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Response to Call for inputs on “Implementation of the United Nations Declaration on the rights of peasants and other people working in rural areas”*

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*late submission owing to the updating input in conjunction with process of “Sea Nomads and its Maritime Culture” Indonesia-Thailand

Introduction on the Input

1. This document is intended to introduce a submission on enumeration of rights in UNDROP (United Nations Declaration on Rights of Peasants and Other People Working in Rural Areas) towards sea nomads. In regard of of the work of the UN Working Group on Peasants/UNDROP, there is a need for further enumeration necessary for the recognition of the rights of sea nomads.
2. This document is to respond to the inquiry no. 3 and no. 7 of the call.

This input is also derived from our previous submission on the subject of (1) input to the draft of General Comment no. 26 on land and economic, social and cultural rights -submitted as document of “Joint contribution Geneva Academy - La Via Campesina - CETIM - FIAN International” (no. 7) and “Law Faculty of Atma Jaya Yogyakarta University” (no. 88) <https://www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCR-draft-GC-land.aspx>, (2022) (2) input to "Treaties, agreements and other constructive arrangements, between indigenous peoples and States, including peace accords and reconciliation initiatives, and their constitutional recognition." https://www.ohchr.org/sites/default/files/2022-06/apintl-aw-EMRIP-seminar-treaties_0.docx (2022) of UN Expert Mechanism on the Rights of Indigenous Peoples, (3) Input to “General comment No. 26 (2023) on children’s rights and the environment with a special focus on climate change” <https://www.ohchr.org/sites/default/files/documents/hrbodies/crc/gcomments/gc26/2023/cs/GC26-CS-henry-thomas-simarmata-2023-02-15.docx> (2023) of the UN Committee on the

Rights of the Child, (4) input to “Toxic-free places to live, work, study and play”, <https://www.ohchr.org/sites/default/files/2021-11/APINTLAW.docx> (2021), of the UN Special Rapporteur on the human right to a healthy environment

3. For the purpose of enumerating rights in the UNDROP (the UN Declaration on Rights of Peasants and Other People Working in Rural Areas) towards sea nomads, the scope of sea nomads is drawn as “sea nomads is communities and numerous ethnic group who lives and have been making their livelihood primarily from the sea and marine ecosystem. They live as nomadic, semi-nomadic, seasonal residents, on islands, parcels of islands, coastal and reefs ecosystem, as dweller in a very vast marine area. Their traditional knowledge, commons’ life, and freedom movements are very distinctive as a basis for their fundamental rights. Sea nomads lives nomadically as a group, together and as community, as mutually-dependent small scale holder to their nomadic routes in nature and biodiversity of seas and islands.
4. There is strong effort by the governments of the region of Southeast Asia, notably the government of the Kingdom of Thailand and the Government of the Republic of Indonesia in building framework necessary for sea nomads mutually coexists with other groups of society. On these, efforts have been undertaken to understand the historical and cultural context of sea nomads, including taking into account components of the UNDROP and the UNDRIP.
5. Research communities of the region of the Southeast Asia and of the institutions around the world have been more and more in collaboration in developing body of knowledge on sea nomads. This work is important for sea nomads, and also for governments and wider society, since sea nomads context is long term. There is an understanding in research circle that failure to understand the long term context of sea nomads will directly and indirectly contribute greatly to discrimination against sea nomads. In turn, this discrimination will fail also the normative basis of the UNDROP.
6. Jurists, together with sea nomads and research communities, dedicate a special effort to develop legal administration and practices in different levels of forum in national and regional level to create precedents for recognition and protection towards sea nomads.

Narrowing the gap

7. There are many issues, understandably, in understanding and recognising sea nomads. This document put 2 (two) as the main component in which an enumeration will involve. This also respond to the inquiry no 3 and 7 of the this call. These reflects present and further efforts to narrow the gap between what is principle in human rights and what is so far undertaken by actors and stakeholders.

“sedentarisation”

8. The sedentarisation of sea nomads often undertaken based on well-meant intention but poor understanding towards sea nomads. The sedentarisation of sea nomads was often undertaken in conjunction with legitimate concern, including on the sanitation improvement, toxic-prevention, and climate change adaptation-mitigation efforts. The sedentarisation in pursuing those 3 (three concerns) was not, or yet to be placed, in

balance and in recognition efforts towards sea nomads. In the case where sea nomads lost their cultural and traditional knowledge on the maritime routes and biodiversity, we would see that sedentarisation, whatever the basis of it, creates direct discrimination against sea nomads. Assessment on the housing and settlements of sea nomads will be needed to avoid the case of discrimination. This assessment should take key articles, e.g. article 20 (on biodiversity), 21 (on clean drinking water and sanitation) , 24 (on housing).

9. The spatial change which was created by coastal economisation and sedentarisation projects of different kinds further forced sea nomads to unnecessarily in conflicts with toerh parts of society. The sense of ownership of sea nomads and other parts of society are quite different in fomrs and in impact. This contribute greatly to conflict between groups. Further efforts to understand the characteristics of sea nomads are needed.

“decision-making”

10. Narrowing the gap would also mean to bring attention to the pace and forms of policy discussed, understood, and negotiated between sea nomads, different actors and parts of society, and government of the day. The fact that sea nomads lives differently compared to most parts of society should guide a process of decision making which is fair and just for sea nomads in short- and in long-term footing. Article 3 of the UNDROP is important in this very regard.
 11. The decision making should also recognise the nomadic and semi-nomadic existence of sea nomads communities. This should be understood as a protection of their freedom of movement (seafaring) and of their role in management biodiversity and on addressing climate change. Misunderstanding often arises in interpreting “recognition” as “putting sea nomads in a closed area” or a kind of licensed exclusive maritime-residency. This creates opposite situation where, as a result, the existence of sea nomads are suspected by all others.
 12. There others positive developments in efforts on narrowing the gap. Sea nomands, other parts of society, governments, researchers, and jurists increasingly find an urgent need to take UNDROP into account in this efforts. We attached an information in this regards as one of many examples while paying respect and apprecation other efforts are in progress at present.
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