

BOOK REVIEW

STATELESS BY CHEN TIENSHI LARA, TRANSLATED
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Statelessness is a violation of the human right to a nationality, which can hinder the protection of fundamental rights of stateless people such as freedom of movement, healthcare and legal employment. With no legal protection, stateless people are facing difficulties in their own countries, usually the country of their birth, and when they migrate to other countries. In a foreign country, the protection needs of stateless migrants can be impacted even more. Similar to other countries, statelessness in Japan is a problem among in situ populations,¹ those who were born or have resided in Japan for generations, as well as people in the migratory context such as refugees and irregular migrants including stateless persons from other countries.² The book *Stateless*³ is not just an autobiography of the author, Lara or Chen Tien-Shi, a former stateless ethnic Chinese born and raised in Japan. It also provides real-life narratives that delve into situations of several stateless groups whom she encountered within and outside Japan. Through them, the author has attempted to understand what it means to be ‘stateless’, and critically engaged with questions around national borders, migration, citizenship and identity.

The first three chapters trace the author’s family background back in the People’s Republic of China (‘PRC’), or Mainland China, followed by their migration to the Republic of China (‘ROC’), or Taiwan, due to the Chinese Civil War,⁴ and then their lives as stateless residents in Japan.⁵ Using herself and her family as an object of the study, the chapters describe their unique experience becoming stateless. It all started on 29 September 1972 when diplomatic relations between Japan and the PRC were normalised, with Japan recognising the PRC as

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¹ According to the United Nations High Commissioner for Refugees (‘UNHCR’), in situ stateless people are those in a non-migratory context who remain in their own country where they are long-term habitual residents and have ‘a profound connection with the state in question, often accompanied with an absence of links with other countries’: UNHCR, *Handbook on Protection of Stateless Persons* (Handbook, 2014) 57 <<https://www.refworld.org/docid/53b676aa4.html>>, archived at <perma.cc/UD59-6G7X>.

² Although there is no official definition of the terms ‘statelessness in situ’ and ‘statelessness in the migratory context’, scholars attempt to identify the distinction between the two: See, eg, Caia Vlieks, ‘Contexts of Statelessness: The Concepts “Statelessness in Situ” and “Statelessness in the Migratory Context”’, in Tendayi Bloom, Kathrine Tonkiss and Philip Cole (eds), *Understanding Statelessness* (Routledge 2017).

³ Tienshi Lara Chen, *Stateless* (Louis Carlet (tr), National University of Singapore Press 2023).

⁴ Edmund Wright, ‘Chinese Civil War’ in Anne Kerr and Edmund Wright (eds), *A Dictionary of World History* (Oxford University Press, 3rd ed, 2006).

⁵ Chen (n 3) 1–30. See Lara Tien-Shi Chen, ‘Chinese in Japan’ in Melvin Ember, Carol R Ember and Ian Skoggard (eds), *Encyclopedia of Diasporas: Immigrant and Refugee Cultures Around the World* (Springer 2005).

‘the sole legal government of China’ and Taiwan as ‘an inalienable part’ of the PRC’s territory.⁶ The author’s family and other Chinese residents in Japan who held a passport issued by Taiwan were forced either to switch to a PRC passport, or naturalise as a Japanese national.⁷ With the memories of the war against Japan and ideological differences with the Chinese Communist Party, her parents chose to be stateless, rather than taking Japanese citizenship or becoming a citizen of the PRC.⁸ That is how the author became stateless when she was only one year old,⁹ and lived her life as a stateless person in Japan for 32 years.

Chapters Four and Five reflect the lessons learnt by the author to rethink her own identity through the people she met as she studied and conducted research overseas.¹⁰ While the chapters point out the identity conflicts suffered by immigrants, they also capture how immigrants adapted their citizenship and status to a new country. Chapters Six and Seven make a significant contribution to understanding statelessness in the Japanese context and highlight some key milestones in Japanese nationality law and legal precedents.¹¹ Chapter Eight is devoted to the naturalisation process in Japan, using the author herself as a case study.¹² It details the long list of required documents and information which an applicant has to prepare, as well as the legal procedure that needs to be undertaken after being naturalised in Japan. Chapters 9–12 add on a profile of stateless populations both in Japan and around the world, demonstrating the work of the Stateless Network which was founded by the author and her colleagues in 2009,¹³ before ending with a big question of borders, mobility and a balance between national security and basic human rights protection, especially during the pandemic years.¹⁴

One of the book’s main strengths is that it amplifies the voices of stateless populations not only in Japan but also in other parts of the world. Thus, apart from leading her own family story as a stateless ethnic Chinese in Japan,¹⁵ the author introduces other key stateless populations in Japan and in some other countries such as Brunei Darussalam, the Philippines, as well as Middle Eastern countries like Syria and Lebanon. In Japan, the book captures the situations of former Korean colonial subjects and their children, referred to as *Zainichi*,¹⁶ mixed ethnic children (eg, Okinawan stateless children born to a Japanese mother and an

6 Ministry of Foreign Affairs of Japan, ‘Joint Communique of the Government of Japan and the Government of the People’s Republic of China’ (Media Statement, 29 September 1972) <<https://www.mofa.go.jp/region/asia-paci/china/joint72.html>>, archived at <perma.cc/V5XR-7T93>.

7 Chen (n 3) 7–8.

8 *ibid* 9.

9 *ibid* 8–10.

10 *ibid* 31–86.

11 *ibid* 87–116.

12 *ibid* 117–39.

13 For more information, see Stateless Network (Web Page, 2025) <<https://stateless-network.com/>>, archived at <perma.cc/Q9Y5-CWFD>.

14 Chen (n 3) 140–218.

15 *ibid* 1–10, 98–100.

16 Kohki Abe, ‘Overview of Statelessness: International and Japanese Context’ (Research Paper, UNHCR, 2010) 55–7 (‘UNHCR, “Overview of Statelessness, International and Japanese Context”’); Ayane Odagawa and Sosuke Seki, *Typology of Stateless Persons in Japan* (Report, UNHCR, 2017) 137–44 (‘UNHCR, *Typology of Stateless Persons in Japan*’); Kiyoteru Tsutsui, ‘Zainichi (Korean Residents in Japan): From Citizenship Rights to Universal Human Rights’ in Kiyoteru Tsutsui (ed), *Rights Make Might: Global Human Rights and Minority Social Movements in Japan* (Oxford University Press 2018); Chen (n 3) 183–6.

American father¹⁷ and other groups of children born out of wedlock to a foreign mother and a Japanese father¹⁸), children born to unknown parents,¹⁹ and a mixed profile of stateless refugees (eg, Rohingya,²⁰ the White Russians fleeing the First World War,²¹ refugees from the former Yugoslavia,²² Vietnamese refugees fleeing after the fall of Saigon in 1975 and their children,²³ and stateless ethnic Vietnamese moving onwards from Thailand to Japan²⁴). The book also touches upon situations of statelessness outside of Japan, including, for example, some ethnic Japanese in the Philippines, namely Japanese-Filipino children ('JFC'),²⁵ stateless ethnic Chinese in Brunei Darussalam,²⁶ the Bajau Laut who live nomadic sea lives across the southern Philippines, Indonesia and Malaysia,²⁷ stateless residents in the Golan Heights located at the borders between Syria and Israel,²⁸ and stateless Palestinians in the Shatila refugee camp in Lebanon.²⁹ Using the author's ethnographic approach, the book reflects messages delivered by these populations on what they feel, think and need. Readers may feel as if they were having direct experience meeting and talking with these populations themselves.

Alongside narrating the lived experiences of these individuals affected by statelessness, the book presents some basic concepts and principles relating to nationality and statelessness. It explains the two main acquisition principles, *jus sanguinis* (right of blood) and *jus soli* (right of soil).³⁰ The first principle is widely practised in Japan and other East Asian countries, while the latter is accepted in many countries in the Americas. Explaining the complex situation of Okinawan children, the book also differentiates between the terms de jure and de facto statelessness.³¹ Prior to the 1984 nationality law amendment that allows Japanese

17 UNHCR, 'Overview of Statelessness: International and Japanese Context' (n 16) 34; Chen (n 3) 89–98.

18 UNHCR, 'Overview of Statelessness: International and Japanese Context' (n 16) 36–39; Chen (n 3) 107–8.

19 UNHCR, 'Overview of Statelessness: International and Japanese Context' (n 16) 39–40; Chen (n 3) 104–7.

20 UNHCR, *Typology of Stateless Persons in Japan* (n 16) 121–5; Chen (n 3) 165–6, 195–8.

21 Victor Zatsapine, 'Divided Loyalties: Russian Emigrés in Japanese-Occupied Manchuria' (2017) 28(4) *History and Anthropology* 461; Chen (n 3) 100, 202–5.

22 Chen (n 3) 205–10.

23 *ibid* 167–70, 186–9.

24 Chie Komai and Fumie Azukizawa, 'Stateless Persons from Thailand in Japan' (2009) 32(2) *Forced Migration Review* 33; UNHCR, 'Overview of Statelessness: International and Japanese Context' (n 16) 48–50; UNHCR, *Typology of Stateless Persons in Japan* (n 16) 110–5; Chen (n 3) 140–2, 150–3, 156–9, 170–1.

25 Nobue Suzuki, 'Outlawed Children: Japanese Filipino Children, Legal Defiance and Ambivalent Citizenships' (2010) 83(1) *Pacific Affairs* 31; Chen (n 3) 108–16.

26 Lidya Christin Sinaga, 'The Problem of Statelessness of the Ethnic Chinese in Brunei Darussalam', in Al Khanif and Khoo Ying Hooi (eds), *Marginalisation and Human Rights in Southeast Asia* (Routledge 2022); Chen (n 3) 142–6.

27 Erwin Renaldi, 'Their Homes Burned and Demolished, Bajau Laut People Face "Systemic Discrimination" in Malaysia', *ABC News* (online, 11 August 2024) <<https://www.abc.net.au/news/2024-08-11/who-are-bajau-laut-people-and-why-being-evicted/104182780>>, archived at <perma.cc/Z2ZU-84EQ>; Chen (n 3) 198–202.

28 A Maria A Kastrinou, Salman Fakher El-Deen and Steven B Emery, 'The Stateless (ad)Vantage? Resistance, Land and Rootedness in the Israeli-Occupied Syrian Golan Heights' (2021) 9(5) *Territory, Politics, Governance* 636; Chen (n 3) 210–3.

29 Yafa El Masri, '72 Years of Homemaking in Waiting Zones: Lebanon's "Permanently Temporary" Palestinian Refugee Camps' (2020) 5 (November) *Frontiers in Sociology*; Chen (n 3) 210–3.

30 Chen (n 3) 89.

31 *ibid* 90–1.

mothers to pass on their nationality to the children,³² Okinawan children born to a Japanese mother and an American father who deserted the family became de jure stateless.³³ Whereas the situation of de facto stateless children in Okinawa still occurs after the amendment. According to the practice of the Japanese authorities, the nationality of the children is considered to be that of the father unless the father is unknown.³⁴ In the case of Okinawan children, Japanese authorities considered that they had their father's American citizenship, even though it could not be proven after the father left the family.³⁵

Through stories and case studies, the book informs about the development of the Japanese legal framework on nationality, as well as key legal precedents. One of the significant milestones in Japanese nationality law was the revision of its *Nationality Act* in 1984,³⁶ aiming to address gender inequality. Many children in Okinawa who were born to a Japanese mother and an American father acquired Japanese nationality due to this change. In 1995, according to art 2(3) of the *Nationality Act*, Japan's Supreme Court confirmed the Japanese nationality of a boy, Andrew Rees, who was born in Japan to an unknown father and a mother from the Philippines with an uncertain nationality.³⁷ In 2008, the Supreme Court recognised the Japanese citizenship of the plaintiffs who were among the JFC born out of wedlock to a Japanese father and non-Japanese mother. The Court ruled that art 3 of the *Nationality Act*, which denied Japanese nationality to a child whose father acknowledged paternity after birth, was unconstitutional because it violated the principle of equality before the law according to art 14 of the *Constitution of Japan*.³⁸ This precedent led to an amendment to the *Nationality Act* in 2008, which grants Japanese nationality to 'a child whose father recognises paternity after birth, whether or not the parents later marry'.³⁹ Significantly, this development contributed to addressing statelessness amongst children born out of wedlock in Japan.

Without providing tedious academic theories, the book unpacks key conceptual issues in an accessible way. The book examines the concept of 'identity' through the lived experiences of the stateless and immigrants.⁴⁰ Indeed, some people, especially those who experienced political conflicts between nations, would have a sense of belonging to the nation state that gives them an identity they believe in. In this case, the author describes the tension that split Chinese residents in Yokohama's Chinatown due to the clash of ideologies between the PRC and the ROC during the post-Cold War period, showing that the notions around identity,

³² Kiyoshi Hosokawa, 'Amendment of the Nationality Law' (1985) 28 *Japanese Annual of International Law* 11.

³³ *ibid* 90.

³⁴ UNHCR, *Typology of Stateless Persons in Japan* (n 16) 26.

³⁵ Chen (n 3) 91; UNHCR, 'Overview of Statelessness: International and Japanese Context' (n 16) 34.

³⁶ Hosokawa (n 32).

³⁷ Stacey Steele, 'Comments on OKUDA, Statelessness and the Nationality Act of Japan: Baby Andrew Becomes a Teenager and Other Changes?' (2004) 9(18) *Zeitschrift fuer Japanisches Recht [Journal of Japanese Law]* 178.

³⁸ Chen (n 3) 116; Yasuhiro Okuda and Hitoshi Nasu, 'Constitutionality of the Japanese Nationality Act: A Commentary on the Supreme Court's Decision on 4 June 2008' (2008) 13(26) *Zeitschrift fuer Japanisches Recht [Journal of Japanese Law]* 101.

³⁹ Sayuri Umeda, 'Japan: Nationality Law Amended', *United States of America Library of Congress* (Web Page, 17 December 2008) <<https://www.loc.gov/item/global-legal-monitor/2008-12-17/japan-nationality-law-amended/>>, archived at <perma.cc/S9RX-Z3P8>.

⁴⁰ Chen (n 3) 31–86.

patriotism and camaraderie were sometimes imprinted on people's minds without their awareness.⁴¹ However, the book also brings out the idea of multiple identities which are not necessarily tied to a nation state or a nationality. Someone's identity can be bound by other values such as languages, names, birthplace and so on.⁴² Even the status of statelessness is considered a type of identity by some stateless people like the author herself.⁴³ Moreover, it is undeniable that Japan officially includes statelessness as an alien registration category, regardless of the lack of a clear mechanism to identify stateless people in the country.⁴⁴

The book captures conflicts and struggles over identity among stateless people, particularly the second-generation immigrants and mixed ethnic children. For example, many ethnic Chinese immigrants born in Japan, including the author, have been raised to maintain their dignity as Chinese through speaking proper Chinese, maintaining Chinese names, and learning Chinese social customs. Although they have seen themselves as Chinese, their integration into Japanese society due to their long residence and Japanese cultural customs and norms unconsciously impacted their identity formation.⁴⁵ Similarly to the second generation *Zainichi* Korean residents, Rohingya and Vietnamese refugees in Japan have doubts about their real identity.⁴⁶ Their parents usually believed that they are a national of the country where they were from and should be recognised as such. Whereas their children might have a sense of belonging to Japan, the only country they know best as their birthplace, regardless of being recognised as a Japanese or not. Apart from their struggles for legal status, these layers of identities — an inherited identity from ancestors, a personal sense of belonging, and an identity perceived as a member of the society — aggravate their life. Through an onerous journey as the stateless, not everyone can embrace their true self.

To challenge the issue of identity further, the book engages with a question around the 'agency' of stateless people in both conceptual and practical terms. Although people without a country grapple with the lack of a clear identity and status under national jurisdiction, the author points out that they are the only group that transcends nation states and are therefore 'the real cosmopolitans'.⁴⁷ The book shows an exceptional example of Eugene Aksenoff, a so-called 'White Russian' fleeing after the collapse of Manchuria in 1945.⁴⁸ He was a distinguished doctor receiving several awards for his contributions to providing medical care to all patients equally regardless of nationality, race and religion, and many times free of charge. He could have been naturalised and become either a Japanese or Russian national; however, he decided not to place his feeling of attachment to one particular country. Aksenoff had stayed in Japan in a state of statelessness for 70 years and died with this status. Generally speaking, most stateless people live at the mercy of nation states, national borders and citizenship. To survive as a non-national, they have learned to adapt themselves as they are the most cognisant of how fragile their lives are. The book reflects the flexible way of life of Chinese

41 *ibid* 52.

42 *ibid* 139.

43 *ibid* 129.

44 Osamu Arakaki, *Statelessness Conventions and Japanese Laws: Convergence and Divergence* (Report, Hajime Akiyama (tr), UNHCR, March 2015) 47; Chen (n 3) 192.

45 Chen (n 3) 60.

46 *ibid* 47–8, 165–8.

47 *ibid* 97.

48 *ibid* 202–5.

immigrants in and outside Japan,⁴⁹ which the author referred to as ‘a necessary point of wisdom for surviving as an immigrant or minority’.⁵⁰ Although they had endured many difficulties to survive, they managed to settle and form a network to get by in a new country. Many were fortunate to acquire a nationality of their country of residence while being able to retain their Chinese identity.

Lastly, the book articulates an ‘interrelation between migration and statelessness’.⁵¹ In her own situation, the author had always been perceived by Japan as a foreigner although she was born and had been raised in the country. Being born abroad, the author was not considered a Taiwanese citizen despite having Taiwanese parents. Similar to other Taiwanese who were born and reside overseas, she was not listed on the household registration which provides a kind of ‘local citizenship’⁵² in Taiwan. Eventually, she and her family became stateless in 1972 when Japan, her country of residence, cut diplomatic relations with the ROC, the country of her parents’ nationality, due to the One China policy.⁵³ Moreover, the book gives an example of a Bolivian national who wanted to restore his former Chinese nationality while he was on a business trip in Japan, but ended up becoming stateless for more than 13 years.⁵⁴ This points out a possibility that nationals can become stateless if they renounce their nationality before acquiring a new one. Being overseas complicates the situation and makes the restoration of one’s nationality more difficult. The nationality problem of Vietnamese refugees who lack their identity and cannot prove their connection with the country of origin is often a product of migration particularly in an irregular situation. Conversely, stateless refugees like Rohingya are living proof of the fact that statelessness can trigger migration out of the country. These examples show that migration causes administrative barriers to the access to citizenship and may contribute to the creation of statelessness, while statelessness can also lead people to seek better treatment and opportunities in other countries.

Apart from shedding light on the suffering of stateless people, the book *Stateless* attempts to improve understanding of statelessness and indicates a potential improvement in the situation through collaboration. The book invites readers to see the world through the lens of stateless people, and problematises the preconceived causes of statelessness and discriminatory thoughts against this particular group of humankind. However, a nice addition to the book would be a clearer distinction between a statelessness problem (ie, not being considered as a national by any country) and a nationality problem (eg, discrimination in relation to the acquisition of Japanese nationality by a foreign national). The book also captures the situations of groups who are not stateless per se, such as some JFC and Japanese citizens who do not have a family register. This very well highlights

⁴⁹ *ibid* 61, 69–70.

⁵⁰ *ibid* 85.

⁵¹ Sophie Nonnenmacher and Ryszard Cholewinski, ‘The Nexus between Statelessness and Migration’ in Alice Edwards and Laura van Waas (eds), *Nationality and Statelessness under International Law* (Cambridge University Press 2014).

⁵² Choo Chin Low, *Report on Citizenship Law: China and Taiwan* (Report, European University Institute, October 2016) 1 <<https://cadmus.eui.eu/handle/1814/43624>>, archived at <perma.cc/6EVF-8D2Q>.

⁵³ Taiwan Affairs Office and the Information Office of the State Council, ‘A White Paper: The One-China Principle and the Taiwan Issue: The Taiwan Affairs Office and the Information Office of the State Council, 21 February 2000’ (2000) 36(2) *China Report* 277.

⁵⁴ Chen (n 3) 164–5.

the dimensions of these real-life problems, but an additional explanation about the difference would contribute to better understanding of statelessness.

The book is applicable to anyone who may not have any background on statelessness but wants to start learning about the issue. It is particularly interesting for practitioners and scholars who want to understand the Japanese landscape on statelessness, including real-life situations of some major stateless populations and the potential causes and loopholes that render people stateless in the Japanese context. Through learning someone else's lived experiences, this book will also be a valuable inspiration to stateless people who are fighting their own battle in the world to understand that they are not alone.