

BOOK REVIEW

STATELESSNESS IN ASIA, EDITED BY MICHELLE FOSTER, JACLYN NEO AND CHRISTOPH SPERFELDT (CAMBRIDGE UNIVERSITY PRESS 2024). 401 PAGES. PRICE AUD201.95. ISBN 9781009399555

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I INTRODUCTION

Statelessness in Asia, an edited volume by Michelle Foster, Jaclyn Neo and Christoph Sperfeldt, offers a timely and crucial examination of one of the world's most enduring, complex and often neglected human rights challenges. Bringing together a diverse array of scholars, activists and practitioners, the book meticulously unpacks the eclectic phenomenon of statelessness across various Asian contexts, from Central Asia to East, South, and Southeast Asia. This volume is a vital contribution to the growing body of literature on statelessness,¹ offering both a comprehensive overview of the issue in a region that hosts the majority of the world's stateless population and nuanced case studies that illuminate its unique contemporary manifestations.

II SUMMARY OF CONTENT

The editors begin their introductory chapter with the gripping account of the Thai cave rescue mission in 2018,² an event that highlighted the plight of stateless individuals among the rescued and ultimately led to their acquisition of Thai citizenship. They then outline a robust thematic and conceptual framework for understanding statelessness in Asia, defining the large region while recognising

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¹ See, eg, Tendayi Bloom, Katherine Tonkiss, and Phillip Cole (eds), *Understanding Statelessness* (Routledge 2017); Jamie Chai Yun Liew, *Ghost Citizens: Decolonial Apparitions of Stateless, Foreign and Wayward Figures in Law* (Fernwood Publishing 2024); Victoria Redclift, *Statelessness and Citizenship: Camps and the Creation of Political Space* (Routledge 2013).

² Michelle Foster, Jaclyn Neo and Christoph Sperfeldt, 'Statelessness in Asia: Causes, Conditions, and Challenges in Context' in Michelle Foster, Jaclyn Neo and Christoph Sperfeldt (eds), *Statelessness in Asia* (Cambridge University Press 2025) 1.

the unique historical, political and socio-cultural factors that contribute to its prevalence there.³

Thoughtfully structured, the book is divided into three parts, each exploring a specific facet of statelessness: (I) Asia and the Phenomenon of Statelessness; (II) Statelessness and Intersecting Vulnerabilities; and (III) Challenges and the Prospects for Change. Subsequent chapters delve into specific country case studies, ranging from more documented situations like the Rohingya in Myanmar, to less frequently highlighted cases in Central Asia, Southeast Asia and South Asia. These chapters explore the diverse causes of statelessness, including state succession, discriminatory nationality laws, migration, conflict, and the complex interplay of ethnic, religious and political identities. Furthermore, the volume examines the legal and policy responses (or lack thereof) to statelessness, analysing national laws, regional initiatives, and the role of international law and organisations. Several chapters also incorporate and critically assess the lived experiences of stateless individuals, offering human perspectives on their struggles for identity, rights, and belonging.

Each part consists of four chapters. In the first Part, ‘Asia and the Phenomenon of Statelessness’, authors examine the regions of South Asia, Southeast Asia, and Central Asia, with one chapter focusing specifically on Northern Thailand. Kalyani Ramnath’s chapter on ‘Stateless in South Asia’⁴ uses a case study of Sri Lanka to better understand the complex legal interplay between immigration, nationality and citizenship. Drawing on archival materials from Colombo and London,⁵ Ramnath’s legal historical approach astutely traces the emergence of stateless ‘Ceylon Indians’ (*malaiyaka thamir*).⁶ She shows that a solution to statelessness which only focuses on providing identity documents is not a complete or effective solution. Even with documents, certain ethnic groups, like the Ceylon Indians, are denied full rights and face discrimination when applying for citizenship.⁷ The problem, she argues, is not merely the lack of paperwork but also the lack of political will to accept them as equal citizens, driven by ethnonationalism and electoral politics.⁸

In contrast to Ramnath’s historical legal analysis, Rodziana Mohamad Razali’s chapter, ‘Discrimination and Childhood Statelessness in Southeast Asia’,⁹ looks at how ‘many hereditary and protracted cases of statelessness experienced by children result from the arbitrary denial of citizenship through direct and indirect discriminatory laws, policies and practices’ in Southeast Asia.¹⁰ Examining Myanmar, Cambodia, Thailand and Malaysia, Rodziana looks at the specificities of each country while showing how subtle, systemic discrimination works alongside active, international discrimination.¹¹ Conversely, Aziz Ismatov

³ *ibid* 5–7, 10.

⁴ Kalyani Ramnath, ‘Stateless in South Asia: A Legal History of Challenges to Immigration, Nationality and Citizenship Regimes in Sri Lanka’ in Michelle Foster, Jaclyn Neo and Christoph Sperfeldt (eds), *Statelessness in Asia* (Cambridge University Press 2025) 41.

⁵ *ibid* 44.

⁶ *ibid* 41, 59.

⁷ *ibid* 42–3.

⁸ *ibid* 61.

⁹ Rodziana Mohamad Razali, ‘Discrimination and Childhood Statelessness in Southeast Asia’ in Michelle Foster, Jaclyn Neo and Christoph Sperfeldt (eds), *Statelessness in Asia* (Cambridge University Press 2025) 63.

¹⁰ *ibid* 63–4.

¹¹ *ibid* 91.

examines in ‘Hidden Statelessness Dimensions of State Succession in Central Asia’¹² how a clash between Soviet Union-influenced formal laws, indigenous customs and religious marriage practices has resulted in the indirect discrimination and marginalisation of women and children.¹³ He attributes this statelessness to Central Asian cultural specificities, a lack of legal safeguards, and a cumbersome technical-administrative bureaucracy.¹⁴

Sanzhuan Guo’s ‘Conflict and Statelessness’,¹⁵ the final chapter in Part I, demonstrates how conflict ‘can constitute both a cause and a consequence of statelessness’.¹⁶ Guo rightly asserts that the relationship between conflict and statelessness deserves further exploration.¹⁷ Through the case study of Kuomintang (‘KMT’) soldiers and their descendants in Northern Thailand, he traces the roots of their statelessness from 1945 to 1949. He attributes their statelessness primarily to the Chinese Civil War and the ensuing political tensions between the People’s Republic of China and the Republic of China. As a result, the soldiers lost their home and nationality, becoming refugees in Myanmar and later Thailand.¹⁸ Like the hill tribes, the descendants of KMT soldiers faced similar challenges, including bureaucratic hurdles and difficulty obtaining legal identity documents.¹⁹ While violent conflicts can cause statelessness through the loss of national belonging and legal documents, regaining citizenship can also be difficult for vulnerable groups due to changing laws and bureaucratic barriers.²⁰

The second Part on ‘Statelessness and Intersecting Vulnerabilities’ begins with the gripping ethnographic study, ‘Learning to be Stateless’, by Janepicha Cheva-Isarakul.²¹ Challenging the ‘dominant and static framing of stateless children’,²² Cheva-Isarakul offers a new perspective by focusing on the experiences of Shan youth in northern Thailand. Instead of seeing statelessness as a fixed status from birth, she explores how these youths navigate their legal situation and its limitations as they transition from childhood to adulthood.²³ While stateless children like Aum and Fon have access to some rights, they face significant hurdles as they grow up such as never being fully accepted into Thai society. This creates a challenging situation where they must grapple with the emotional and practical burdens of their statelessness.

Susan Kneebone’s ‘Gender, Nationality and Statelessness’ examines the historical links between nationality, married women and statelessness in East

¹² Aziz Ismatov, ‘Hidden Statelessness Dimensions of State Succession in Central Asia: Transit to a Solution for Stateless Trans-border Wives and Children’ in Michelle Foster, Jaclyn Neo and Christoph Sperfeldt (eds), *Statelessness in Asia* (Cambridge University Press 2025) 94.

¹³ *ibid* 95.

¹⁴ *ibid*.

¹⁵ Sanzhuan Guo, ‘Conflict and Statelessness: A Case Study of Descendants of Kuomintang Secret Army in Thailand’ in Michelle Foster, Jaclyn Neo and Christoph Sperfeldt (eds), *Statelessness in Asia* (Cambridge University Press 2025) 123.

¹⁶ *ibid* 123.

¹⁷ *ibid*.

¹⁸ *ibid* 124–5.

¹⁹ *ibid* 152.

²⁰ *ibid*.

²¹ Janepicha Cheva-Isarakul, ‘Learning to be Stateless: Life Stages and Childhood Statelessness in Northern Thailand’ in Michelle Foster, Jaclyn Neo and Christoph Sperfeldt (eds), *Statelessness in Asia* (Cambridge University Press 2025) 157.

²² *ibid* 158.

²³ *ibid* 158–9.

Asia.²⁴ Specifically, her work on South Korea and Taiwan demonstrates how gendered nationality laws are used to shape national identity and security. These laws are particularly relevant to marriage migrants, who are valued for their ‘reproductive labour’ in addressing demographic concerns.²⁵ However, despite this perceived value, these migrants face discrimination based on their gender, nationality, race, class, and ethnicity. This practice of selective inclusion and exclusion is a significant driver of statelessness in East Asia.

Mohsin Alam Bhat’s ‘Doubtful Citizens’ looks at how the Indian State has systematically weakened the citizenship of its nationals without officially revoking it.²⁶ This is done through a process Bhat calls “irregularisation”, which uses subtle, discriminatory legal methods to make citizenship precarious for a large number of people.²⁷ While these Indian citizens do not lose their nationality in a formal sense, they lose the key benefits and security that come with it, harming their wellbeing in the process.²⁸ The Indian government and courts justify this process as upholding the rule of law, but Bhat argues that ‘racialisation and exceptionalism’ have allowed them to sidestep standard legal practices.²⁹ As a result, this enables the Indian State to use citizenship as a tool without facing the international and domestic consequences that typically follow formal denationalisation.

Greg Acciaioli, Helen Brunt and Julian Clifton’s chapter, ‘Statelessness and Heritagisation in Southeast Asia’, examines the paradoxical relationship between heritage and statelessness.³⁰ Through a case study of mobile marine communities in East Malaysia, Thailand and Myanmar, the authors reveal how the concept of heritage often fails to protect the rights of groups like the Moken and Bajau Laut. While critical heritage studies and the United Nations Educational, Scientific and Cultural Organisation (‘UNESCO’) have expanded the definition of heritage to be more inclusive, its application often serves the interests of nation-building and cultural tourism rather than the communities it is meant to preserve.³¹ The authors argue that UNESCO documents frame this as a right primarily for citizens, despite such institutions acknowledging cultural diversity as a universal value.³² This exclusion of non-citizens, including the stateless, is a critical oversight. It is especially damaging for mobile marine communities, whose nomadic lifestyles and lack of a fixed territory make them difficult for nation-states to categorise. Consequently, states often treat them as a governance problem, denying them basic rights and services until they adopt a sedentary lifestyle.³³ A core problem

²⁴ Susan Kneebone, ‘Gender, Nationality and Statelessness: Marriage Migration to East Asia’ in Michelle Foster, Jaclyn Neo and Christoph Sperfeldt (eds), *Statelessness in Asia* (Cambridge University Press 2025) 178.

²⁵ *ibid* 201.

²⁶ Mohsin Alam Bhat, ‘Doubtful Citizens: Irregularisation and Precarious Citizenship in Contemporary India’ in Michelle Foster, Jaclyn Neo and Christoph Sperfeldt (eds), *Statelessness in Asia* (Cambridge University Press 2025) 203, 230.

²⁷ *ibid* 206.

²⁸ *ibid* 230.

²⁹ *ibid*.

³⁰ Greg Acciaioli, Helen Brunt and Julian Clifton, ‘Statelessness and Heritagisation in Southeast Asia: Cultural Tourism, Festivals and the Marginalisation of Trans-border Mobile Marine Communities’ in Michelle Foster, Jaclyn Neo and Christoph Sperfeldt (eds), *Statelessness in Asia* (Cambridge University Press 2025) 231.

³¹ *ibid* 255.

³² *ibid* 255–6.

³³ *ibid* 257.

is the heritagisation of these communities' traditions. Practices like boatbuilding and free diving are often commercialised for tourism through festivals, but this 'aestheticisation' can strip them of their original meaning.³⁴ Essentially, the traditions of these communities are celebrated, yet their fundamental human rights are ignored. This turns their cultural heritage into a spectacle, reinforcing their invisibility and lack of rights.

'Challenges and Prospects for Change', the final Part of this edited volume, begins with Matthew Seet's 'Stranded in Limbo'.³⁵ Seet examines Indonesia's approach to foreign terrorist fighters ('FTF') and situates this within a global trend of de facto denationalisation.³⁶ Such practices occur when states make it difficult or impossible for citizens abroad to return, effectively stripping them of their citizenship entitlements without a formal legal process. Seet notes that President Widodo's refusal to repatriate Indonesian FTFs from Syria has rendered them de facto stateless and constitutes a form of punishment.³⁷ This action highlights the precariousness of Indonesian citizenship, as Seet argues that the Government is increasingly using its discretion to weaken the security of citizenship, and is treating it as a conditional privilege rather than a secure right.³⁸

In 'Stateless in Myanmar',³⁹ Nyi Nyi Kyaw examines the constitutive relationship between the state and society, highlighting their 'action, misaction, and inaction' in creating statelessness among the Rohingya.⁴⁰ Before the 2021 coup, Myanmar's Buddhist-majority State and society collectively rejected the Rohingya as citizens.⁴¹ Following the coup, however, Kyaw observes a significant positive shift in societal views toward the group, particularly among internet users. Despite this improvement in public opinion, the future of the Rohingya remains uncertain because this change is rooted in a shared opposition to the military rather than a genuine effort to address accountability. To achieve a lasting solution, Kyaw proposes two key measures: establishing a truth and reconciliation commission to ensure the Burmese people confront and remember what happened, and integrating the principle of democratic egalitarian citizenship into school curricula for future leaders to uphold.⁴²

Amal de Chickera and Rehana Mohammed's 'Addressing Statelessness through the Human Rights and Development Frameworks'⁴³ uses a case study of Sri Lanka's Hill Country Tamils to explore the 'synergies, limitations, and challenges of addressing statelessness'.⁴⁴ The authors demonstrate that simply

³⁴ *ibid* 257–8.

³⁵ Matthew Seet, 'Stranded in Limbo: (De Facto) Denationalisation and Statelessness of Indonesian Foreign Terrorist Fighters' in Michelle Foster, Jaclyn Neo and Christoph Sperfeldt (eds), *Statelessness in Asia* (Cambridge University Press 2025) 261.

³⁶ *ibid* 263.

³⁷ *ibid* 264, 276.

³⁸ *ibid* 280.

³⁹ Nyi Nyi Kyaw, 'Stateless in Myanmar: A Rohingya Moment after the 2021 Coup?' in Michelle Foster, Jaclyn Neo and Christoph Sperfeldt (eds), *Statelessness in Asia* (Cambridge University Press 2025) 281.

⁴⁰ *ibid* 281.

⁴¹ *ibid* 282.

⁴² *ibid* 301.

⁴³ Amal de Chickera and Rehana Mohammed, 'Addressing Statelessness through the Human Rights and Development Frameworks: Reforming or Reintroducing the Status Quo?' in Michelle Foster, Jaclyn Neo and Christoph Sperfeldt (eds), *Statelessness in Asia* (Cambridge University Press 2025) 302.

⁴⁴ *ibid* 304.

granting citizenship or pursuing developmental objectives is insufficient if underlying structural discrimination remains ignored.⁴⁵ The Hill Country Tamils, one of Sri Lanka's most marginalised groups, illustrate why a more comprehensive approach is needed. De Chickera and Mohammed advocate for a new framework that requires a deep commitment to equality and a willingness to confront the political, economic and societal factors that create and perpetuate statelessness.⁴⁶ This is especially crucial when statelessness is 'manufactured' to exclude minority groups.⁴⁷ The authors also highlight the challenge of intergenerational statelessness, where a lack of legal status leads to a cycle of poverty and marginalisation.⁴⁸ This cycle widens the gap between the stateless and citizens with each new generation, making a lasting solution even more difficult to achieve.

Serving as the final chapter for both this part and the volume, 'Persuading to Ratify' by Francis Tom Temprosa examines treaty ratification in Asia.⁴⁹ He notes that only South Korea, Turkmenistan and the Philippines have signed the 1954 *Convention relating to the Status of Stateless Persons* ('1954 Convention').⁵⁰ Using the Philippines as a case study, he explores the country's journey to becoming the first Southeast Asian nation to ratify both the 1954 *Convention* in May 2011, and the 1961 *Convention on the Reduction of Statelessness* in March 2022.⁵¹ As a member of the ratification campaign, Temprosa analyses the motivations behind this decision, arguing they go beyond simple rationalist explanations.⁵² He details the steps the Philippines took before and after ratification, including the development of a national framework for statelessness determination. While acknowledging that ratification alone does not solve all human rights issues and that compliance can be challenging, the chapter emphasises that it is a crucial step toward improving a country's human rights practices.⁵³

III CRITICAL ANALYSIS

The book's greatest strength is its comprehensive geographical scope. By presenting a mosaic of case studies, *Statelessness in Asia* effectively shows that while statelessness is a universal issue, its causes and effects are deeply localised. This approach provides a nuanced understanding of the varied yet often similar legal and political landscapes that perpetuate statelessness across different Asian states.

Most chapters are rigorously researched and empirically rich, combining legal analysis, historical context, and on the ground research. While all contributions offer unique insights, Ismatov's analysis of state succession from the Soviet Union and Cheva-Isarakul's look at learning to be stateless in Northern Thailand are particularly compelling. Ismatov's chapter is notable for broadening the typical

45 *ibid.*

46 *ibid.*

47 *ibid* 326.

48 *ibid* 327.

49 Francis Tom Temprosa, 'Persuading to Ratify: A Calculus of the Ratification of the Statelessness Convention in Asia' in Michelle Foster, Jaclyn Neo and Christoph Sperfeldt (eds), *Statelessness in Asia* (Cambridge University Press 2025) 328.

50 *ibid* 333.

51 *ibid* 330.

52 *ibid* 330–1.

53 *ibid* 331.

understanding of ‘Asia’ to include Central Asia following the editors’ definition of the region, shedding light on a post-Soviet context often overlooked in favour of European colonial legacies. Conversely, Cheva-Isarakul’s chapter offers a vital human perspective on statelessness as a temporal phenomenon through detailed ethnographic accounts. Both authors provide fresh perspectives and detailed examinations of complex legal frameworks and their profound impact on everyday lives.

Furthermore, the volume excels in its interdisciplinary approach. It successfully bridges international law, human rights, political science, history, anthropology, and sociology, providing a holistic understanding of statelessness. The editors’ introduction skilfully synthesises these diverse contributions, highlighting overarching themes and identifying common challenges and potential solutions. The emphasis on practical solutions and policy implications, rather than just academic critique, is a commendable aspect of this collection. While it is unconventional that the editors did not write a conclusion, readers will understand why Temprosa’s chapter serves as a fitting finale. His use of the Philippines as a reference point for other states offers much hope for ending statelessness across the region.

However, as with many edited volumes, minor inconsistencies in depth and analytical rigour are present. While the overall quality is high, a few chapters could have more explicitly engaged with broader theoretical debates on citizenship and belonging. The book’s broad geographical scope also means that some emerging issues or lesser-known stateless populations do not receive the same level of attention. A notable factual error concerns Brunei Darussalam, where the editors state that ‘women have no right to pass nationality to their children in any circumstances’.⁵⁴ This is an inaccurate representation, as women can and have passed citizenship to their children through an application process,⁵⁵ though its process remains rather nebulous. This point is particularly salient given that the Brunei Government has recently granted citizenship to stateless permanent residents, in some cases on the basis of the mother’s citizenship.⁵⁶

IV CONCLUSION

Statelessness in Asia is an indispensable resource for anyone seeking to understand the intricate challenges of statelessness in the world’s most populous and diverse

⁵⁴ Foster, Neo and Sperfeldt (n 2) 18.

⁵⁵ See *Brunei Nationality (Registration) Regulations* 2002, amending *Brunei Nationality Act* 1962 (Brunei Darussalam) (‘2002 Amendment’), particularly r 6 (Application by a woman for nationality by registration) and r 7 (Application for registration of a minor child). This amendment specifically enabled female citizens to apply for their children’s citizenship. See also Kim Suan Lim, ‘Multiplicity of Membership in Brunei: The Ethnic Chinese as a Collective of Denizens’ (2020) 40 *Journal of the Graduate School of Asia-Pacific Studies* 23, 26–7; United States of America Department of State, *Brunei (05/07)* (Background Note, 2012) <<https://2009-2017.state.gov/outofdate/bgn/brunei/85405.htm>>, archived at <perma.cc/P8SP-QC4G>, noting the 2002 Amendment allowing nationality transfer by women.

⁵⁶ ‘Over 12,000 granted Brunei Citizenship since 2020’, *Borneo Bulletin* (online, 7 August 2025) <<https://borneobulletin.com.bn/over-12000-granted-brunei-citizenship-since-2010/>>, archived at <perma.cc/8R25-FRRN>. The recent surge in citizenship approvals includes many stateless permanent residents who qualified through maternal links or long-term residency in Brunei. This is further corroborated by qualitative fieldwork conducted by the Author, where interviewees confirmed the acquisition of citizenship via maternal descent under the application process.

continent. Its comprehensive coverage, rigorous analysis, and commitment to illuminating both legal frameworks and lived realities make it an invaluable addition to academic and policy libraries. Scholars of international law, human rights, Asian studies, and forced migration will find this volume particularly useful, as will policymakers and practitioners working on issues of nationality and protection. Ultimately, Foster, Neo and Sperfeldt have curated an essential collection that not only deepens our understanding of statelessness but also serves as a crucial call to action for addressing this profound injustice, offering a roadmap for both scholars and practitioners alike.