to the persistence of any form of gender inequality (Robinson, 2015). Violence against women and discrimination affects the progress of development among all members of society (Jütting and Morrisson, n.d.). This means harming women and girls physically or psychologically has negative repercussions on society and the state (United Nations Population Fund in the Arab Region ,2017.). The empowerment of women and girls and the protection of their rights from all types of violence is a fundamental function in the state, and is essential to achieve the national vision (Robinson, 2015).

Thus, the issue of women lies at the heart of the national vision process of the state, which is a prerequisite for achieving the development goals and is criterion for its success. In this sense too, the issue of women is not a particular class issue, rather it is the issue of social progress towards more developed and progressive societies which requires considering the issue of women as a cross-cutting issue in the society. Poverty, the lack of education, the high level of female unemployment compared to men, the low integration into organized and rewarding economic activity, the weakness of

political and public participation, especially in decision-making structures, etc.., are among the causes of violence and discrimination against women or contribute to reproduced. Thus, combating violence against women, in the form of discrimination, requires comprehensive development policies for all groups in society. This puts the debate at the center of the state's development and political agenda. The state has a responsibility to produce an enabling environment that prevents violence against women from continuing its structural causes. Additionally, researchers showed that some forms of gender inequality reduce economic growth and development in addition to the negative effects of gender stratification on women's relative capabilities. In short, there will be a social cost if gender inequality continues.

The report of the Secretary-General of the United Nations pointed out that human rights, equality and productive sustainability are the main axes of development through which all other development pillars such as social development, development culture, environmental sustainability, economic development, peace, security and democratic governance are achieved. This means that any real development must be based on the existence of social justice among the members of the community. Through this justice, men and women are involved in the process of development by working to achieve the national development plan of the state. Only when there is equality of opportunity for men and women in society can real development be spoken of. This is because these equal opportunities will contribute to human development, which is the basis of contribution to development in other fields (Equality and empowerment of women in the Arab world from the Millennium Development Goals to the post-2015 agenda, n.d.).

The above studies covered the importance of reforming laws to recognize equality in laws for all citizens, regardless of sex, race, religion, etc. In addition,

political and constitutional reforms, including issues of separation of powers and the functioning of institutions are crucial, especially in addressing the issue of equality between citizens to achieve development. There is a clear relationship between the increase of discrimination against women and religious interpretations that have occupied a large place in the media and cultural and social scenes, accompanied by the rise of religious parties to power, making the fusion of religion to politics a contributing factor to the limited options, which impede the progress and development.

To conclude, studies covered the importance of reforming laws to recognize equality in laws for all citizens, regardless of sex, race, religion, etc. In addition, political and constitutional reforms, including issues of separation of powers and the functioning of institutions are crucial, especially in addressing the issue of equality between citizens to achieve development. There is a clear relationship between the increase of discrimination against women and religious interpretations that have occupied a large place in the media and cultural and social scenes, accompanied by the rise of religious parties to power, making the fusion of religion to politics a contributing factor to the limited options, which impede the progress and development.

Thus, achieving gender equality and empowerment requires attention to legislative dimensions and the fight against gender-based violence. It is important to increase the number of women in all political and economic decision-making processes. Human development includes investing in human capital in society such as women's leadership in local decision-making structures and processes, to promote appropriate legislative action and to create an equitable field of work for both men and women in political and governmental institutions. In addition, development requires strengthening comprehensive national laws, policies, and programs, which aim to raise the level of accountability and awareness, as well as prevent and combat all forms of

violence against women and girls everywhere. This is because violence undermines women's enjoyment of all human rights. The state must ensure women's access to and protection by the judiciary, by punishing any perpetrator of violence against women. The national laws should be consistent with the international human rights law and with the international treaties about women's rights.

Theoretical framework: a human development approach

This thesis will apply human development approach as a framework to study sustainable development. The origin of the Human Development approach emerged in response to demand for newer approaches to development. In the 1980s the context was the huge human costs of structural adjustment policies. Accordingly, this concept was discussed at 3 North-South Round Tables organized by Mahbub ul Haq in 1980s.

By 1990 when concept made official debut in Inaugural HDR, consensus on concept was already built. The human development approach was formed by the first human development report, which introduced this new approach in 1990 for achieving human well-being and enlarging people's choices. Human development enriched over time to give importance to certain concepts such as freedoms, equality, and sustainability. The human development approach is focused on spending on human capital as the main subject for development rather than focused on improving the economy. It is an approach that is concerned about people and their opportunities and choices. (Prabhu, 2013).

Sen (1999) argues that human development is about the expansion of citizens capabilities through increasing opportunities. Sen alerts that many problems such as poverty, unfulfilled elementary needs, famines, the lack of political freedoms and neglect of women agency remain today problems despite the national and international development policies that adopted by international organizations and modern states

(Evans,2002). He makes it clear reduce these catastrophes should be investing in human capital in the state "human flourishing as the entry point to the problem of poverty and global inequality rather than economic growth". He confirms that all human beings are equally entitled to enjoy a life that they value.

Human development approach looks to people live and work in improving all dimensions of life. According to the human development approach, economic growth is important, but it will not lead automatically to human well-being. The fundamental aim of development policy should be expanding opportunities for people to lead meaningful lives (Stewart and Samman,2018). This means economic growth has a role in improving the situation for people by helping the state to provide their citizens with a higher level of services and welfare life. Thus, the income growth is seen as a means to development, rather than an end in itself.

This approach is about giving people more freedom to choose the life they want without any restrictions. This means people everywhere should have the ability to think and do what they preferer to do, and states should give them chances and opportunities to use them. This is why giving people equal opportunities enhances their abilities to think and to perform at a higher level. The three foundations for human development are to live a long, healthy and creative life; to be knowledgeable; and to have access to resources needed for a decent standard of living (The Arab Human Development Report 2005 Towards the Rise of Women in the Arab World,2006). Of course, many other things are essential too; these three foundations are the bases for all other things. For example, fighting poverty, paying attention to health and education, giving equal opportunities for all citizens to contribute in society and state, and giving citizens equal rights and duties all these things will lead to a high level of human development which will reflect directly in all other development aspects.

International regimes expect states to follow certain practices in human development. The process of human development must at least create an environment for each individual to develop to his/her full potential and have a reasonable chance of leading productive and creative lives that they value it. Thus, this approach looks into functioning and capabilities and considers them as key ideas for development. Indeed, functioning means people in society should be safe, educated, and healthy. Moreover, they should have the ability to contribute to community life by achieving self-respect, and the ability to appear in public without any restriction. As for capability, this is combined with both possibility and opportunity which lead to what a person can achieve. Therefore, the translation of capability into functioning is influenced by personal characteristics, social, and environmental factors (Selwyn, 2011).

Development as a concept changed over time and in each stage was focused on something different while also enlarging the concept. For much of its history, recently after 1990 human development was focused on freedoms (Evans,2002). In this context, there were five instruments of freedom that are important to achieve human development. They are political freedom, economic facilities, social opportunities, transparency guarantees, and protective security. Later on, this concept developed and became broader to include equality, justice, stability which will lead directly to sustainable development which is the 2030 intentional agenda for sustainable development.

The relationship between Human Development and human rights is compatible and complementary (Uvin, 2010). Human Development is the enlargement of choices & capabilities focused on duty bearers and public policies, while human rights are entitlements of claim holder's emphasis on legal change and social movements to generate demand. Human rights were initially viewed as political rights; however, they

now include social, cultural and economic rights. Both guarantee basic freedoms (Prabhu, 2013).

The 2000 Human Development Report introduced Human Security - 'Freedom from Want and Freedom from Fear' - going beyond concerns of national security to focus on 7 components at the individual level such as Economic, Food, Health, Environmental, Personal, Community, and Political development (Human Development Report, 2000; p: 30). The Human Development agenda in the 2000s focused on four core principles. First, Equity refers to a concept of justice as fairness. Second, Efficiency is the maximizing of the use of material, human and community resources. Third, Participation and Empowerment: Foundational principle – people as agents. Fourth, Sustainability is not merely environmental but also economic, social and cultural. All four principles should work together (The Arab Human Development Report 2005 Towards the Rise of Women in the Arab World,2006).

Furthermore, according to the United Nations Development Programme, "As the international community moves toward implementing and monitoring the 2030 agenda, the human development approach remains useful to articulating the objectives of development and improving people's well-being by ensuring an equitable, sustainable and stable planet." (N.D)

The Human Development approach is the most appropriate approach for the thesis topic and it is useful as a lens to study development. This is because human development approach focuses on human being as a core principle for development. This thesis deals with this concept of development, and how it changed and developed between 1980 -1990. The concept of development is always a variable and renewable concept. Therefore, this approach emerged as a result of the global changes towards humanity. This thesis provides an explanation of the impact of gender inequality on the

Sustainable Development Goals 2030 (SDGs) which were adopted by the United Nations in 2015 to work for peace and prosperity for all people in the world. SDGs are an urgent call for all countries to take real actions and policy to end poverty and deprivations. This must happen with putting strategies by all countries together in order to improve other aspect health, education, reduce inequality and spur economic growth. Women's equality and empowerment is one of the 17 Sustainable Development Goals, but it is also integral to all dimensions of inclusive and sustainable development. In short, all the SDGs depend on the achievement of Goal 5. Providing women and girls with equal access to education, health care, decent work, and representation in political and economic decision-making processes will fuel sustainable economies and benefit societies and humanity at large. Implementing new legal frameworks regarding female equality in the workplace and the eradication of harmful practices targeted at women is crucial to ending the gender-based discrimination prevalent in many countries around the world (United Nations Economic and Social Council, 2017).

On the other hand, this approach has been criticized and refused by Hasso (2009) who argued that the Human Development Report 2005 (which is dedicated to women empowerment) gives little attention to oppositional movements and it is part of the modernity project and related to colonial power. The author says that the UNDP is tempting because it focuses on two important angles for any society which are having good governance and well-being. However, he sees this program as complimentary for the neoliberal capitalist interests. Moreover, it worked towards empowering governmentalities rather that women (Hasso, 2009). Despite this, this thesis will apply the human development approach, since it is the most appropriate approach to study this topic, especially as it is related to the 17 goals which revolve around achieving the gender equality. Additionally, it is a realistic and logical approach to discuss

development since the concept of development is a variable concept, and human development approach is the proper approach that reflected in the 17 goals in the SDGs. The SDGs are a framework which helps states to plan correctly and connect their internal and external policy together while it also leads real change in different angles of development.

In addition, Al-Zo'by (2019) describes the process of sustainable development and its colonial pedigree as a neo- colonial discourse. He says, "the issue of a geographically mapped notion of "cultural development and emancipation" become a cornerstone in civilizational project; many in the Middle East responded viscerally and disdainfully to western development discourse, and more recently, to the UN-based human development initiatives." Development has been viewed as a project with the objective to reinforce political, ideological, cultural, economic and political agendas sustained fundamentally by Western-dominated organizations.

Another way to see the development approach is that the Gulf countries have already adopted a national vision for development and they work on the basis of it. Moreover, the Gulf countries are a member of the international community, which entails international obligations. In general, most of the developing countries and especially the Gulf countries have developed national plans to achieve success. The existence of global vision for development will guide these, and joint action will increase the responsibility of the state to commit to this development.

The international community faces the same problems regarding poverty, famine, war, injustice, lack of rights, discrimination, exclusion, corruption and marginalization. As such, SDGs emerged as an urgent call and a response to have a universal development agenda to show how each state's actions depends on the action of others. Furthermore, to show how each state as a member of the international regime

they have a commitment to abide and adhered the rules and norms of the international regime. SDGs are considered as a full framework to solve these problems and to redirect money from spending in war and military to invest in human capital, empower women and girls, develop services sectors, and improve sewage and infrastructure (Steiner, 2018).

Research Methodology

I utilize qualitative research methods. There are six of the more commonly used approaches to doing qualitative research: basic qualitative research, phenomenology, grounded theory, ethnography, narrative analysis, and qualitative case study. I have chosen qualitative methods for this research for two reasons. First, the goal of this study is to explain the impact of gender inequality on the Sustainable development Plan 2030 by focusing on the Nationality Law of The State of Kuwait as a case study. I focus on a single case study, "State of Kuwait," which is a part of the qualitative approach in which the investigator explores a various method, including primary and secondary sources, access to audiovisual material and documents and reports. It's also familiar to social scientists because of its popularity in different disciplines (case analysis of a problem). The case study gives an area of description and analysis, which will help me to answer my research question in depth by using explanation and analyzation methods. This makes this method more attractive than a quantitative method, which seeks to explain and predict (Merriam, 1998; Rothe, 1993).

The single most defining characteristic of case study research lies in delimiting the object of study: the case. As Stake suggests, "much qualitative research aims at understanding one thing well: one playground, one band, one Weight Watchers group. Further, the case study is less of a methodological choice than "a choice of what is to be studied" (Stake, 2005, p. 443). The case, then, could be a single person who is a case

example of some phenomenon, a program, a group, an institution, a community, or a specific policy. The definition of a qualitative case study as "an in-depth description and analysis of a bounded system" is congruent with other definitions (Bogdan & Biklen, 1982; Creswell, 2013). Thus, case study research is a qualitative approach in which the investigator studies a case or cases over time, through detailed data collection involving multiple sources of information such as observations, interviews, audiovisual material, and documents and reports (Creswell, 2013).

Data collection and analysis

I collected data by using document analysis approach, and adopted two types of data in my research - primary and secondary sources. The primary sources include the Kuwaiti Constitution and the Kuwaiti Nationality Law. I also collected the primary data through official reports from ministries and international organizations related to the development and gender inequality. Besides this approach, the second type of data will be secondary sources and I collected social studies books, documents (media products) and reports (literature) and these sources will be from the libraries, researches centers and non-governmental organization in Kuwait.

Rothe (1993) identified two levels of data analysis. Regarding the first level of analysis, researchers do "search for patterns that appear in the data, inter-relate them and link them to a context" (Rothe, p. 127). However, for what Rothe called "deep structure analysis," researchers are expected to know what different schools of thought in various disciplines and orientations can offer in revealing underlying structures in the data. Rothe argues, "with respect to theory-related or pure research, a theory or a conceptual framework within the discipline in which we are operating can serve as the vehicle for data analysis" (p. 129). In my research, I will be using the Human Development approach to analyze my case study.

Ethical Consideration and limitation

As Merriam (1998) elucidates, guidelines and policies, as useful as they are, cannot replace the conscience of the researcher. I took ethical issues under serious consideration, and sought to be neutral and objective in my analysis of documents and official pronouncement. I also sought to preserve the credibility and accuracy for all my findings (numbers and facts) in my research before generalizing them.

My research utilizes qualitative research methods, and therefore all the limitations that are inherent in this method are present in this study. In terms of the number of cases that involve exposure to violence and discrimination, I was unable find accurate numbers exactly because always the official numbers do not represent every single case in society. Therefore, this research is limited. Furthermore, there will be some documents and official reports that I was not able to adopt in my research because it is difficult to obtain them.

Chapter Outline

The thesis proceeds with the following structure: the third chapter will be on the Role of Urbanization in Changing Social Norms to Laws and Its Impact on Women Status in Kuwait State. The fourth chapter will discuss Around Citizenship, not Through it. The fifth chapter focuses on the Kuwait's Position Toward Women Issues, Between Its Domestic Policies and International Commitments. The sixth chapter will consist of findings and conclusions. I will give my own description, explanation, and analyzation in order to answer my main question and the secondary questions.

CHAPTER 3: THE ROLE OF URBANIZATION IN CHANGING SOCIAL NORMS
TO LAWS AND ITS IMPACT ON WOMEN STATUS IN THE STATE OF KUWAIT

Introduction

Kuwait has undergone a rapid process of urbanization since the discovery of oil in the 1930s. This thesis defines urbanization as one aspect of development process which adopted by State of Kuwait since 1930s. The city's urban planning phase began in 1951 with the first master plan by the British firm Minoprio, Spencely and McFarlane (Mahgoub, 2008). Their main objectives were to set create a foundation for improvements which they considered necessary for the development of State of Kuwait in accordance with the highest standards of 'modern town planning' (Minoprio, Spencely and McFarlane, 1951). The issues which they regarded as being of primary importance were changing building structure and provision of a modern road system appropriate, infrastructure, and public building. In the late 1950s and early 1960s, Kuwait witnessed the implementation of the first master plan by the Ministry of Public Works under the supervision of the Kuwait Development Board, which was established in 1950 and headed by the Emir of Kuwait (Mahgoub, 2008).

Two major factors have contributed to urbanization in Gulf societies; first, oil revenues and second, the outcomes of globalization (Moghadam,2010). Urbanization seemed more pronounced in the transition from rural to urban areas and the consequent change in social norms. This rural-urban transition of community members has changed the idea of association and belonging. A change in the lifestyle requires changing the type of relationships that bind people. Prior to moving to the city, the natural link between individuals was most likely shaped by tribal affiliation. After moving to the city, the relationship between people shifted to different interests, and the need for public benefit became the dominant paradigm. Consequently, the idea of imagined

community among the people of the city emerged clearly. Urbanization requires a certain pattern of life, services and concepts and this in turn helped to change many of social norms and traditions by the state. In this period of the urbanization the state institutions were working to regulate people's life by laws and legislation. Thus, the urbanization process in Gulf cities not only was focused on changing the physical infrastructure, but also changed many of the customs and social norms that existed before urbanization.

This chapter aims to describe the domestic context in which the status of women in Kuwait started to change. This is important because it will help create a context for understanding Kuwait at a critical time in its contemporary political, social, and economic formation. Additionally, emphasis will be placed on how the status of women in Kuwaiti society changed under the urbanization process because of the modern state adopting urbanization as a strategy to achieve development. Thus, urbanization represents the framework that the modern state works under.

This chapter will cover three pillars for urbanization (development process) in the state of Kuwait including building state institutions, advancement to education, and legal structure. These three pillars enable us to see gender in urbanization. In essences, the urbanization process in the developing countries in the Middle East gives women access to state education, at the same time it undermines women status in society through institutions, laws, and regulations, which consider women as second-class citizens before the law; more specifically this is evident in the Nationality Law. Moreover, it describes how the authority has been transferred from social norms in society to laws and regulations by state institutions. Based on this transformation, gender-based discrimination became legal in the state of Kuwait. This chapter is going to present the role of urbanization in the state of Kuwait in changing social norms and

bringing new social dynamics in society.

First, this chapter will present an overview of urbanization and its impact on rural populations by transforming tribalism into urban patterns. Second, the chapter will focus on discussing the role of the urbanization process in building state institutions, legal structure, and advancement the education.

What is Urbanization

Urbanization in the Gulf is a process that has an impact on rural populations by transforming the idea of tribes from a rural traditional lifestyle to an into urban patterns and settings. Typically, this happens through cultural change which involves a change in values, attitudes, and behavior of immigrants towards compatibility and adaptation to local urban patterns. In the context of physical geography, urbanization is defined as a general trend towards urban cities or centers (Moore, 1980). On the other hand, Urbanization is also defined as the transition from rural to urban life. This transition happens because of migration which requires from the individuals or groups to adopt a certain social system of values and culture prevailing in the city. This transition may result in a deterioration of the material and moral situation and may result in a return to the village (Ghaith, 1989: 499).

. Al-Naqeeb (1987) presented that between the 1950s and 1960s there was a change in the position of the traditional social forces (tribal families in the Gulf region), which coincided with the rise of the ruling families to power and control of oil revenues. The impact of oil on social construction in the Gulf led to the destruction of the traditional economic sectors and economic activities such as fishing, pearl diving and trade, which have changed the composition of the population in the Gulf. Accordingly, two main periods in the Gulf society were formed, before oil and after oil. This change in social construction as a result of the urbanization policies adopted by the State, which

sought to codify laws and customs and gender, was used as a standard in enactment for many laws and legal practices.

Additionally, Al-Naqeeb (1987;136) gave a description of the urban society, which he said was characterized by a division of labor based on "industry." This urban society sought a level of perfectionism that was greater than necessary. While social problems were increasing along with behavioral and moral deviations, the society increased its standard of living and appearance by dressing up its clothing, food, and housing.

Urbanization has significant effects not only on the habits and patterns of behavior of groups, but also on patterns of thinking and values. Imagined Community is linked to urban mobility mechanisms as urbanization creates an interactive environment that takes different forms. Urban population is not homogenous, there is a clear contrast between the city's urban population in the knowledge and cultures. For example, in cities that have grown rapidly, there has not been a high level of cultural and cognitive change as in the cities that have grown gradually. This change is supposed to be a direct result from the population moving from the countryside to the city. In the case of rapid urban growth, rural people maintain their values and habits in the city rather than adapting to the demands of urban life (Al-Tayer , 2013). This phenomenon is similar to the experience in Gulf cities; the cities have grown and developed, and the population moved from a rural environment to urban city. However, the strength of the community tribe has remained high in the city, while also maintaining its customs and traditions.

In addition, the integration of society and its incorporation of new values was not quite clear in an emerging urban city. This is contrary to the idea of urbanization, from which the state is expecting a certain contribution from its citizens. Society is

supposed to have a distinct role in the development of knowledge and culture and cannot achieve a distinct urban life in the absence of civic awareness. Additionally, it requires the integration of people to be aware that they have the potential and capabilities to contribute positively to social development in the city. Thus, urbanization refers to the requirements of civic life which is based on awareness, mutual interest, and the continuous interaction between citizens and the institutions (Ghaith, 1989; Al-Tayer , 2013; Moghadam ,2013).

Pillars for Urbanization Subjected by Gendered Code in the State of Kuwait; Institutions Building, Advancement to Education, and Legal Structure

Institution Building

The most rapid growth in urbanization in the Gulf region occurred in the oil-exporting GCC countries. The urbanization in Gulf cities was influenced by the oil revenues, especially in the period between 1960 and 1980 (Moghadam,2010). Accordingly, oil revenues were the reasons behind encouraging the urbanization in Gulf cities which reflects different levels of development in the region. Urbanization has brought about a better life in most of the region, but some countries continue to have difficulties in the provision of such services. In Gulf cities, urbanization can be most clearly seen in the buildings, state institutions, and high-level living services (Tawadrous,2014).

Urban cities in the Gulf have been recognized in different ways. Urban cities should address demographic, geopolitical and social dimensions of such population settlements. Moreover, the most important one is the need of the legal structure to help in organizing the urbanization process (Konuk; Turan; Ardali,2016). Moghadam (2010) pointed out that urbanization in the Gulf cities brings many deep changes to the populations as well as to the cities. For example, in its history, the idea of a young unmarried woman (less 20 years) was completely unaccepted in the Muslim world, for the concept of patriarchal honor is built around the idea of virginity, which reduces a

woman's role to its sexual dimension: reproduction within an early marriage. Moreover, the concept of unmarried women is linked with social corruption *(Fitna).* In the contemporary period after oil boom revolution, these things have largely become socially acceptable because the economic changing is led to social changing as well. However, Moghadam believes that urbanization has created social problems. For example, in Gulf countries, because of gender differences in education, employment, and income, women are especially exposed to poverty during periods of economic difficulty or in the event of divorce, abandonment, or widowhood. Rapid urbanization and population growth have transformed the size and structure of the labor force. In most countries, the population has shifted from engagement in primarily rural and agriculture production systems to involvement in various types of urban industrial and service-oriented economic activities (Al-Naqeeb,1987). This level of potential instability happened because of the cultural norm of the male breadwinner and female homemaker ideal. At the same time, urbanization created opportunities for the citizens to work as a collective group and encouraged the emergence of a lot of Non-Governmental Organizations (civil society organizations) which has an influential role in many of the social dynamics that happen in the region currently. The social dynamics includes changing in norms, customs, and traditions. Moreover, urbanization in some Gulf cities created an awareness of internal issues related to citizens such as women's rights and social movement. This is largely due to the idea that urbanization has brought social advances and social inequalities, both of which have helped to generate making women's groups. From this change, dynamic women's movements and campaigns emerged for the repeal of discriminatory laws, specifically the Sharia-based family laws, which place women in the position of a minor, dependent, or subordinate in the family. Furthermore, the region has seen the emergence of women's movements and

organizations calling for family law reform, equal nationality rights, laws against domestic violence, and increased economic and political representations (Tawadrous,2014).

Advancement to Education

Hosts of the social changes are associated with the rise of mass education in Kuwait. Thus, the advancement of education is one of the important factors and markers of urbanism because of the development process. In general, educational institutions in the Middle East have undergone major growth since the mid-twentieth century. In the Gulf counties, education has served a central role in the development of modern states and citizenship. At the same time, the emergence of international organizations and human rights conventions showed a big focus on human development (human capital), mainly on education. As a result of this education became as a basic right as well as a key institution of development, and the provision of education has become essential to state legitimacy. Gulf countries have achieved a high rate of education compared to other countries of the region. For instance, Morocco, Yemen, and Egypt currently have the lowest adult literacy rates in MENA, at 56, 59, and 66 percent respectively while just 10 percent of women are illiterate in the UAE and Qatar (Moghadam,2010).

Most of the Gulf countries have started the process of development years before taking their independence; the state's policies were directed towards promotion and training of an indigenous, local and professional labor force and towards an integrated economy. The expansion of formal education and the establishment of higher education institutes were a reaction to the requirements for the needed human capital, which are affected largely by the lack of sufficient and broad literate infrastructure. Thus, Gulf cities needed to expand access to education to all the society's groups in the country. Accordingly, educational attainment became the main feature of educational policies in

Gulf countries. Free public education is subsidized by the state; as a provision of social welfare services it can be seen as an integrated part of the state policy to ensure its legitimacy. Thus, the social transformation in certain aspects in the Gulf countries were influenced primarily by education. This is reflected in the transformation in both the political and economic dimensions under the development process in Gulf countries (Tawadrous, 2014).

Urbanization process which led to the formation of the state institutions, encourages educating women, it brought new concepts related to social change in Gulf society. Women's gross enrollment rates have improved since the 1970s. In developing countries women tend to specialize in the humanities and social sciences, and this led to a mismatch between education and labor market demands. This is related to society's perspective towards women that they should study specific majors considered as suitable for them and enable them to work in places free of men (Moghadam,2010). Moreover, there were personal and social returns to women of higher education and the unintended consequences for political activism and cultural change. State's policy works to create the "New Muslim Woman," through school curriculum while education provided a platform for women's increased gender and political awareness. For example, the feminization of higher education accompanied by the growth of women's rights in because education provides urban women with a capacity for raise awareness and collective action (Al-Mughni,2001).

The Creating of the Legal Structure and the Its impact on the Status of Kuwaiti Women in Society

Urbanization changed the social power of the society while it also brought to the forefront many of the social dynamics and the new situation of women in Kuwait. Social dynamics were represented mainly in the emergence of women's movement and associations in Kuwait after 1961 (Al-Mughni,2001; p: 68). Women from merchant

classes who were well educated at that time and had a different sort of social power in Kuwaiti society played a significant role in opening Women's associations. These associations worked to raise the awareness of society towards a lot of issues related to women (Moghadam,2010). Most of these issues emerged with urbanization which was accompanied by states institutions, laws, and legislation (Moghadam,2010). Thus, the emergence of the urban city had positive and negative effects on the life of Kuwaiti women. On the one hand, urbanization contributed to raising the level of education for women and helped to create awareness about the importance of civil and women's work, and the emergence of women's associations that demanded the political rights of Kuwaiti women. On the other hand, urbanization has created new concepts about the role of women and restricting women in the house or certain places only for work, whereas before Kuwaiti woman had full freedom to go to all places without restriction and even take the responsibility of her family (Al-Mughni, 2011 ;Moghadam,2010).

In Kuwait, as in other Gulf countries, urbanization influenced the state formation and worked towards building institutions and drafting laws (Mahgoub, 2008). Urbanization has a negative impact on people's freedom and specifically on women's freedom (Moghadam,2010). The government "the main actor" controls society through laws and regulations which limits people's freedom in exchange for some services (Moghadam,2010). This is happening by interfering in individuals' issues to regulate society and a few numbers of people only are in power and influence the types of legislation and laws that are legislated (Ghabra, 2017). Based on this, the state under the process of urbanization worked on codifications for space; this resulted in gender segregated spaces (Sonbol, 2012). The State of Kuwait's practices resulted in spaces as a gendered subject. Thus, gender becomes an organizing principle of social life thoroughly saturated with power relations (Al-Mughni, 2001; p:64).

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As mentioned earlier, Kuwaiti contemporary history can be divided into two distinct periods. Before the discovery of oil, the State of Kuwait was a trading place for nomadic tribes and sea traders; the inhabitants depended on the Gulf for their livelihood through fishing, pearling and travel (Mahgoub, 2008), Kuwaiti women have played an active role in Kuwaiti society as well as in the family. For example, Kuwaiti women have successfully managed the economic and social affairs of the family in the absence of men for many months in the journey of diving and traveling in search of livelihood (Tétreault & Al-Mughni, 1995). Thus, before urbanization, women were responsible for the house. This was socially acceptable within the society and even considered as part of norms and customs at that time (Sonbol, 2012). On the other hand, after the urbanization process women were treated as second-class citizens before the laws and based on this, many of the legislations and laws started to differentiate between male and female citizens in rights and duties. The most important one was the Nationality Law in 1959 and other laws that followed such as, Personal Status Law 1984, and Penal Code Law 1960. State institutions started to discriminate between male and female citizens in rights and duties based on their sex or "Biological Differences". The legislators believe that this discrimination is legal because rights and duties were distributed between citizens based on their biological differences, and not based on their citizenship (Tétreault & Al-Mughni, 1995).

For instance, Kuwait's Housing Law No. 47 of 1993 is a marker of rights and duties for citizens and stipulates that the Kuwaiti male citizen married to non-Kuwaiti citizen has the right to take housing by giving him a loan from the government bank and land to build house while Kuwaiti female citizen married to non-Kuwaiti citizen does not has the same right. This is despite the fact that the Kuwaiti Constitution (1962) in Article 29 states that "people are equal in human dignity and are equal before the law

in public rights and duties, without discrimination on grounds of race, origin, language or religion."

However, the Constitutional Court explained this discrimination between male and female citizens as legal, arguing housing care is provided by the head of the family, who is the man. The explanation given to justify discrimination is that the Kuwaiti family can be defined only by the Kuwaiti father regardless of his wife's nationality, and not the other way around. Thus, the Constitutional Court declared that the man is the sole guardian of the family. Another problem emerges, in that the law has not given any exception for the abandonment of women or the divorced women who is the guardian for the family. Thus, we can see a discrepancy in the law that emerged after the period of urbanization, and how legal perspectives affect women. Before urbanization, women were responsible for the family and independent for long periods of time (Sonbol, 2012). Whereas after the urbanization women's status became constructed and controlled by the state. Such an example given is to show how the status of women in Kuwait before and after the urbanization has been affected (Alkaldi, 2018).

Nationality Law in Kuwait 1959

("Kuwait: Ministerial Decree No. 15 of 1959 promulgating the Nationality Law", 2014)

Article 2

Any person born in, or outside, Kuwait whose father is a Kuwaiti national shall be a Kuwaiti national himself.

Article 3

The Minister of the Interior may, by decree, grant the Kuwaiti nationality to a person born in Kuwait from a Kuwaiti mother if the father was unknown, or his father was not legally proven.

Article 5

Kuwaiti women's children are treated as Kuwaitis when she divorced, or her husband died or captured.

Kuwait Nationality Law in Article 2 is a clear example of how state institutions in Kuwait undermine Kuwaiti female citizens and discriminate against them in other laws. Article 2 discriminates against Kuwaiti female citizens married to non-Kuwaiti citizens by denying the children of such marriages the Kuwaiti nationality based on blood ties. The example of such discrimination is given to prove that the nationality law in Kuwait affects the status of female citizens and all other laws. The pervasive bias against women could be observed at three levels of the state: in political institutions, in gender-related discourses and policies, and in legal status. Accordingly, the concept of citizenship that exists in Kuwait remains ambiguous; importantly, it is rooted in the belief that women are allowed to be members of society, but not rightful citizens in the state. Kuwaiti Nationality law regulates women's lives based on their imposed role in society rather than on their citizenship (Al-Mughni ,2001, p:126). This has negative implications for the family of the Kuwaiti females' citizens (including the husband of a Kuwaiti female and her children). For example, it prevents family stability and unification because the Nationality law is the main determinant of rights and duties. More specifically, the National Constitution of Kuwait (of 1962) considers all Kuwaiti citizens as having equal rights and opportunity while the Nationality Law discriminates on the basis of gender itself in Article 3, and further distinguishes among births by married women and those who give birth out of wedlock. The pervasiveness of such discrimination against Kuwaiti female citizens can be observed in the outcome of sustainable development policies. The irregularity in the concept of female citizen hinders the development process as a result of female citizens who are unable to enjoy their full right and duties. This shows how state institutions consider only the Kuwaiti

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father the core of the family and based on this all other rights for children come only from the Kuwaiti father not Kuwaiti mother. From this, there follow four negative consequences which will be explored in the following sections.

First: Administrative Deportation Law Kuwait: Amiri Decree No. 17 of 1959 issuing the Aliens Residence Law

The law above does not exclude husbands and children of Kuwaiti female citizens from the possibility of administrative deportation. Therefore, Kuwaiti women's husbands and children are exposed and vulnerable to the administrative deportation decision (Alhewail, 2016, April 09) (Dr. Fatima Alhewail, Assistant Professor in International Private Law, international law department, Kuwait University, and a Board member in the Kuwaiti Women Cultural and Social Society since 2016). This law is unique in comparison to some others, as it is a sovereign decision that cannot be appealed to the judiciary and cannot be changed except by a decision of the same degree or higher under the law. For example, if a decision was made to expel a Kuwaiti woman's husband or her children from Kuwait, the deportation shall be carried out because the residence and deportation decisions are classified as sovereign (Alhewail, 2017, November).

Second: Civil Service Bureau Circular No. 3 of 2017

The second negative consequence of such discriminatory practice emerges in this law. The children of a Kuwaiti mother and a non-Kuwaiti father, as non-nationals, can only secure employment in the absence of Kuwaiti candidate. Furthermore, even after employment, the contract for Kuwaiti women's children is a special contract under the same classification for non-Kuwaitis. Thus, they will perform the same job but receive lower salary because they are not citizens (Alhewail, 2017, November).

Third: Public Health Sector

If a non-Kuwaiti woman who is married to a Kuwaiti man wants to receive treatment

in the public health sector she is required to submit a marriage contract only, after which she is eligible for full health care in treatment and medicine. On the other hand, a non-Kuwaiti man who is married to a Kuwaiti woman is required to submit a marriage contract and a valid marital continuity every three months. Also, the children of a Kuwaiti mother and a non-Kuwaiti father are required to present birth certificates on each visit, and they and their father are eligible for only partial healthcare and are covered for only some treatment procedures and medications (alqabas, 2017).

Fourth: Education Sector

A Kuwaiti women's children cannot participate in representation in regional or international competitions, which has a negative impact on her children in upbringing and psychotropic (Alhewail, 2016, April 09). As non-nationals they are unable to participate in national representations (Alhewail, 2017, November). Moreover, this prevents them from directing their energies in what is positive and generating a return benefit to Kuwait. Furthermore, scholarship for overseas education law does not apply to them, no matter how excellent they are (alqabas, 2017).

Accordingly, Kuwaiti women's children and husbands do not enjoy the benefits of rights. This is because all rights linked to obtaining Kuwaiti Nationality. Thus, there is no respect for Kuwaiti female as a citizen; she cannot grant her children her nationality or even enable their equal treatment to the children of a Kuwaiti father. In addition, the law gives the wife of a Kuwaiti man Kuwaiti Nationality in respect of his citizenship; this extends even after his death. However, the law does not give a Kuwaiti female citizen the same right to grant the Kuwaiti Nationality to her husband. This happens because laws treat women always as a follower of the men, so she is not independent of him.

Conclusion

The process of urbanization was driven by global changes in building the modern state in Kuwait which started before the Kuwait's independence in 1951. The concepts of development globally in the international community affected the level of development in Kuwait as well the formation of state building. Urbanization has an impact in changing the social and cultural norms in the state of Kuwait. Economic change and the discovery of oil has also been one of the main factors which led to the social transformation in norms and values. Kuwaiti urbanization represents the framework that shapes state formation in building institutions, the legal structure, and the educational institutions. Education has been the most positive aspect in terms of changing the status of women. Society's awareness and the level of education have stimulated the establishment of civil society and social organizations in Kuwait and raised awareness of the political, social and economic rights of women. The building of state institutions and the legal structure has adversely affected women status through codification women affairs in laws which reduce the space of freedom that existed before, as well as transferring authority from society to the state because, under urbanization, a legal structure was established to regulate society's affairs.

CHAPTER 4: AROUND CITIZENSHIP, NOT THROUGH IT.

Introduction

This chapter aims to explain the reasons behind the current contradictions in the State of Kuwait between the National Constitution, the Nationality Law, and its impact on the National Development in Kuwait. This will be covered by explaining the negative impact of the urbanization on the status of Kuwaiti women in Kuwaiti society, and explaining the current contradiction between the National Constitution and the Nationality Law in terms of gender equality. Then the chapter will discuss the changing of development concept globally, and new concepts that have become linked to development. Finally, it will explore how the discrimination against a Kuwaiti female citizen in the Nationality Law hinders the National development plan in Kuwait.

The urbanization as one aspect of development process comes under the fact that the state has a role in changing and providing services to its citizen. The process of development led to demographic changes and a shift in people settling in a certain place (Al-Ganem,1997). By leading people to settle, the state has an essential role towards their citizens such as protection and providing equal rights and opportunities to their citizens, and a public platform for opinion. The state's behavior becomes more specific and determined; because the process of urbanization aims to change and transfer the lifestyle of the society's "way of life". Thus, the state works to provide a level of welfare (Al-Ganem,1997). This results in interfering and regulating people lives through institutions and laws. The process of urbanization in the State of Kuwait succeeded to transforming the Kuwaiti traditional city which was simple with public houses, unpaved roads and old to an urban city which is able to provide such services and a welfare lifestyle to its citizens (Mahgoub, 2008). However, it did not work to empower Kuwaiti female citizens as the way that the state empowers the male citizen.

Moreover, the state institutions under the process of urbanization worked to restrict Kuwaiti women through laws; gender and the status of women in society become highlighted and discussed deeply (Ghabra, 2017).

The Negative Impact of Urbanization on the Status of Kuwaiti Women

In the 1960s, 70s, and 80s, the urbanization process had not yet resulted in more restrictions on women in terms of social norms, as women still had a large space in Kuwaiti society. For example, there were no written laws concerning the education, work and travel of women. However, after the liberation of Kuwait in 1991 the conservative school emerged and was influenced by Salafist tendencies (Ghabra, 2017; p118). People who ascribe to Salafist thought have narrowed the public sphere for women. For example, Abdullah al-Mutawa, president of the Social Reform Association, has stressed the importance of implementing Shari'a law in a fast and direct manner in Kuwait, especially on matters related to (Al-Hodood) in Quran such as cutting off the hand of the thief, whipping the adulterer, and preventing mixing between the sexes in public sectors. This opposed to what was prevalent in Kuwaiti law; the legislation was defined by a flexibility in the interpretation of Islamic law, such as punishing the thief without cutting his/ her hand (Ghabra, 2017; p:119).

In addition, at that time a group of parliamentarians in the National Assembly were focused on women's issues in society including marriage, the veil, and prevent mixing in work, schools, and universities. After that, the National Assembly members proposed a law to separate education at Kuwait University, which since its establishment in the mid-sixties was a university for joint education of both sexes. This policy - Separation between sexes - in higher education between men and women in public sphere has paved the way for many social and personal distortions in Kuwaiti society (Ghabra, 2017: p:154-155).

The Islamists and the government's position towards women resulted in strict regulations and control of women's sexuality during the period of urbanization, which Islamic Jurists regarded as a threat to civilized society. However, they believed that the requirements of modernization are incompatible with traditional Muslim structures (ex; women should stay at home, and women should work only in the home) and the ensuing contradictions present in nearly all Muslim countries. In the State of Kuwait, urbanization had disorientating effects on modern life and male-female relations as it looks at the male-female unit as a basic element of the structure of the Muslim world (Mernissi, 1987).

The parliament in Kuwait is supposed to reflect a minimum of democracy, freedom and rights for the Kuwaiti citizens. Thus, the parliament in Kuwait is the legislative authority which means that it is the only authority responsible for legislating laws in the state (Herb,2016). The persuasion of the members of the Council is reflected in the type of laws they legislated in the state and even on the laws that they amended in the state (Ghabra, 2017). For instance, in the 1990s after the Iraqi occupation for Kuwait, the Islamic fundamentalist (Asolya / Salafe) faction in the parliament had seen government legislation as non-Islamic according to their own perceptions of Islam and wanted to change it (Ghabra, 2017). Additionally, the Islamic fundamentalists were in power and neglected the development and corruption issues, and focused instead on women issues and raised the awareness towards many new ideas related to women in Kuwait society. In the same period, the Islamist movement developed harsh interpretations of the relationship between women and men in Kuwaiti society. Consequently, all the interpretations and attention were from a sexual perspective towards women which reduced woman's perspective as a human (Al -Mughni,2001; p:

45). For this reason, the Islamic movement in Kuwait focused on women's hijab, clothes, and the places where women were allowed and not allowed to go. Thus, their focus was never on women's production, development and contribution in society, but on controlling women and restricting them. This is because their perception of women's emancipation is that it will lead to moral issues and social corruption *(fitna)* in Kuwait society. In addition, the Islamist movement opposed all women's political rights until 2005, when Kuwaiti women took the right to vote (women's right to vote in Kuwait in 2005 was very late compared to neighboring Gulf countries and compared to the period in which Kuwait began urbanization) (Aljazeera,2005). These issues related to gender dominated the efforts of the Islamic Movement in Kuwait. Therefore, all other issues related to development, modernization and corruptions were absent. Ghabra (2017) questions how the society will be able to move forward while half of it is preoccupied with controlling the other half of it, or even the decision-makers who preoccupied with how to confront women in society for religion, moral or other reasons.

There have been very gradual and limited changes in women's political and economic and social status during the urbanization period in Kuwait. These changes were focused on education and women movements only (Al-Mughni,2001). Thus, the entire policy of the state of Kuwait has been designed to perpetuate patriarchal relationships and to maintain the traditional role of women - in home reproduction- without enhancing their role outside the home. Furthermore, the barriers or "mechanisms of social control" and restrictions increased for women. The transition from the social authority, customs and traditions to state authority resulted in increasingly codified and written norms. Kuwaiti Society, like other Arab and Islamic societies in the region controlled by male dominance and patriarchal practices during the period of the state formation and building the institutions, produced laws that

worsened the situation of women in many dimensions and made the discrimination between male and female citizens legal.

The strong influence of the social structure on the drafting of the Nationality Laws in Kuwait has been influenced by other laws such as Family Law and Personal Status Law (*Al-Issa, 2013*). Historically, the Nationality laws of the Arab and Gulf countries as well were influenced by French-Napoleonic law, which was built based on the Patriarchate. For example, in the Christian religion, women lose their eligibility, money, and names when they marry, and they always follow men while that does not the case in the Islamic religion. The Patriarchate influenced the status of women in the Nationality Law at the time, but patriarchalism, the culture of power and the domination of men over women also existed in Arab and Gulf culture and helped in preventing any change for the nationality law in favor of a women citizens. As a result, the Nationality Law in Kuwait does not treat women as full citizens (Al-Mughni ,2001, p:155).

Thus, all the policies of Kuwaiti state are built upon the premise that women are weaker than men and in need of protection. Under this argument women are placed under the guardianship of men father/husband/brother/ uncle/ son; for the state it is inconceivable that they could exist without the protection of men and with an identity and are capable of standing on their own. Women are defined as family members whose rights and obligations are circumscribed by their roles as mother, wives, and daughters (Al-Mughni, 2001; P:64). Therefore, women are framed as mothers, sisters, caregivers, wives, but are not referred to as citizens with equal, constitutionally-sanctioned, rights. On the basis of this, women are not treated as rightful citizens (Al-Mughni, 2001, p:50; Alhewail, 2017, December). When women are subjugated in-laws, they are subjugated in the home as well, and by this, woman are exposed to different types of violence (Alhewail 2017, November). Moreover, laws in the State of Kuwait are made by men

and societies shaped by a patriarchal past. Men are the ones who are drafting the laws which are discriminating against female citizens (Allanana ,2013) Accordingly, gender equality can only be achieved by correcting the imbalances in the laws (Chaudhary,2018).

The Contradiction between the Constitution and the Nationality Law in terms of gender equality

Kuwait witnessed the building of state institutions and the legal structure in the 1940s (Mahgoub, 2008). In the 1950s there was a need to define the Kuwaiti citizen. The Kuwaiti Nationality law was established in 1959. The legislature defined the Kuwaiti citizen under certain conditions. The legislature established the conditions, deciding a person could be a Kuwaiti if the father only is Kuwaiti. The reason behind this condition remains unclear until today; however, there are two explanation for this Legislation. The first one is that when the legislature chose the Kuwaiti father only to be the means to gain the Kuwaiti nationality through the blood tie, they were mixing between the descent and nationality tie. The second explanation is that there was a preference for the male citizen to give him the right to grant his nationality to his children while ignoring the same right to a female citizen and to her children. In 1959 there were no sustainable developments and no internal trends in the State of Kuwait or even globally on the importance of equality between males and females in legislation. There was no universal awareness of the concepts of discrimination against women and on the basis of gender. Therefore, many of the laws that were adopted after the law of nationality in that period did not consider the female citizen as citizen. Consequently, the legal and institutional violence that women were subjected to was due to insufficient awareness. After that, the concept of gender began to appear, as well as many conventions at the state and the international conferences which began by talking about the social, legal and political situation of women in light of the modern

state and the new legal systems.

The National Constitution was adopted in 1962 and it prevents any discrimination-based sex. However, the Nationality Law in Kuwait legitimates discrimination based on gender. The thesis argues that there exists an inconsistency between Article 7&8 of the state of Kuwait Constitution which states that "Article 7: Justice, freedom, and equality are the pillars of society; and cooperation and compassion are the firm link binding all citizens. Article 8: The State shall preserve the pillars of society and shall guarantee security, tranquility and equal opportunity to all citizens," and Article 2 of the Nationality Law, which states that "Any person born in, or outside, Kuwait whose father is a Kuwaiti national shall be a Kuwaiti national himself." The constitution considers Kuwaiti citizens as having equal rights and opportunity while Nationality Law in Article 2 discriminates against Kuwaiti female citizens married to non-Kuwaiti men by denying the children of such marriages the Kuwaiti nationality based on blood ties. Examples of such discrimination are given to prove that the nationality law in Kuwait is discrepant with the constitution and affects the status of female citizens and all other laws.

The legal pyramid indicates that the national constitution is the supreme authority in the state. Therefore, any law that has been there before the national constitution should not be in contradiction with the national constitution. That is why there is an explanatory memorandum for any law. All laws must be consistent with the principles of the National Constitution, not the opposite. The Nationality Law is considered as one of the sovereignty acts established by the Law on the Organization of the Judiciary, Decree No. 23 of 1990, Article 2: The Courts shall not look into the sovereignty acts. "The Nationality Law is one of the sovereign laws in the State (Decree-Law No. 23 of 1990 - dated 10/3/1990 Law on the organization of the

judiciary). The Prince is the one who grants the citizenship and withdraws it, this is mean he signs the Amiri Decree because some articles in the nationality law state it may grant the nationality not should or is required (Almassri,2017).

The idea of adoption of national legislation in accordance with international assessments in the State of Kuwait is not strange to legislators. The State of Kuwait has responded to external changes with regard to several things and has changed several domestic legislations to comply with external pressures. As for women's affairs, especially Kuwaiti female citizen, no related articles have been changed in the Nationality Law. Moreover, the legislature responded to external pressures that discussed the granting of citizenship to a foreign wife and the principle of the unification of the nationality of the family and the issue of dual nationality. The Nationality Law stipulates that the wife of a citizen shall be granted citizenship under certain conditions and this legislation shall be applied to facilitate family matters and the principle of preserving the family, motherhood, and childhood provided for in the Kuwaiti Constitution. Article 9 of the Constitution says, "The family is the corner-stone of society, it is founded on religion, morality, and patriotism. Law shall preserve the integrity of the family, strengthen its ties, and protect under its support motherhood and childhood" (1962 Constitution of the State of Kuwait). In contrast, the Kuwaiti legislature ignored the same right of Kuwaiti citizenship in women having the right to grant nationality to her children and her husband under the same principle, which is to protect the family unity.

Most of the conventions designed to prevent discrimination against women aimed at directing States to amend their domestic legislation that discriminates against women in order to harmonize their laws with international standards. In 1953, the United Nations Economic and Social Council (ECOSOC), under the direction of the

Commission on the Status of Women, issued an agreement to the States Members of the United Nations concerning the nationality of married persons. Article 1 of the Convention states:

> "Each Contracting State shall not discriminate on the basis of The Convention on the Rights of the Child, adopted by the General Assembly of the United Nations and submitted for signature, ratification and accession by its resolution 34/180 of 18 December 1979, and by reference to the provisions of this Convention, the first paragraph of article 9 States are required to grant women equal rights with men to acquire, change and retain their nationality, and to ensure in particular that neither marriage nor change of nationality by a spouse during marriage can automatically change the nationality of a woman, make her stateless, Her husband and the nationality of the children. Indeed, the second paragraph of this article gave women equal rights with men with regard to the nationality of their children, stating that States Parties shall grant women equal rights with men to acquire, retain or change their nationality, In particular that the marriage shall not result in a foreigner or change the nationality of the husband during marriage, the nationality of the wife shall automatically change, become stateless, or the husband's nationality shall be imposed upon her (Convention on the Nationality of Married Women New York, 20 February 1957)."

Furthermore, "States Parties shall accord to women equal rights with men with respect to the nationality of their children" (United Nations Treaty Collection). The Kuwaiti legislature has responded to these global changes that advocated the importance of uniting the nationality of the family. The law of nationality has been amended only for the wife of a Kuwaiti citizen, who has the right to apply and take Kuwaiti nationality in order to preserve the principle of family unity while the same right for husband of

Kuwait citizen was ignored. The Kuwaiti Nationality Law in both articles 3&5 state that "Article 3: The Minister of the Interior may, by decree, grant the Kuwaiti nationality to a person born in Kuwait from a Kuwaiti mother if the father was unknown, or his father was not legally proven; Article 5: Kuwaiti women's children are treated as Kuwaitis when she divorced, or her husband died or captured." Moreover, in Article 8, "Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to a foreign woman who marries a Kuwaiti national provided that she declares her wish to acquire Kuwaiti nationality and that the marriage shall have lasted for at least 15 years from the date of her declaration".

New Concepts have Become Linked to Development

The concept of development is a dynamic and variable concept. Development in the twentieth century was meant to increase the average per capita income before it became focused on education and health (Amin ,1983). At the beginning of the 21st century development became a means for human development and recently the international community discourse in development is related to sustainable development (Soares Jr. and Quintella ,2008). These sequential changes were a response to the external changes in the international community in the twentieth century, which was represented by the emergence of international organizations and civil society organizations that brought new concepts and linked them to the development necessitating a chance to many particular existing policies. This included gender equality and the rights of special needs, child rights, and women rights. These concepts have played an important role in preventing violence and oppression against vulnerable groups in society. Thus, international attention to these issues raises awareness of the importance of protecting vulnerable groups in society. Gender equality is one of these new concepts linked to development and it became essential to discuss

gender equality as a part of the development process in many aspects (Aoláin, Cahn, Haynes, and Valji, 2018).

The twentieth century witnessed an emphasis on defending issues such as justice and freedom and linked them to equality between male and female citizens in the political system. The 1960s marked a new turning point in the social and cultural life of the world. This was due to the emergence of new social theories such as second wave of feminism, the expansion of human rights trends, the emergence of civil society organizations and the governments of the welfare state and the economic prosperity that led to the development of many concepts in society in the 1980s (Moghadam,2010). There have been many of the political movements which call for raising the awareness of gender-based discrimination. Gender-based discrimination was the result of abnormal factors such as education, socialization and the environment that established misconceptions about the roles of each sex in society. Biological difference was also linked to the distribution of the political rights and duties in the modern state (Al-Mughni,2001). This discourse was in a world full of transformation. Therefore, it was necessary to reconsider the fixed social roles established by society and later on by the modern state in their laws for both female and male citizens.

The concept of gender has many dimensions and angles. A gender perspective aims to create a gender balance, justice, and development; in fact, it is discrimination based on sex (discrimination based on biological differences). It focuses on achieving justice that considers the difference between men and women and considers the differences between the needs of each sex (Aldabag and Ramadan,2013). The characteristics of gender are classified into what is attributed to nature and what is acquired. Nature is imposed male and female, and they are completely different from each other in term of natural biological characteristics and differences. On the other

hand, the concept of gender is imposing traditions or social customs by the local culture of a society. The prevailing stereotypes in this society give males or females social roles (Al seda&Abbas,2015). Thus, the qualities acquired from the environment and social group confirm the masculinity or femininity of each sex. Therefore, sex is the biological difference (sexual identification) while gender is the image given by the of society or the "social identity". Local culture plays a major role in cultivating specific values and principles that are specific to a specific society. This local culture establishes certain concepts, characteristics and special roles for both sexes. This social identity is reflected in the form of daily transactions, policies, rights, duties and the social role that each gender must follow. For instance, all the policies of the State of Kuwaiti are built upon the perspective that women are weaker than man and they are always in need for protection (Al-mughni,2001;p:64).

The evolution of the concept of development globally and gender based - discrimination coincides with internal women's groups movement of the Kuwaiti society (Tétreault & Al-Mughni ,1995). In Kuwait, women have played a major role in demanding the elimination of all forms of legal and institutional discrimination based on gender. Urbanization brings social advances and social inequalities, both of which have helped to generate women's groups and movements. From this population growth have emerged dynamic women's movements and campaigns for the repeal of discriminatory laws as discussed in the previous chapter.

In one respect, urbanization was accompanied by greater access to education while it was also accompanied by inequalities in social, political, and cultural realms (Tétreault & Al-Mughni ,1995). Especially among young people, this generated demands for greater participation and rights. This happened because of cultural norms of the male breadwinner and female homemaker ideal. A lack of government programs

to involve low-income women in the labor force, and Muslim family laws that discriminate against women with regard to inheritance encourage female dependence on male "guardians" in the family. In Kuwait, the role of education under the Urbanization meant the opening of schooling and gave public spaces to women. Moreover, it has affected the traditional family and prescribed gender roles, replacing the patrilocally extended family with the nuclear family, creating many more opportunities for women, and affecting attitudes toward sexuality (Moghadam, 2013). In Kuwait the emergence of women's movements and organizations calling for family law reform, equal nationality rights, and increased economic and political representations came a bout over the last several decades. These laws are seen as old and useless by much of the female population and the activist generation.

The urbanization process encourages education which contributed to women's capacity to mobilize around grievances and goals. At the same time, the global women's rights agenda by the United Nations conferences of the 1990s and 1994s the International Conference on Population and Development created favorable opportunity structures which allowed increasing women's organizations in the Middle East (Moghadam, 2010). Among these are the Non-governmental organization s which advocate women's equality and rights, and participate in campaigns for family law reform, equal nationality rights, and electoral quotas as well as the introduction of anti-sexual harassment laws, and the prevention of all forms of violence against women (Moghadam, 2010). Women's rights activists rely on a parallel strategy of maintaining a strong civil society presence. In addition, civil society is an arena for women's activism through which it can increase their access to decision-making positions.

The relationship between women's education, employment, and civic engagement is clear. Women's education not only correlates with employment and

involvement in professional and civic associations, it is also a powerful predictor of women's rights activism. The movements, organizations, and campaigns mentioned above have been spearheaded by educated women—most of whom are also urban professionals in an array of fields, including the arts, media, the university sector, and business. Indeed, Urbanization is a key aspect of social change and economic development in cities (Abu-Lughod,1983). It plays a central role in social movements as well as in globalization processes. For instance, in Kuwait in 1963 there were two women's societies were established: The Cultural and Social Society (CSS) and the Arab Women's Development Society (AWDS) and, until today, they remain the only official organizations to speak on behalf on Kuwaiti women. Moreover, these organizations represented the history of the women's movement in Kuwait. These two organizations, the CSS and the AWDS, evolved as a result of a male society eager to modernize itself without being ready to make a serious change in the gender relations in this period (Al-mughni,2001; p:67). Thus, the period of establishment of these associations represented the spread of education in Kuwait and the presence of women from the merchant class who changed the discourse around women. Additionally, these groups are working to rehabilitate them and changing the stereotype of the status of women who were urged to be a wife and housewife. On the other hand, the pre-period of urbanization women social status was customary, and the authority was limited to a certain tribe (Tétreault & Al-Mughni ,1995). There were no laws related to women's affairs such as work, and study. After the urbanization which brought the institution and the legal structure, the authority transferred from society to states and customaries becomes laws and legislation by the states. All of this was built on the assumption that women are weak, emotional, and irrational and based on this state classifies female citizen as a second-class citizen. More specifically state's perspective of female citizens

never comes from the citizenship concept, but it comes from their social role and their social identity based their nature and by "default" they have limited abilities compared to their male counterpart. Therefore, female citizens are considered based on their biological difference that they are less than men, and thus, they should not be equal to the male citizen in citizenship rights.

Discrimination Against a Kuwaiti Female Citizen Impedes the National Development in Kuwait

The State of Kuwait is a constitutional state, which means it follows the Constitution as the main source for legislation. The National Constitution of the State of Kuwait states that all citizens are equal in rights and duties and discrimination based on sex is not allowed. However, laws and mechanisms of application of laws distinguish between male and female citizens. In addition, as this chapter explained previously, the Nationality Law is the most important law in the state in terms of defining who is the citizen, because based through this law the rights and duties are granting to the citizen. In article 2 there is a clear distinction between male and female citizens on the basis of granting the nationality through blood tie. Article 2 in the Kuwaiti Nationality Law shows the state is treating the Kuwaiti female citizens as second-class citizens in rights while demanding similar duties from them. Moreover, the state expects those female citizens to have a similar responsibility as a male citizen in terms of contribution to achieving national development in the state.

Kuwaiti Female citizens are considered as a member of society rather than a member of the political institutions in the state. Essentially, the state treats female citizen based on her role in society; mother, sister daughter, wife, housemate, but never refers to them as a full right citizen because the Kuwaiti female citizen is reduced to, from the states' perspective, their social role. This means the Kuwaiti female citizen is not able to be a part in the process of development. The state should offer the same

opportunities and chances for all citizen regardless the gender of the citizen. Discrimination against female citizenship hinders the development process because development concerns citizens and depends on their direct and indirect participation in improvement and development in different sectors in the state. For instance, in the housing law a Kuwaiti Female citizen is not treated as a male in terms of having the right to obtain a housing loan. There are several restrictions and conditions for a Kuwaiti female citizen. Moreover, even widows or divorced women are excluded from these discriminatory conditions, meaning that they are not even considered according to the social situation. This discrimination in rights between citizens is gender-specific; the Constitutional Court says it is gender-specific, meaning that a woman does not need a housing loan because she is always following her husband, father or so: "The application for housing care is provided by the head of the family as the guardian of its affairs in law and in order to ensure that the family deserves such care. The court believes that the Kuwaiti family can be defined only by the fact that the father based on the family's work is Kuwaiti regardless of his wife's nationality and not the opposite" (Alkaldi, 2018). This interpretation provided by the Constitutional Court confirms the institutional and legal distinction that Kuwaiti female citizen are subjected to in Kuwait. Therefore, unequal opportunities and equal rights hinder the development process. The social and material status of the family from a Kuwaiti mother is less than that of a Kuwaiti family because the rights and facilities as well as employment opportunities and services are all given because of the presence of a Kuwaiti father.

This contradiction in behavior and even the mentality and outlook on women in many aspects make the involvement of a Kuwaiti female citizens in the social, economic, and political field limited (Kuwait Lawyers Website ,2015). Additionally, the laws governing women's work are largely unfair. For example, the subject of equal

pay for equal work. There is discrimination on the subject of remuneration, and there is discrimination on the subject of social security. Another example is on the issue of honor crimes, article 153 of the Kuwaiti Penal Code provides for the reduction of liability for men. If the male and female citizens commit the same offense, the punishment is not equal.

Discrimination against women is a block to economic, social and political development because discrimination against women, whether legal, institutional or societal, goes beyond its negative impact on society and the state (Alhewail,2019). A Kuwaiti female citizen is a key partner in the development process and thus, when she excluded from contributing to the development, a large part of it is disrupted and this is reflected in the capabilities of the society. For instance, many jobs requested by the public sector requires Kuwaiti male citizen as a condition to apply. Therefore, a Kuwaiti female citizen is unable to apply for this job because of such conditions. Moreover, children of a Kuwaiti mother are also ineligible for this job, no matter if they are qualified or well-educated and suitable for this job thus, they are treated as if they are foreigners (Alanba,2015).

Under the legal code, women are discriminated because of the perspective that their abilities are less than men. Based on this they take incomplete rights. Therefore, there is a misunderstanding of women 's ability in the society which emanates from the perception that they are weaker and emotional. Abilities and skills are acquired through the process of formation and the environment. Thus, if women are given the opportunity to learn, train and have full social, economic and political rights, they will be able to access everything that men reach. However, most of the laws established by the state of Kuwait impede women's access to the same opportunities as men. This distinction, which is practiced by state institutions and laws, implicitly reflects to the misconception

and thus they are given incomplete rights based on the biological difference from a male. As long as the legislature believes that women have less ability to give they will thus limit opportunities and allow them to be less. Accordingly, the role of the state in ensuring equality of rights and duties for all citizens and providing opportunities and empowering individuals and ensuring their protection from any institutional, legal or social violation does not appear because of discrimination in the nationality law between female and male citizen. Therefore, this legal discrimination against Kuwaiti female citizen in the nationality has a long negative impact on motherhood and childhood, which the Kuwaiti Constitution in Article 9 preserves "The family is the cornerstone of Society. It is founded on religion, morality, and patriotism. Law shall preserve the integrity of the family, strengthen its ties, and protect under its support motherhood and childhood." Children of a Kuwaiti mother are treated as foreigners in the country. For example, The Kuwaiti Association for Human Rights says that it is very important that Kuwaiti female citizen be able to grant her nationality to her children as well as to her foreign husband. Also, they ensure on the need to harmonize national legislation with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) to allow Kuwaiti women's children to own the inheritance of their mother such as money and real estate. This in accordance with the Kuwaiti Personal Status Law No. 51 of 1984 in Articles 288 and 289, which confirmed the equality of inheritance and salaries of Kuwaiti mother's children compare to Kuwaiti father's children in the salaries (Kuwait Lawyers Website,2015).

There are numerous examples discriminatory laws against Kuwait women. National laws include discriminatory articles such as citizenship law 15/1959. It stipulates in article (2) that each newborn is Kuwaiti if he/she was born abroad to a Kuwaiti father, excluding the Kuwaiti woman from naturalizing her sons. Penal Code

Article (153) discriminates between men and women in terms of committing murder crime for adultery; as it belittled the case from a criminal act into misdemeanor for men. If the woman commits the same crime for adultery purpose, against her husband then she faces a murder crime sentence that reflects discrimination between men and women. Article 186 of Kuwaiti Penal Code criminalizes rape and sexual assault but it doesn`t criminalize husband rape and sexual assault against his wife as a violation and violence against women. Kuwaiti Personal Status Law 51/1984 did not give women the right of guardianship and custody over their children wherein Article (209) asserts that:

"A- Guardianship belongs to the father then grandfather according to inheritance system,

provided that guardianship goes to first degree relative.

B- If there are more than one guardian then the court selects the best one.

C- If there is no guardian then the court appoints any good one.

Kuwaiti civil law 67/1980asserts such points through Article (110), which stipulates:

- The guardianship over funds of minor goes to the father then grandfather and then a guardian appointed by the court, with consideration to provisions of Article (112).

- The father or grandfather is not allowed to refuse guardianship unless he submits an acceptable excuse."

Therefore, women do not have the right of guardianship over their children unless there is an exception made by the court. Furthermore, many internal regulations do not give women the right of guardianship over their children for managing their public affairs.

It is essential to look for who defines women's rights and why the modern state requires women's rights conventions and movements to give women their basics rights. Kuwait's constitutional status should theoretically base citizenship rights on its constitution, regardless of gender. The current situation in Kuwait is that many laws do

not reflect the principles of the national constitution such as Nationality Law, personal statue law, and penal code law. This is also proved by The Human Development Report 2005 which showed that laws and legislatures in the Arab countries are responsible for the low participation and contribution of women in the field of political action. In addition, the report explained that a large number of lawmakers in the Arab state discriminate between male and female citizens based on their social role in society, not on the basis of the citizenship tie which acts as a basic link between citizens and state (Theodorou&,2014). Furthermore, the national laws in most Arab countries are contradicting with the national constitution in the country in terms of discriminating between female and male citizen (United Nations Development Programe,2005).

This discrimination is reflected in the state's strategy and planning, which means there is an absence in equal opportunities for all citizens, and this will impede the process of the development in both political and economic dimensions (Mason, 2014). Kuwaiti women's participation in politics is very limited. A recent official statistic in 2018 by the Kuwaiti Central Administration for Statistics revealed that the percentage of Kuwaiti women in leadership positions in all government sectors does not exceed 12%. In addition, the statistics on employees in the government sector show that the number of leadership positions reached 531, of which 463 are men, while women occupy only 68 positions. The statistics indicated that the number of leadership positions occupied by females in ministries and government departments amounted to only 40 jobs, out of 306 jobs, or only 13% (youm7,2018).

Discrimination is practiced in the name of the law in the state, and the legislature says that distinguishing between female and male citizen is a must because religion requires this distinction. This is not accurate and represents a singular view of religion. Moreover, the law of nationality reflects the modern legal bond between the citizen and

the state, and has nothing to do with the religion or the father-child relationship. Discrimination based on gender makes hinders the development of the state.

Conclusion

In the State of Kuwait, the process of urbanization has not changed the culture of society from being conservative to more open, but it put more restrictions on gender agency. As a result of this, in the State of Kuwait, the urban city (laws and legislation) does not reflect the social urbanization because development was not reflected in the political status of female citizen. The urban city in Kuwait refers to a Kuwaiti female citizen as a member of the social system (wife, sister, daughter…etc.) rather than a member of the political institution. In Kuwaiti society, after the urbanization and more especially after the Kuwait liberation in 1991, women's position in society became more restricted and controlled by the state. The government has contributed to gender inequality by legislation and laws which discriminate against Kuwaiti female citizens such as the Nationality Law, Family Law, Penal Code Law, and Personal Status Law.

The State is responsible because it has the capacity to implement policies through State's institutions, legislation, and laws. The Kuwaiti Constitution prevents any discrimination based on sex without mentioning gender, which means gender found in law acts as a base of legal discrimination against female citizen. In both Article 7&8 of the Kuwaiti Constitution states that "Article 7: Justice, freedom, and equality are the pillars of society; and cooperation and compassion are the firm link binding all citizens. Article 8: The State shall preserve the pillars of society and shall guarantee security, tranquility, and equal opportunity to all citizens". This state, institution and the parliament, or "Legislature," in Kuwait believe laws in Kuwait towards women are legal and do not discriminate against them because based on biological differences rights and duties determined between male and female citizens.

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CHAPTER 5: KUWAIT'S POSITION TOWARD WOMEN ISSUES, BETWEEN

ITS DOMESTIC POLICIES AND INTERNATIONAL COMMITMENTS

Introduction

At the beginning of the 20th century the efforts to build a democratic state in Kuwait with a "parliament" began. This occurred earlier than the period of the urbanization in Kuwait (Al-etabi,2013). This move resulted in response to changes in the world, such as the constitutional revolution in Iran. In addition, it was a response to internal changes in Kuwait, such as increased trade and demand for diving, which led to increased openness to the outside (Al-nakib,2014). All of these new dynamics led to the increase of immigrants to Kuwait and the growth of a new community (Ghabra,2018). This new community began to feel that they needed to participate and engage more in the development of existing systems. One of the most prominent manifestations of the state and institutions was the experience of the Consultative Council in Kuwait in 1921. In 1932, young Kuwaiti nationalist created the "Constitution Bloc" to defend constitutional and civil liberties and to assemble to express political views and make demands, reflecting their real situation (Al-nakib,2014). In 1938 the young Kuwaiti nationalist "National Bloc" started to demand political participation. In this year, the constitutional foundations of a democratic system were laid down as a "modern parliament". Therefore, these external and internal changes have played a major role in accelerating the pace of change in Kuwaiti society, especially in terms of raising awareness for the need for political participation in the decision-making process and constitutional and civil liberties (Al-etabi,2013).

This chapter will explain Kuwait's position toward women's issues in terms of coordinating between domestic policies and international commitments. This will be through first analyzing the legal structure of the process of decision making in Kuwait,

and second, presenting the role of the leadership in Kuwait in managing the complex relationship between social power in Kuwait, specifically focused on the role of tribalism and salafism. Finally, it will conclude by emphasizing the influential position of non-discriminatory laws and policies in the State of Kuwait in contributing to the KNDP and SDGs.

The Legal Structure of the Process of Decision Making in Kuwait

The importance of separation of powers is one of the most important principles of constitutional law and has become the subject of advanced discussion in modern political systems that have a parliament (Aletabi, 2013). Explaining the principle of separation of powers in this section is important because talking about the decision-making process in the State of Kuwait and the legislation of laws requires an understanding of the structure of the political and legislative system in Kuwait.

The principle of separation of powers is one of the basic constitutional principles underlying democratic regimes in the world. The first theorist to speak about the relationship between the judicial, legislative and executive powers in modern times is the English writer, John Locke, who stressed the need to separate the legislative and executive powers, with primacy for the legislative power (Ratnapala, 1993). Later, the French writer Montesquieu presented his theory in his book, The Spirit of the Laws, in 1748. The interpretation of this principle is that the three mentioned powers should not be combined in the hands of one person or a single body, but should be distributed and divided among different bodies to ensure that they are not misused and become a tool of tyranny (Arfa, 2013).

In general, the principle of separation of powers is based on dividing the functions of the State into executive, judicial, and legislation and not combining the three functions into one power thereby allowing for control and amendment of the work

of each power (Al-etabi, 2013). The modern parliamentary system is based on the idea of cooperation and balance between both the executive and legislative powers, and each of these two powers have the right to question the other power. In Kuwait, the legislative branch exercises the most influential function, enactment, as well as exercising the right to question the executive power. The executive power uses the right to dissolve parliament or "legislative power" (as explained in chapter two).

In addition, the decision-making process in Kuwait is divided between the legislative and executive powers. With regard to the issue of granting or withdrawing citizenship, this requires the approval of the Prince or "the executive power," as the nationality fall under the sovereign. Enactment falls under the responsibility of the legislative power, which is represented by the parliament in Kuwait. The Kuwaiti political system follows the principle of separation of powers. The State of Kuwait is a constitutional civil state, with a national council and civic organizations, because the political system in Kuwait is based on the cooperation between the three powers. However, in practical application of the State of Kuwait, the executive branch is superior to the legislative power, where the Amir shares the legislative process with the National Assembly in accordance with Article 51 of the Constitution of Kuwait (Al-Tabtaba'i, 1985: 56). The Constitution of Kuwait points to the form of the political system in Kuwait that combines the parliamentary and presidential system; that is, in short, it combines the characteristics of the parliamentary system and the presidential system (Al-Tabtabai,2000).

Kuwait is ruled by the Amir and takes the form of a flexible separation of powers, labeled as a constitutional emirate. The Constitution of Kuwait drafted in 1962 laid down the basic principles of the state, system of government and legislation. The Constitution explained that the legislative power is represented by the Amir and the

parliament. The executive power is represented by the Amir (as he represents the head of the executive power and has the right to issue legislation in a decree) and the Council of Ministers, while the judiciary is represented by courts exercising jurisdiction within the Constitution (Aletabi,2013).

As discussed in the first chapter, the Constitution did not discriminate between citizens on the basis of sex while the laws enacted outside of it distinguish between male and female citizenship on the basis of their gender (wife, sister, daughter, etc.). This discrimination was legitimized because of the perception of women's role in society and was thereby limited to certain functions. Here it is important to differentiate between traditional role for female citizen and stereotypes. The traditional role of women reflects reality and usually reflects positive roles such as motherhood and housewife. Stereotypes usually do not reflect reality, and stereotyping is negative and critical of women. The stereotype is used to describe the role of women in society, so legal discrimination against women is based on stereotypes. For example, women's political rights are given incomplete, because they are treated on the basis that they are part of the community system. Based on this perception, laws, such as the Housing Welfare Law which discriminates on the basis of gender (see chapter one), discriminate against a Kuwait female citizen on the basis of their role in society.

The Role of the Leadership in Kuwait in Managing the Complex Relationship Between Social Power in Kuwait (Tribalism and Salafies)

In Kuwait social dynamics, such as tribalism and Salafism, are represented the power structure (Ghabra,2017). In certain social contexts these elements may help us to understand Kuwait's position towards women issues. The political leadership, or the "Emir," plays the role to manage this complex relationship. Decision making process in Kuwait is a very complicated and it include many actors as the paper discussed above.

Thus, enactment of laws in Kuwait is a result of the complex relation between Parliament (tribalism, salafism) and the Emir, not the result of single policy making body.

A large number of the members of the National Assembly, or "Parliament," in Kuwait are from Bedouin tribes. Since the 60s, the ruling family in Kuwait have allied with the Bedouin tribes to stay in power (Abdalhaq, 2014). Thus, the National Assembly, which represents the legislative power in Kuwait, reflects the tribal structure of society in Kuwait and certain Salafist tendencies of the members of the Council. This has affected the process of enacting laws in Kuwait, especially with regard to women's issues. Further, the tribes in Kuwait have become an essential means of establishing and staying in power for the political system. For example, the ruling family in Kuwait attracted the Bedouins and considered them the mainstay of their steadfastness in the government, thereby consolidating the tribe within the Kuwaiti state. In order to enhance the Bedouin more effectively, the government directed programs to integrate the Bedouin into the political system (Abdalhaq, 2014). Thus, the Bedouin in Kuwait have become a real political force, with their numbers increasing in parliament and the bureaucracy.

Accordingly, the tribes in Kuwait have become an essential part of the political system and have become a force in the government. Further, they have great influence on the mechanism of change and response to the role of young youth (Al-Issa, 2011). This is due to the nature of the social and political structure in Kuwait. The political system in Kuwait was based on an alliance with the existing social forces, which are represented the tribes and the merchant class (representing a Shiite majority) (Diwan, 2018). The Emir plays a special role in coordinating this complex relationship between the tribes and Salafist trends in the National Assembly and between the allies

represented by the merchant class. Indeed, these factors help us understand the pressures facing the political decision-making process in Kuwait and influences on the process and types of laws enacted for citizens.

For instance, the transformation of the social status of women in the last forty years and restructuring of gender relations under the process of the urbanization and the social dynamic in Kuwait shaped new forms of autonomy and constraints. This can be seen through the dichotomy of male domination and female subordination. Structural divisions amongst women are as significant as a division between men and women. This is as a result of the power structure in society which represents the unequal social relations (McNay,2000).

In addition, understanding the role of the State of the Kuwait in changing and implementing the law in Kuwait requires a deep understanding of the relationship of the process of making political decisions in Kuwait. In fact, the state's role is essential in encouraging the changes through the ability and the power that the state has to implement and impose a change in social customs and manners, and even accelerate the process of change, also known as "the will of the state to change." Thus, the process of changing the social norms and moderate society in terms of gender equality was not easy for the policy makers in Kuwait.

This is because the integration of nomadic tribes into the political system has made decision-making on issues related to social change limited and in accordance with certain regulations. Moreover, the modern constitutional state in Kuwait did not represent a change that reflects the level of urbanization and political transition State of Kuwait adopted in the 20th century. It appears that there is no actual transition to a civil state based on the citizenship tie. In other words, the social contract between the government and the citizen must be based on the rights and duties as the Constitution

indicated. The role of the tribes in influencing state's direction is still clear and influential in the types of laws enacted by the parliament in Kuwait. Indeed, the tribes in Kuwait remain a challenge to the political system in terms of balancing internal challenges and international obligations.

After independence in 1961, Kuwait ratified many of the international conventions and treaties concerning gender equality and accepted related requirements (Abu Hamza, 2011, p:1). Most significantly, Kuwait ratified and became a member to *the Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) on September 2, 1994 through the Amiri decree 24/1994(Abu Hamza, 2011, p:1). Thus, it became part of the national law of the State of Kuwait, but there is a lack of active conventional practice as required in terms of the level of direct implementation and priority amongst national laws. Additionally, there has been an absence of presenting convention and publishing it widely. According to the Kuwaiti Constitution (1962) Article (70) gives the international treaties and conventions the force of law after approving them and publishing them in the official Gazette since they become part of the legal framework of the state. The Convention defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." In essence, the aim of this Convention is to enhance the rights of female citizens as political members of the state rather than only members of society while ratifying the Convention, the State of Kuwait had reservations on important CEDAW articles, arguing that they conflict with Islamic Law and Sharia– these articles pertain to women's rights as equal citizens. The reservations include Article 9,

paragraph 2 "States Parties shall grant women equal rights with men with respect to the nationality of their children" and Article 16 "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women" (Abu Hamza, 2011, p:1).

Reservations in these mentioned articles led the meaning of the convention to collapse because these articles represent the core of the convention (Monforte,2018). The State of Kuwait's ratification of CEDAW did not change a domestic legal/constitutional contradiction. Kuwaiti female citizen is framed as a woman, or as mothers, sisters, caregivers, wives, but are not referred to as citizens with equal, constitutionally-sanctioned rights. More specifically, the National Constitution (of 1962) considers all Kuwaiti citizens as having equal rights and opportunity while the Nationality Law discriminates within the gender itself. Kuwait's position on CEDAW acts as a gender-based discriminative legal attitude against women (or sex, as framed in the constitution). Specifically, it shows the discrepancy between international conventions committed to gender equality and human rights signed by the State of Kuwait, and the Nationality Law (that discriminates against Kuwaiti Female citizens and children). These discrepancies are observed in the fact that no clear change in Kuwaiti Nationality Law occurred to give greater benefits to Female citizens and their children since 1994 when Kuwait ratified CEDAW. This renders the Nationality Law in contradiction with the national constitution and discriminates against a Kuwaiti female citizen based on her gender.

The Influential Position of Non-Discriminatory Laws and Policies in the State of Kuwait in Contributing to the KNDP and SDGs

State institutions have a key role to play in addressing discrimination against women in all its forms (Alhewail,2019). The state undertakes the planning of the development of the country according to a vision of the national development and to cooperate with other institutions to work consistently and continuously. These institutions assess their performance and monitor their strengths and weaknesses with statistics to measure their achievements. Further, civil society organizations are involved in implementing the goals of the development plan. These organizations are one of the important partners responsible for achieving development in a horizontal manner, which reflects the intersections of all society members.

The vision of the "New Kuwait 2035" is to overcome the challenges of the present day and work towards a prosperous and sustainable future in accordance with the vision of the Emir of Kuwait to become a financial and commercial center attracting investment by 2035 (General Secretariat of the Supreme Council for Planning and Development). This vision is based on seven pillars and two major principles. The first principle is to create innovative human capital to meet the challenges of development according to international indicators. The second principle is the quality of education. Within this principle, it is precisely: preparing the members of the community through education and training to become members with competitive and productive capabilities. This will ensure the achievement of a distinguished international standing for the State of Kuwait, improve its ranking and make it among the top develop countries by 2035 (General Secretariat of the Supreme Council for Planning and Development).

The Declaration on Sustainable Development 2030 was announced with its 17 goals and 169 targets in September 2015. Since then the whole world, including the State of Kuwait, has pledged to take the necessary domestic measures to implement the

vision of the comprehensive plan to transform the world into a more prosperous and peaceful place provided it does not hinder any country's development transformation, and that said country can offer a positive contribution. On an integrative level, the National Development Plan 2035 is based on the participation of the State of Kuwait with other global partners in the Summit of Sustainable Development in September 2015, because of the consensus in the national development goals of Kuwait. Since then the state is supposed to:

- Take the necessary national measures to achieve goals and targets through integrated and cross-cutting policies under the KNDP and SDGs.

- Kuwait's institutions measure their progress in the context of any achievement of the 17 goals using development indicators (Indicators are a means for States to assess progress in agreed goals. A good indicator is a strong and multidimensional measurement of how to achieve the goal).

- Submitting annual voluntary national report to show what achievements the state accomplishes to United Nations.

More specifically, in accordance with the fourth and fifth goals of the Sustainable Development Goals 2020, State institutions must take into consideration women's issues, and involve them in their formulation. Further, they must develop appropriate policies to enhance women role in society effectively. Accordingly, SDGs 2010 has been characterized since its first formulation as an operational, practical, practical and transformative plan that lies at the heart of the world's concerns as the government and people as active partners in it. Also, its goals and targets intersect with each other, as strongly linked despite the distribution of 17 goals and 169 destinations for technical reasons. It is inconceivable for any of its goals to proceed towards verification without directing the other goals in the same direction.

The State of Kuwait ranks 54th in the most competitive nation in the world out of 140 countries ranked in the 2018 edition of the Global Competitiveness (World Economic Forum,2018). In 2018, the World Economic Forum introduced a new methodology emphasizing the role of human capital, innovation, resilience, and agility, as not only drivers but also defining features of economic success in the 4th Industrial Revolution. On the other hand, the ranking of State Kuwait is 126 out of 149 countries in the gender gap index according to the latest international reports issued in 2018 (World Economic Forum, 2018) which is very low. This is a composite indicator that includes education, health, political empowerment, economic participation and opportunity. Health and education indicators are high.

In addition, Kuwait ranks 103 out of 137 countries which represents the last in the GCC for the equality of education index, coming after Qatar, UAE, Bahrain, Saudi Arabia, and Oman (World Economic Forum,2017-2018). In fact, this indicator is concerned with increasing the enrollment of girls in education and ensuring their graduation from primary education to postgraduate studies. This means that they are highly qualified to compete in the labor market and participate in the development plans of the state. However, the quality of education and the elimination of curriculum from discriminatory texts and images is an obstacle. This comes in harmony with the fifth goal from the SDGs 2030, "Achieving gender equality and the empowerment of all women and girls" and its target "to ensure the full and effective participation of women and the equal opportunities for them to lead equally. With men at all levels of decision-making in economic and political life."

The previous numbers confirm what has been discussed in that urbanization has had a positive role in promoting education and raising awareness of the society towards improving and changing their life. However, women remained behind in their political

and legal involvement in the state. In addition, the quality of education provided in the educational curriculum is based on discrimination between the male and female citizens. It does this by creating discrimination against females and enhancing stereotyping of the social roles between male and female in Kuwait. This is manifested in the absence of a neutral discourse plan, adding layers to the stereotype role of women in the family, society, and the state. For example, in the fourth-grade textbooks, stereotypical and discriminatory images prevailed against girls and women. This works as a barrier between the current curriculum offered to the emerging generations and the process of social and developmental change. Furthermore, this kind of curriculum hinders Kuwait's accession to the world in taking responsibility for transforming the world towards sustainable development.

The content of textbooks for the fourth grade, in the year 2016, has generally evolved in terms of girls and women. The mother's pictures no longer focus, as it did previously, on appearing in the kitchen with her little girl, for example. Perhaps this development was one of the reasons for the high number of female participants in the composition of the curriculum relative to the number of male participants in the composition. In 2008, the percentage of male participation in the writing of science books for the primary stage was 91%. One of the recommendations of this study was to involve more females in the composition and selection of subjects and pictures in textbooks (Alkandari&Malik,2008). For example, the science book for the fourth grade of primary school in 2019 in Kuwait was written by a women's committee only (this information was derived from the names listed in the book).

This means that the participation of women in the public sphere in the state is part of the enactment of laws, policies, legislation, curriculum development committee and other political roles of citizens in the state. Kuwaiti society is divided into 51%

females and 49% males (The Public Authority for Civil Information,2019). This means that the percentage of females in Kuwaiti society is higher than the males. Therefore, the absence of female participation in decision-making, legislation and curriculum development in society has a direct and negative impact on the national development plan as well as in achieving the sustainable development goals.

The presence of incomplete traditional images of women that differs from the real role that women play in society in primary school curriculum indicates that the national educational methodology does not fulfill its primary objective in educating young people from both sexes and providing them with knowledge to help them to draw their future aspirations which increase the overall production of the state. There needs to be an improvement in the quality and diversity of images in accordance with a comprehensive methodology, which will thus, help to achieve the goals of the national development and sustainable development plans. There is no doubt that the involvement of specialized groups in Gender Studies, Women, Development, Gender and Development in the Committee for Curriculum Development and the Committee for the Formation of Textbooks is at the top of the Ministry's obligations towards achieving these educational goals aimed at development goals. Among the functions of education and its objectives is also the need to contribute to expanding the horizons of young people and raise the ceiling of ambitions and capabilities. However, by studying the contents of the books of Islamic education, the Arabic language, the book of science for the fourth grade in the State of Kuwait, a clear schism was observed between them and development goals in the State of Kuwait, which is supposed to take the necessary measures to work towards achieving   the National Vision and the Sustainable Development Goals from the perspective of the quality index of education in relation to eliminating the gender gap and achieving equality.

Over and above that, there is a draft at Ministry of Education which stipulates in Article (6) of general rules that "refers a female student to evening course if she gets married while study and she keeps her grades in courses system and the two-term-system according to exams drafts." This means that the female student is deprived of study if she gets married during her study and she is allowed to join Learners Care Centers. These centers provide education with less commitment. The mentioned draft did not mention a male student in the same case (Kuwait Society For Human Rights,2017).

The fourth goal of the SDGs is "ensure inclusive and equitable quality education and promote lifelong learning opportunities for all" for a fair and inclusive education for all and to enhance opportunities for lifelong learning. This is especially evident in its first, fifth and seventh targets, quoted below:

"1. Ensure that all girls, boys, girls and boys have primary, secondary, free, fair and good education

5. Eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for vulnerable groups

7. Ensure that all learners acquire the knowledge and skills necessary to support sustainable development, inter alia, through education, sustainable livelihoods and gender equality."

The fifth goal of the SDGs is to achieve gender equality and the empowerment of all women and girls, particularly in its first, fifth and ninth targets:

"1. Eliminate all forms of discrimination against women and girls everywhere

5. Ensure the full and effective participation of women and equal opportunities for women to lead on an equal footing with men at all levels of decision-making in political, economic and public life

9. Adopt policies, enforceable legislation and strengthen existing policies to promote gender equality and empower all women and girls at all levels."

The State of Kuwait has an obligation to work to achieve the Sustainable Development Plan 2030 according to its goals and targets , especially in the context of both goals 4 and 5. In addition, the content of the CEDAW Convention, the Convention on the Rights of the Child, and even the Ministry of Education's agreement with the World Bank for Curriculum Development, to which the State of Kuwait has joined, have not been mentioned. These together constitute a significant cultural reference, and helps to find a way to influence the process of developing school curricula, in the liberalization of social customs and traditions that discriminate against women. Since the first millennium, states have been tasked to involve relevant NGOs and bodies in the planning process of the curriculum, as a part of a democratic practice aimed to achieve curriculum in accordance with the collective will of the participants.

Neutralizing the discourse to ensure its inclusion of both sexes from the masses is common and important at the international level. As examples of this the United Nations practices, the rhetoric and words used as a means of contributing to equality are neutralized. The United Nations trains its employees to use a neutral approach in the discourse addressed to any category. This approach comes from the belief of the organization in the importance of neutralization, separate from the characteristic bias of the usual masculinity in Arabic speech. This led to fairness of the address as well as reduced the impact of the remainder of the educational discourse in the contribution in determining the horizon of student groups of female marginalization in the discourse. Although the inclusion of neutral discourse is not directly aimed at achieving gender equality in its deep sense, it is designed and contributed to by training student groups of both sexes, teachers and public speakers on gender-neutral methods in any collection

by including them in textbooks and training them in their use. This means that language can be used as a tool to promote or develop the reality of society in the first place through the influence of the student in accepting the existence of the other and emphasizing inclusion in oral and written discourse.

In view of the introduction of the annual development plan 2018-2019, under the "New Vision of Kuwait," I find that it has focused on the contribution of all actors in society from the government, institutions and individuals. The process of achieving development in a horizontal and cross-cutting is important and influential, "Undoubtedly the annual plan requires everyone to realize that the development responsibility of the state is a shared responsibility shared by all development partners and all citizens, and they represent success factors for achieving real achievements that touch the aspirations of the Kuwaiti society, and we look forward to joining efforts and investing energies and experiences to enhance success and improve development performance" (Annual Development Plan 2018/2019 New Kuwait,2018).

Accordingly, individual or collective efforts will not work in developing formal written discourse towards gender mainstreaming as the national development plan and government agencies are responsible in every field for the implementation of all measures, practices and policies towards achieving the development goals. Change is facilitated through believing that it is necessary to see all the actors in Kuwaiti society contribute to all sectors to promote development. This is especially true in the areas that have strong impact on awareness such as education, media, and government. For example, primary school curriculum should adopt neutral language because it is the first learning channel for young children of both sexes and its educational curriculum are very influential. Moreover, media must adopt this language "neutrality and comprehensiveness of the written discourse" and disseminate the culture of writing.

Indeed, all of these channels for creating the awareness should follow strict rules by the government to adopt such changes in society. Finally, civil society plays an important role in the State of Kuwaiti thus, the Non-Governmental Organization should be one of the elements that contribute to these changes to achieve real development.

Lulwa Al-Mulla, Chairman of Board Director of the Women's Social Culture Society, confirmed that a Kuwaiti female citizen was one of the first female citizens in the region obtained her political rights. However, she did not receive her rights as a full right citizen. Further, there is no strong representation of women in the National Assembly while more than half of the voters are women. This is because of the recent electoral law which limited the right to vote for one person only and thus reduced the chances of women obtaining the second vote after men obtained the first vote in most cases. This in turn reduced the chances of female representation (Alanbaa,2019).

In Kuwait, discrimination on basis of social custom and gender influenced the rate of women participating in leading positions in the government. According to a report on Women's Rights in Kuwait by the Kuwait Society For Human Rights (2007) the participation of Kuwait women is limited and does not exceed one female minister or two since the first access of a woman to the cabinet in 2005. "In the current government, there is one female minister, the Minister of Social Affairs and Labor. Female presence in the parliament is very low as well, now, there one female only MP out of 50." Female presence in Public Prosecution and judiciary positions is also very limited and weak. In 2014, 22 women were accepted to hold the position of Public Prosecutor at Public Prosecution, but this step was suspended later on. Furthermore, Kuwaiti women have not occupied the position of a judge. Additionally, diplomatic participation of women is very low, and their representation is almost non-existent in the municipal councils

and the boards of non-governmental organizations (United Nations Entity for Gender Equality and the Empowerment of Women).

Conclusion

Kuwait needs to keep pace with national development as well as sustainable development through the development and amendment of laws that discriminate on the basis of gender. Since the establishment of the political regime and the legal structure in the modern state the political pyramid has not changed. Therefore, there is a need for a different establishment with the same force that the laws were based on. This should be on the basis of citizenship, which was recommended by the Kuwaiti constitution in 1962. If the state actually wants to develop according to its development vision, it must consider the pillars of societal, political and economic development in a cross-section that provides and emphasizes the importance of achieving gender equality between citizens at all levels. As the thesis presented, the actors in Kuwait represent the complex relation between the government, institutions, ministries, the parliament and the Emir. The state of Kuwait has focused on enhancing education since the 1960s in coordination with urbanization; however, in terms of the quality of education and its impact on awareness, it has not enhanced gender equality. Inequality is later applied in state led policy. The State of Kuwait has not made significant efforts to monitor the discriminatory texts and images of girls and women in the curriculum. This should come under the attempt to amend changes in line with the State's commitment to take serious measures to eliminate all forms of discrimination against women in accordance with CEDAW Convention of 1979. Kuwait is responsible and has a commitment since it became a member in 1994 to take measures to implement the goals of the 2030 Sustainable Development Plan. This should happen through amendment of the Nationality Laws, and other laws such as Personal Status Law and Penal code which

discriminate against a Kuwaiti female citizen on the basis of her gender and her social role as mother, sister, daughter, wife. The state must carry out its task to manage the development of general curriculum in the Ministry of Education on the basis of a clear national blueprint. In addition to that, it much focus on the repeal of all laws that hinder the development process, especially laws that discriminate on the basis of gender. Despite the number of efforts to develop and amend a number of educational policies and curriculum in the recant years, laws in the State of Kuwait still do not amount to an integrated strategy or a general program aimed eliminating all forms of discrimination against Kuwaiti female citizen.

Additional Notes

The Islamic" Salafist" religious discourse had a strong influence on the decision-making process in Kuwait, especially after Iraq's invasion of Kuwait. This is illustrated by the fact that a large number of laws and regulations passed by the National Assembly in Kuwait were gender-related, especially in women issues. Hijab, niqab, women 's workplaces, and prevent mixing.

There is a great influence of the traditional jurisprudence on laws of the modern state, especially the Personal Status Law (the family law) and the Penal Code; women were treated in the law based on interpretations of traditional jurisprudence, which reduced women's political and economic status. Moreover, many doctrines that existed before the establishment of the modern state were dealt with in a random manner, in view of the need of the state for the existence of specific laws and a legal structure to regulate the affairs of society (Sonbol,1996).

There is confusion between jurisprudence and Shari'a, since the Shari'ah is fixed and jurisprudence is the jurisprudence of scholars that can be changed and reinterpreted with the difference of time. The new jurisprudence confirms this and reinterprets the

early texts of the Shariah from the Quran and Sunnah. The laws of the modern state have been influenced by traditional jurisprudence and have been treated as a fixed text that should not change or re-explain and this is not true.

CHAPTER 6: FINDINGS AND CONCLUSION

The state of Kuwait is a constitutional state which means it follows the national Constitution. The Kuwaiti Constitution did not distinguish between citizens in Article 7 and 8 and gave equal rights to all citizens. However, the Nationality in Kuwait discriminates against a female citizen on the basis of her gender or her status as a "women". This discrimination in rights between citizens has a negative impact on the development process and hinders the achievement of national development in the State. This is because Nationality Law is an influential law in the state, and defines the citizen and determines rights and duties. Based on this, a Kuwaiti female citizen is treated as a second-class citizen. In a number of laws, women have been codified in a particular field and prevented from contributing and participating fully in some sectors of the State.

Discrimination against Kuwaiti female citizen in a number of fields has a negative impact on the development process because the national development must be based on the participation of all human resources in the state. In the case of the State of Kuwait, nationals represent only 30.2% (Gulf Research Center) from the whole population and national development needs national human resources. Although the State of Kuwait attracts foreign workers to contribute to the national development plan of 2035, national development must be based on the contributions of the nationals, not foreigners. Additionally, in Kuwait, there are a large number of children from a Kuwaiti mother who are deprived of their contribution and engagement in national development. This is happening because they are not citizens, and therefore they are not able to enjoy many rights. Thus, there is no competition between children from a Kuwaiti father and children from a Kuwaiti mother. The children of the Kuwaiti mother compete with foreigner residents. They are excluded from working in a number of important and

influential positions in the country, although they are efficient and qualified.

The equality between citizens and the elimination of all forms of discrimination based on gender will have a positive reflection on the output of the process of national development because equal opportunities will lead to better performance. There is added value to prevent discrimination based on gender. When Kuwaiti citizens are treated on the basis of the principle of citizenship, competition between citizens in all sectors in the state will be based on their efficiency, not gender. In addition, considering Kuwaiti children as citizens based on the blood tie for the same reason that the children of the Kuwaiti father earn the nationality reflects real social change and the urbanization process that transferred the society ideologically and culturally to the urban city.

Discrimination in rights on the basis of gender is contrary to the Kuwaiti Constitution and to the obligations of the State of Kuwait, which approved the CEDAW convention in 1994 (The Kuwaiti Constitution prohibits discrimination on the basis of sex not on the basis of gender, so gender was used to discriminate against female citizens or "women" based on their social status). The CEDAW convention affirms that the same facility should be granted to the children and non-Kuwaiti husband of a Kuwaiti female citizen to obtain the nationality. Moreover, Kuwait has international obligations to fulfill this. The State of Kuwait has reservations on a number of articles relating to marriage, family affairs and political representation of women (see Chapter 3) and the period of time that has elapsed since the state of Kuwait put the reservations into these articles. The State of Kuwait is expected to review these reservations and to take steps forward to eliminate all domestic discriminatory laws in order to reflect state orientation and the real change and transition that has taken place in society. The presence of women in Kuwait society reflects their role as part of the community system, not a part of the political system. This means that the state treats women as

subordinate to men. In contrast, there is a national vision that ensures investment in human resources in the state and to involve all members of society to achieve comprehensive and real development.

The philosophy of the existence of law in any society is important to achieve justice and protect individuals from injustice (Mohammed, 2006). The law is the most influential power that is supposed to eliminate all forms of discrimination against any member of society. The function of the law to regulate relations in society (Mohammed, 2006). In addition, its fundamental role is the distribution of rights and duties between members of the same society, in order to ensure justice between them. This philosophy is not reflected in the Kuwaiti Nationality Law, as it discriminates against a Kuwaiti female citizen by considering her a second-class citizen and discriminating against her children and foreigner husband. Further, discrimination against women in society is one of the main reasons for their exposure to violence in all its forms, whether legal, institutional or domestic. The discrimination against Kuwaiti female citizen and her family in the law is considered as legal violence because legal violence legitimizes violence, which means it organizes injustice. For example, legal violence prevents a woman from exercising the freedom of choice in marriage because if she does her children will not get the nationality. Consequently, legal violence discriminates against Kuwaiti female citizen with the blessing of law. Thus, every law that discriminates against female citizen is considered legal violence. Although the national constitution grants Kuwaiti women political, social and economic rights, they face an uphill struggle to break through conservative molds and acceptance of full equality between men and women in terms granting citizenship to her family.

Some may argue that the gender gap might be normal if it reflects the realities on the ground, and therefore the law cannot do too much to change the culture of the

society. However, change comes from above because change is tied to who controls power. The government that has the power of legislation and enforcement, and is the one who is responsible for changing domestic discriminatory laws. The government put this gender gap in Kuwait society through the period of urbanization in which education was promoted and the establishment of modern state institutions and the development of the legal structure. In these three areas gender gap created.

Changes in the economic system in the Gulf countries as a result of the emergence oil revenues led to the building of the institutions of the modern state in the Gulf, and the development of the structural legal system. This led to a need to define whose is a citizen. Under a rentier state system, the historical dependence relation between the citizen and the ruler was changed. It was previously based on taking taxes from the citizen by the governor to provide protection and other services; however, as a result of the new rentier economic system, the ruler does not need taxation. The new economic system directly changed both the social and political system in the Gulf. The State of Kuwait passed through this stage, the starting point in social change was influenced by the change in the economic system that dominated the state. The concept of gender was used by state institutions and legal structure through regulating people's life. These two dimensions reflect a defect in the unequal relationship between female and male citizen. Discrimination on the basis of sex was clearly manifested in 1959 when the current Kuwaiti Nationality Law was enacted by Emiri decree.

In Article 2 the legislature allowed Kuwaiti fathers to have the right to grant the nationality to his children based on the blood ties. There was no justification for not granting the same right to the Kuwaiti mother's children. Also, Article 3 discriminates between Kuwaiti Female citizens themselves, between those who give birth with marriage and those who give birth without marriage. In addition, Article 8 stipulates

the right of foreign women married to Kuwaiti citizens to apply for citizenship, based on the principle of preserving the unity of the family through the unification of family nationality, "Kuwaiti nationality may be granted by Decree upon the recommendation of the Minister of the Interior to a foreign woman who marries a Kuwaiti national provided that she declares her wish to acquire Kuwaiti nationality and that the marriage shall have lasted for at least 15 years from the date of her declaration."

On the other hand, the legislature did not give the same right in terms of nationality of the foreign husband's and children of Kuwaiti mother; only in Article 5 were difficult conditions mentioned to grant the nationally to a child of a Kuwaiti mother, "Any person [upon his attaining his majority who was] born to a Kuwaiti mother and who has maintained his residence [in Kuwait] until reaching the age of majority and whose foreign father has irrevocably divorced his mother or has died. The Minister of the Interior may afford to such children, being minors, the same treatment as that afforded to Kuwaiti nationals in all respects until they reach the age of majority." This does not reflect the principle of the Constitution which preserves motherhood and childhood and women are framed within the family security. Specifically, Article 9 of the Constitution says "The family is the corner-stone of society, it is founded on religion, morality, and patriotism. Law shall preserve the integrity of the family, strengthen its ties, and protect under its support motherhood and childhood" (1962 Constitution of the State of Kuwait). At the same time, however, in the Administrative Deportation Law husbands and children of Kuwaiti female citizens are not excluded from the possibility of administrative deportation. A Kuwaiti female citizen cannot keep her husband and children in the country if she dies – if the mother dies, the husband and the kids who are not citizens by law are kicked out (Alhewail, 2017, November).

The problem arises in this discrimination from several aspects; generally, the law treats women as a follower to men. This is obviously seen in Article 8 of the Kuwaiti Nationality Law, when the foreign wife of a Kuwaiti citizen is granted the nationality on the basis of her Kuwaiti husband. This is the same principle applied to the husband and children of Kuwaiti female citizen. This contradict with the principle of citizenship affirmed by the Kuwaiti Constitution, which aims to equal rights and opportunities for all citizens regardless of sex.

In addition, based on the citizenship ties rights are granted and duties are determined to the citizen. Accordingly, children of a Kuwaiti mother are deprived of any privilege from the state simply because they are not citizens. Therefore, children of a Kuwaiti mother do not compete with children form a Kuwaiti father who considers citizen in force of law while the other consider as foreigners. This distinction between the children of the citizens impedes the process of development and has negative effects on society as a whole, because it prevents the contributions of a children of a Kuwaiti mother in the process of national development of the State of Kuwait. Discrimination is transitive on the mother, children family, and society. For instance, considering a Kuwaiti female citizen as a second-class citizen resulted in considering her children as foreigners. Additionally, the Nationality Law, by not giving Kuwaiti female citizen full rights, affected her legal status in other laws. Of these negative effects, the imbalance of the population in Kuwait, the number of foreigners according to the latest statistic in 2018 is 69.8% of the total population (Gulf Research Center).

National development means it should be based on the contribution of citizens in the development process in all sectors of the state. The State of Kuwait suffers from an imbalance in the population ratio. This problem may be addressed if the same right is granted to the children of the Kuwaiti mother to obtain nationality according to the

Blood ties. As mentioned in Chapter 3, the percentage of women in Kuwait is 51% (The Public Authority for Civil Information,2019). This percentage reflects the social structure that gives the female the right to have the same rights in the citizen. Moreover, the total number of Kuwaiti women married to non-Kuwaitis exceeds 15000 women (Gulf Women Forum) and the number of children from Kuwaiti mothers married to non-citizens is approximately 20,000 people. This means a large number in society are unable to make contributions in the development process (Alkhaldi, 2017).

Additionally, naturalization adds to the diversity and culture of the state, while also adding to the manpower in the country needed for national development. This is especially true when naturalization granted to people who lived and settled in Kuwait for a long period of time like the children of the Kuwaiti mother. Despite the fact that naturalization nowadays in Kuwait comes with many privileges, these privileges will not last because the characteristics of the rentier state have a limited life span. Accordingly, at one stage the state will need human capital and therefore it is important to develop the legal structure in accordance with the new changes and dynamics witnessed in Kuwait.

This gender-based discrimination affects the process of the Kuwait National Development Plan (2035) and reflects a dramatic change in women's role in the society since the number of female citizens married to non-citizen is high in Kuwait. As a result of this, there will not be a strong contribution for a Kuwaiti female citizen and her children without equality in the law - this is the state's responsibility.

The State has a responsibility to change through the power it has to implement and enact fair laws. The State of Kuwait needs to change the articles that discriminate against Kuwaiti female citizen because the State of Kuwait has external commitments since it became a member of the international community and ratified a number of

international conventions. This requires the state to act in a manner consistent with these international commitments, and to be a good contributor to these conventions. For instance, CEDAW is one of the most important agreements ratified by the State of Kuwait concerning gender equality. In addition, the State of Kuwait is an effective country in an important region that has many domestic challenges. In the Gulf, Kuwait is considered as a model and influential country. Therefore, if the State of Kuwait changes its domestic discriminatory laws against female citizen, this will result in reactions in neighboring countries. In other words, this would have an important impact on neighboring countries that are also currently reinterpreting Sharia in a modern context and trying to balance legislative change from above and below.

It is important and influential to develop the legislative structure and adopt policies that emphasize the importance of women's participation in the process of legislation and political decision-making in the state. Women's participation has a positive impact on society and in the process of development because it guarantees solidarity and equality of opportunities. This equal opportunity comes only through the elimination of discrimination in the Nationality Law against Kuwaiti female citizen. Women should be involved in legislating laws and increasing their number in all sectors of the state because this will reflect the direction and will of all groups of society and not only one group of "male citizens." The starting point is to re-define the concept of the Kuwaiti citizen. The change must come from the top to down from the state because it has the power to do. Laws have a strong and significant influence in a constitutional state like Kuwait.

The development approach adopted by the State of Kuwait since the mid-twentieth century has always been consistent with the principles of global development. This concept evolved from year to year globally. The concept of development in the

world began to provide services and a high level of well-being and quality of life, until it reached the importance of investing in human beings especially in the human resource of the state. This human investment is to be used to contribute to national development. On the other hand, the State of Kuwait stressed this focus on investment in human resources in the country and set a national development plan based on achieving the highest rate of citizens' contribution to national development and ensuring equal opportunities for all.

Based on this approach, Kuwait cannot contribute to achieve SDGs 2030 while the domestic laws discriminate between female and male citizens on the basis of sex. Development is a horizontal cross-cutting process that intersects all aspects to achieve comprehensive development. This was underscored by the Sustainable Development Goals 2030 which mentioned gender equality in the fifth goal and confirmed that the other 17 goals are achieved in a parallel way and no goal can be achieved in isolation of other goals. For example, in Goal 4 the advancement in education is supposed to be reflected in the quality of education as well as on the outcome of education, thus leading to achieve Goal 1 which is the end of and "poverty "and Goal 2 "Zero Hunger "through providing employment opportunities for all (United Nations Economic and Social Council ,2017).

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