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Editor's Preface : Considering Challenges of Supporting Stateless after the Conference

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Editor's Preface: Considering Challenges of Supporting Stateless after the Conference

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This book contains a transcription of the international workshop and conference, "Human Rights and Support for Stateless People around the World: Japan's Role," which was held in February 2011 as part of the National Museum of Ethnology's Core Research Project "Anthropological Studies of Inclusion and Autonomy."¹⁾

At the conference, we had researchers in the field of law and anthropology of statelessness, as well as lawyers, United Nations' officers, government organization officers, and practitioners working for civil groups such as non-government organizations (NGOs) and non-profit organizations (NPOs). We also invited stateless people to give detailed presentations on recent experience of support for stateless people and case studies of stateless people who live in Japan. From abroad, we invited researchers and experts who supporting stateless people in France and Thailand. They reported their cases and shared their knowledge on how they have been dealing with stateless issues. By comparing the different kinds of stateless problems that exist in France and Thailand with Japan, we were able to figure out the characteristics of stateless problems and the different support systems that exist in each country. The conference helped us gain a clearer understanding of the problems we are facing.

As for the case in Japan, it became clear that many stateless people are not recognized as stateless. Moreover, the Japanese government has been very slow in taking action to tackle the issue of statelessness. Because every country is different, not all lessons from foreign countries can be applied to Japan. However, Japan should study the cases of foreign countries regarding the issue of statelessness because there are certainly a lot of valuable information Japan can learn from these case studies. Moreover, in this globalized world where people move from countries to countries, it is important for Japan to understand the situations and the support systems in each county in order to take part in solving transnational issues.

Several things were clarified through this conference.

First, the big difference between the two countries, which are France and Thailand, and Japan is that the two countries recognize the existence of stateless people and give them the rights to live as stateless people, but based on the facts and the actual treatments that people are getting, Japan is still reluctant to recognize the existence and understand the situations of stateless people. In fact, the government is not even aware that stateless people live in Japan.

Second, while France has set a clear definition of stateless based on detailed classification, and Thailand has shown the intention to start registering and institutionalizing stateless people, Japan has not taken any action to tackle the issue of statelessness and remains unconcerned about this issue.

Therefore, compared to France and Thailand, Japan does not have an official system, definition, and standards for recognizing statelessness. Currently, Japanese officials make arbitrary decisions about whether a person has a nationality or is stateless and is issuing them identification cards based on officials' personal understandings. Some people do not realize there is a defect in their identification cards until a problem arises. For example, some stateless people realize the problem when using their identification card to apply for a passport at an embassy. They are told that "Because you are not a citizen of this country, we cannot issue a passport for you." In most cases, this is how they actually realize that they are stateless and are not the citizen of the country that is written on their identification card. The statelessness problem is further complicated in Japan because there are no institutionalized standards for the certification of nationality. Because the system is unclear, stateless issue has become a trivialized problem in Japan.

Furthermore, while there is only one word for "statelessness" is used in Japan, the word is classified in more detail in Thailand, which are "statelessness" and "nationalitylessness." They are subdivided and are called "rootless" according to their legal circumstances and backgrounds. From talking about the report in Thailand, it became clear that there is a subtle difference in the definition of stateless people in the papers presented by Ms. Bongkot and Professor Kritaya. Ms. Bongkot classifies people with the aim of resolving problems practically, while Professor Kritaya regards them more theoretically and comprehensively. Further research and resolution of such differences in Thailand is expected.

Third, in contrast to Japan, in France and Thailand, legal systems are set up to handle stateless problems systematically. In France, a legal system is established and the French Office for Protection of Refugees and Stateless Persons (OFPRA) is one part of the government which is in charge of the recognition, protection and support of stateless persons. Geographically and historically, many people from countries in Eastern Europe and Africa fled to France. France is also a signatory to the Convention Relating to the Status of Stateless Persons. Besides protecting and supporting refugees, they have established a proactive system to recognize and support people who are stateless due to national break down and change of political and legal system etc.

One of the distinctive features in Thailand is in addition to a national legal system, civilian groups also play a key role in supporting the stateless people. Thailand is not a signatory state of the Convention Relating to the Status of Stateless Persons. However, Thailand has borders with many countries and is populated by a

variety of ethnic minority groups. It also has a historical experience of dealing with many cases of stateless people who enter the country. Therefore, many cases have been handled by human rights groups and researchers through cooperation with the government. In Japan, the current system leaves stateless people dependent on support provided by individuals and NGOs. Unfortunately, unlike France and Thailand, the Japanese government has not taken action to tackle the problem of statelessness. Currently in Japan, one must find assistance from a group of a variety of people such as lawyers, researchers, and professionals on statelessness to deal with the issue of statelessness. With this in mind, the Stateless Network, which is a non-profit organization that I established, was established with the hope to support stateless persons by creating a place where people could gather, share their knowledge, and create better future for stateless people. The organization has been able to gradually increase its support to stateless people since its establishment. However, the Japanese government has not taken as much action as Thailand had.

The reason why Japan is far behind from how much the government of Thailand and France has done in recognizing and developing laws for stateless people may be that geographically, Japan does not share land borders with other countries. Very few people who do not have a nationality or an identification card flee to Japan, and very few people in the border region have an ambiguous nationality. As a consequence, the government is not really aware of the existence of stateless people, and therefore have not taken any action regarding the issue of statelessness. Also, while the Japan registers and issues certification to refugees and children who do not have a Japanese nationality, it makes careless decisions when recognizing the people's nationalities. This may possibly be due to the historical background of Japan not having as many immigrants as France and Thailand had.

Since stateless is a global issue, cooperation with other countries is absolutely necessary. With the help from organizations overseas that we made connections with through this conference, allowing us to discuss about specific examples about the conditions of stateless people. I would like to show an example of the case studies.

Shortly after we held the conference, we received a case study concerning the marriage and birth of a child between a Japanese man and a stateless woman from Thailand. The two met in Thailand and were waiting to consult with a local stateless support group in Thailand regarding their marriage registration. However, because of the language barrier etc., the group in Thailand referred him to contact us, the Stateless Network, in Japan. After consulting with him, we contacted the group in Thailand, exchanged opinions and ideas to how to support the administrative procedures of the Japanese man and the stateless Thai woman.

Since this case happened right after the conference when groups and researchers exchanged opinions and developed connections, it was easier to coordinate researchers and supporters from Thailand and Japan. We negotiated about this issue

with Japanese organizations as well as Thai organizations, divided the procedures, and accompanied them to each official separately. This cross-border collaboration support was smoothly done by email and phone calls. This was especially done successfully with the help of Kayoko Ishii, an anthropologist who does research on Thailand in Japan. Ms. Ishii explained about the procedures in Thailand to Japanese supporters from the perspective of anthropology. Additionally, she also explained the Japanese circumstances to supporters of Thailand with delicate attention in order to avoid contradiction in the efforts of supporters in both countries. This facilitated supporters' transborder collaboration. Stateless support is considered to be crucial on the legal aspect, but cultural and social input for legal professionals and legal operation is certainly important.

A year after this first consultation with the couple, the stateless woman was able to complete her civil registration in Thailand, marriage registration, birth registration of her child, certificate of recognition, census registration in Japan, the application for her passport, and other procedures without any trouble. In January 2012, the couple was able to have their wedding reception in Thailand, an event celebrated by many people. Their child received her Japanese nationality in April in the same year. Afterwards, the family moved to Japan and are currently living happily together. This case precisely demonstrates the practice of "Anthropology of Support", and is an important example of stateless support. In this way, this conference initiated the opportunity to develop cross-border cooperation and to expand support activities at the same time. The role of anthropology in support activities become more distinct. Concerning Japan's current situation, creating a legal system for stateless persons immediately is not an easy task. However, gaining experience through taking part in various cases will lead to more support on a larger scale. Each step in this process is necessary so that many people will become more aware about the current conditions of stateless people.

On July 9th, 2012, the "Alien Registration Card" was replaced by a "Residency Card" as the form of identification for non-Japanese citizens. The new re-entry system is said to easing the traveling process for non-Japanese citizens living in Japan. However, stateless people who cannot obtain a valid passport are not eligible for these changes. Since Japan does not have a recognition system for stateless persons, there are many *de facto* stateless people who actually do not have a nationality even though their Alien Registration cards show that they are a national of a certain country. The revision of this law keeps the problem of *de facto* stateless people remain unresolved.

The situation of the stateless people in Japan may become more complicated under the new Residency card system. This is a new issue that needs to be investigated with attention to the statelessness recognition system which is the most important issue in Japan. On editing this report of international meeting, I attempted

to write this book in both Japanese and English. By writing in both languages, I hope many people not only in Japan but also in foreign countries who are concerned about this issue would be able to learn about the achievements of the international conference and for it to be a good reference for their further study on stateless people and support activities. Also, the translation work between Japanese and English was quite difficult because legal systems differ in each country and the technical terms were difficult to translate. Conversely, when addressing stateless problems, which I believe it should be solved through international cooperation, holding a common definition of statelessness would be the first step to realize the support.

In the process of translation, I tried to express the speaker's intent and use words correctly. As an editor, I am fully responsible for any mistranslation and inappropriate expressions that remain. Lastly, through this book, I look forward to the further development of research for statelessness, and in the wider field of "Anthropological Studies of Inclusion and Autonomy". Also, I hope this research and the practice of stateless support would contribute to the institutional reform.

Note

- 1) This content is based on the information as of the end of February, 2011.