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DISSERTATION EXPOSÉ

Preliminary title

Left Outside: The Bajau-Laut of the Coral Triangle Seascape in the
Scope of the International Sustainable Development and Climate
Change Agendas Implemented through the Coral Triangle Initiative

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1. INTRODUCTION AND RESEARCH QUESTION

The stateless Bajau-Laut mobile and semi-mobile marine-dependent peoples of the Coral Triangle Seascape, as *sui generis*, are left outside the post-colonial state order in Southeast Asia, and the current international sustainable development marine conservation and climate change agendas. In my research, I ask **whether the implementation of the sustainable development and climate change global agendas through the coral triangle initiative, and the declaration of marine protected areas in the coral tringle seascape respect the rights of the Bajau Laut as an ethnic-group historically residing and faring in the Coral Tringle seascape.**

In order to answer this question, I will also discuss the following sub-questions:

- (1) How does the Coral Triangle Initiative as an intergovernmental organization aiming to achieve the sustainable development goals and climate change agendas through policy and implementation ?
- (2) What are the effects of the Coral Triangle Initiative on the Bajau Laut ethnic-group human rights in the Coral Triangle Seascape, and whether their rights were taken into consideration through the Coral Triangle Initiative?
- (3) What are the barriers for the recognition of the Bajau-Laut ethnic-group as an indigenous people in the Coral Triangle Seascape?
- (4) How the realization of the Bajau-Laut indigenous rights will contribute to the realization of the international sustainable development and climate change agendas.

The Bajau Laut as a case of “extreme indignity” situates them outside states’ implementation of the international sustainable development goals and climate change agendas. As scattered, mobile and semi-mobile, cross-border seafarers, their way of life has its

own specificities, creating additional barriers towards their recognition as indigenous peoples and the realization of their human rights.

The ILO has recognized the importance of collecting knowledge on indigenous peoples for the purpose of states' implementation the international and regional sustainable development goals (hereinafter SDGs) and climate change agendas (Errico, 2017). Indigenous rights are explicitly referred to in two SDGs, and other SDGs have linkages to indigenous rights (2015a). The United Nations Framework Convention on Climate Change (Paris, 2015) links action against climate change and equitable sustainable development and the eradication of poverty (Errico, 2017), and refers to obligations towards indigenous peoples in its preamble and in article 7, where it indicates indigenous peoples' traditional knowledge should be taken into account in the adaptation processes. Therefore, the global agendas for sustainable development and climate change recognize indigenous peoples' rights and their role in these agendas (Errico, 2017).

My research seeks to quantify whether the Coral Triangle Initiative policy and implementation as intergovernmental organization playing an instrumental role in the implementation of the SDG and climate change global agendas, respect the international indigenous rights legal regime in regard to Bajau-Laut ethnic marine-dependent group.

2. RESEARCH ISSUES AND STATUS OF RESEARCH

(a) The Mobile and Semi-Mobile Bajau-Laut

The Sama-speaking Sama-Bajau is an ethnic-group scattered throughout Southeast Asia (Stacey & Allison, 2019). Due to their nomadic seafaring lifestyle and cultural particularities, they have been excluded by the relatively new post-colonial state order in Southeast Asia, being rendered largely invisible (Acciaioli, Brunt & Clifton, 2017). For the Bajau, the seascape of the Coral Triangle between the Philippines, Malaysia and the Sulawesi Sea in Indonesia, was their fluid residence (Acciaioli et al., 2017), in which they have played a dominant historical role in the establishment of maritime commerce centers with trans-border social networks, fishing and trade (Pauwelussen, 2015).

The Bajau-Laut group adopted marine mobile fishing, collecting strand products and trading in the Coral Triangle Seascape, and have been categorized as “sea nomads”, or “families living in boats, and moving about the sea coasts in nomad fashion” (Sopher, 1965:

47). Efforts aimed at reducing piracy and encouraging settlement, lead to the settlement of Bajau groups in Eastern Sabah, present-day Malaysia, starting from 1878 (Acciaioli et al., 2017). Nevertheless, many Bajau-Laut continued their semi-nomadic lifestyle, seafaring on their boats (*lepa*) and living in water villages (*kampong air*). Many of the settled Bajau-Laut also keep a semi-nomadic lifestyle in accordance with their livelihood strategies, characterized by social and family relations, seasonal fishing, and trading across the Coral Triangle Seascape (Stacey & Allison, 2019; Pauwelussen, 2015). The Bajau-Laut lifestyle was epitomized in the words of an informant of Pauwelussen:

We Bajau often move from one place to the other, and there are many trade and family relations between the Bajau in Malaysia, the Philippines and Indonesia. So you have people coming, going back, settling here for a while, then they go elsewhere, and have kids. And later those kids will travel. And in the end where does one come from? The Bajau here... It's actually a hodgepodge. They're from different places, but they all come here by boat. (Pauwelussen, 2015).

As a result, an accurate number of the nomadic seafaring Bajau-Laut has not been obtained (Marshall, Mahali & Januin, 2019), neither of the number of the stateless Bajau-Laut living around the coasts of the Coral Triangle. In 2014, 22 percent of the population of the Malaysian city of Semporna population lived on *lepas* (Wood & Yusah, 2014; Acciaioli et al., 2017), a number perhaps between 5,000-7,000 (Ali, 2013: 228), while Sather claims less than 200 still live permanently on boats in Malaysia (Marshall et al., 2019). In Indonesia, the number of Bajau-Laut living on boats is unknown; in the mid-1990s it was estimated to be few hundred families (Stacey & Allison, 2019).

Though the Bajau-Laut who settled in Sabah in the nineteenth century (*Bajau Tempatan*) were subsequently recognized as Malaysian citizens, most of the nomadic Bajau-Laut are stateless (Acciaioli et al., 2017). According to the UNCHR, 85 percent of the 10,000-15,000 Bajau Laut who live in Zamboanga in the Philippines are stateless (2019b). While part of the Bajau-Laut who fled from the Philippines to Sabah in the 1970s as a result of unrest could apply for refugee status, many of them did not, due to a lack of knowledge and accessibility (Clifton et al., 2014). The statelessness of others derived from the lack of birth registration documents (Clifton et al., 2014; Ali, 2010).

The fact that the State of Malaysia does not recognize the Bajau-Laut seafarers as citizens has not stopped the community leaders in Sabah from conceiving them as part of the Sabah seascape. These community leaders disregarded the Malaysian government's security

measures, following the 2013 Tanduou intrusion of Sabah, which ordered the deportation of the Bajau-Laut residing in Sabah illegally, amongst 300,000 illegal immigrants in total, to the Philippines. It was clear these community leaders did not consider the Bajau-Laut to be part of these security concerns, asking the government to take into consideration that “the sea gypsies, Palau, have been residing in the waters of Sabah over the centuries”, and that “it was only fair if the government recognized their rights as native settlers, or at least provide them with proper documentation to show their identities” (Marshall et al., 2019: 72).

As part of the above-mentioned security measures, Malaysia declared Eastern Sabah as a security zone (ESSZone), announcing a maritime night curfew across this zone (Acciaioli et al., 2017). This led to an increased settlement of mobile Bajau in East and North Kalimantan in Indonesia. There, these mobile Bajau-Laut were considered to be “*wargu tanpa identitas*”, residents without identities, and were deported to the Philippines (Acciaioli et al., 2017)

We can conclude from these examples that the Coral Triangle states deny the Bajau-Laut seafarers’ history, cultural identity and livelihoods as sea nomads in the Coral Triangle Seascape. In addition to this post-colonial state order in the Coral Triangle zone, the Bajau-Laut seascape is affected by another, more recently developed, international agenda: conservation goals and efforts.

(b) The Implications of Marine Conservation and the Coral Triangle Initiative on the Bajau-Laut

The degradation of marine biodiversity¹ and its effects on the livelihood sustainability of the population depending on marine resources, have led to marine conservation efforts on local, national, regional and global levels (Ban & Frid, 2018). The climax of these efforts was in 1992, when 193 states signed the 1992 United Nations Convention on Biological Diversity (hereinafter CBD), with a plan for achieving the goals of the CBD through the 2010 Aichi Biodiversity Targets (hereinafter the Aichi Targets). According to Target 11, 10 percent of the world’s marine areas were to be protected by 2020.² This goal was reaffirmed in 2014, in the

¹ 60 percent of the world’s reefs are at threat due to human activity such as coastal development and fishing (Clifton, 2003).

² “By 2020, at least 17 percent of terrestrial and inland water areas and 10 percent of coastal and marine areas, especially area of particular importance for biodiversity and ecosystems service, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape of seascape” (Aichi Target 11). According to the CBD, the target of the conservation of 10 percent of coastal and marine areas was supposed

United Nations' SDGs.³ As of December 2019, and according to the acting executive secretary of the CBD, 8 percent of the oceans are “designated protection areas”, and the achievement of Aichi Target 11 was near (2019c).

Fishing was recognized as one of main reasons for marine ecological harm (Jackson et al., 2001; Clifton, 2003). The way to prevent this harm was through the creation of Marine Protected Areas (hereinafter MPAs). The ultimate protection was to be afforded by absolutely forbidding fishing or resource extraction through “no-take” MPAs, or merely imposing limits on it, through “limited-take” MPAs.

The Aichi Targets and the SDGs lead to the development of international, regional and national conservation plans, designated to conserve biodiversity “hotspots” (Clifton et al, 2014). In Southeast Asia, where the higher percentage of “hotspots” are, 80 percent of the world’s endangered reefs exist (Clifton, 2003). This led to the establishment of large-scale conservation initiatives, such as the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (hereinafter CTI) in 2009, covering three “hotspots”. The CTI is an example of a large-scale MPA, a regional initiative represented by the Coral Triangle states. The CTI was driven by an NGO coalition of three significant international NGOs: Conservation International, the Nature Conservancy and the World Wide Fund for Nature (Clifton, 2003; Fiedelman et al., 2012). The CTI Regional Plan of Action (hereinafter RPoA), covers 5.7 million square kilometers and is designated to deal with the climate change impacts on biodiversity, harmful fishing and human activities and on-land activities impacting the marine areas. The CTI seeks to fulfil these targets through the creation of Marine Protected Areas, guided by nine principles.⁴

Conservation initiatives are supposed to take into account local communities affected. The CTI has an impact on 120 million people dependent on marine resources, amongst them the Bajau-Laut around the Coral Triangle Seascape and its coasts. The CTI recognizes the need for the involvement of relevant stakeholders, *inter alia*, the people impacted, mainly

to be achieved by 2010, but after this was not achieved the target was postponed until 2020 (Leenhardt, Cazalet, Claudet and Feral, 2013; Wood, Fish, Laighren & Pauly, 2008).

³ SDG 14, entitled Life Under Water, encourages states to “By 2020, conserve at least 10 per cent of coastal and marine areas, consistent with national and international law and based on the best available scientific information” (2015b).

⁴ There is no common clear definition of MPA, and definitions indicate different kinds of MPAs with multiple purposes: “temporally and geographically defined areas that afford natural resources greater protection than is afforded to the rest of an area” (2009a); “A clearly defined geographical space, recognized, dedicated and managed through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values” (2018a); and “An area designated and effectively managed to protect marine ecosystems, processes, habitats and species, which can contribute to the restoration and replenishment of resources for social, economic and cultural enrichment” (2015c).

indigenous peoples and coastal communities, as a principle: “CTI should be inclusive and engage multiple stakeholders. Multiple stakeholder groups should be actively engaged in the CTI, including other national governments, local governments, NGOs, private sector companies, bilateral donor agencies, multilateral agencies, indigenous and local communities, coastal communities, and the academic and research sector” (2020a).

Despite this written principle in the RPoA, there is no evidence for any effort for the protection of indigenous people affected (Stacey & Allison, 2019). The CTI and MPA, in general, have been developed by scientific experts focusing on the environmental and ecological and biological aspects prioritized by the “Western donors” (Clifton, 2003, Roberts, McClean & Veron, 2002). This situation raises questions around the infringement of the rights of indigenous peoples’ impacted by these programs. One of the main critiques of large-scale conservation initiatives such as the CTI, is that they may be driven by geopolitics or global vying of the governments, donors and the NGOs involved, and not by the aim of conservation, leading to short-term conservation targets (Leenhardt et al., 2013; Giron, 2018), while ignoring long-term considerations and the potential for the failure of conservation initiatives which do not involve local communities (Majors, 2008).

There is no evidence that the CTI has consulted or engaged with representatives of one of the main marine resources dependent indigenous groups affected by it, the Bajau-Laut (Stacey & Allison, 2019). The CTI initiative has affected the Bajau-Laut’s livelihoods, based on seasonal fishing and strand collecting. In addition, the MPAs have the potential to breach the rights to food and an adequate standard of living of the inhabitants of the region, whose livelihoods depend on fisheries and aquaculture (2019d).

There is no data on how the Bajau-Laut have been impacted by these initiatives in recent years, as empirical research on the effects of the CTI on the Bajau-Laut has never been conducted. However, a known example of conservation causing hardship and reduction in the Bajau-Laut stateless population in Sabah, is the Tun Sakarn Marine park (TSMP), covering 350 square kilometers. When established in 2004, the park’s human population was 2,510 people, 40 percent of them Bajau-Laut and 40 percent without any recognition documents, presumably stateless (Acciaioli et al., 2017). According to a survey conducted in 2016, the TSMP was inhabited by 3,157 people, but only 16.8 percent were Bajau-Laut (Acciaioli et al., 2017).

This decline was a result of both the state-imposed security zones in the area, and the environmental conservation which prevented the Bajau-Laut from using the marine resources

central to their livelihood, in addition to their cultural, social and spiritual life. This reflects helpless situation leading to poverty in the absence of any nationality and all the rights built upon it, such as land rights, access to bank credit, jobs in urban areas, and education for the younger generation. Moreover, these people are forced to migrate to urban areas, where they form a vulnerable group, lacking any means to make a livelihood, and are commonly described as “vagabonds of the sea” (Barcamonte, 2005) and categorized as illegal squatters” (Acciaoli et al., 2017; Clifton et al., 2014). Lacking any social mobility horizon due to their statelessness, their journey is “from the seas to the streets” (Vasilash, 2000).

The Bajau-Laut, already marginalized as a result of the new post-colonial state order, are invisible to these marine conservation initiatives, which do not consider them in their decision-making as citizens, as they lack national protection due to their statelessness (Clifton et al, 2014), nor as indigenous peoples who have rights as such. They are conceived as causing harm to the environment and as negative players in the conservation efforts (Acciaoli et al., 2017). To governments they are seen as “a threat to state control” (Carnegie, 2013), or as “problematic”, leading the security forces to warn them not to get involved in “illegal practices” such as resource extraction essential to their survival (Marshall et al., 2019).

The recognition of the Bajau-Laut’s marine-dependent indigenous rights, in relation to MPAs, would grant them the rights to be consulted during the setting of the programs, allow them to participate in the management of the MPAs, and give them access to the marine resources they depend on (Stacey & Allison, 2017). This accords with Aichi Target 11:

Protected areas should also be established and managed in close collaboration with, and through equitable processes that recognize and respect the rights of indigenous and local communities, and vulnerable populations. These communities should be fully engaged in governing and managing protected areas according to their rights, knowledge, capacities and institutions, and should equitably share in the benefits arising from protected areas and should not bear inequitable costs. (2012a)

The UN Special Rapporteur on the Rights of Indigenous Peoples has called upon the states and conservation organizations in relation to marine conservation in coastal areas to recognize the rights of indigenous peoples:

Under international environmental law, all 196 states parties to the convention on Biological Diversity have agreed that the establishment, management and monitoring of protected areas should take place with the full and effective

participation of, and full respect for the rights of, indigenous peoples. They have also set targets which include global expansion of protected area coverage to at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas by 2020. This further underlines the importance that states and conservation organizations implement measures to recognize the rights of indigenous peoples as a matter of priority. (2016a)

In accordance with this call, in 2017, experts appealed for a code of conduct for marine conservation, taking into account the social impacts of conservation on affected people, towards a more just and responsible conservation (Bennett et al., 2017). Yet the nexus between marine conservation through MPAs and indigenous rights is under-researched, and there is a need for further research on this subject (Ban, Natalie & Frid, 2018).

(c) Statelessness and Indigenous Peoples

The dominant definition of statelessness is a legal one (Sköld, 2019), used by the United Nations High Commissioner on Refugees⁵ (hereinafter UNHCR), and by the prominent NGOs aiming for the reduction of statelessness, including the Institute on Statelessness and Inclusion and the European Network on Statelessness. Article 1 of the UN Convention in Relation to the Status of Stateless Persons of 1954 (hereinafter 1954 Convention) defines a stateless person as “a person who is not considered as a national by any state under the operation of its law”. Statelessness is conceived of negatively in the international state order, an exclusion of the sovereignty in the binary between the citizenship’s inclusion and the non-citizenship’s exclusion (Eliassi, 2016), a legal anomaly in which the stateless does not enjoy “the Right to have rights” (Arendt, 1968: p. 296), is vulnerable and excluded from the protection the state grants, and is left in the realm of non-recognition (Redcliff, 2013; Staples, 2012; Allerton, 2017; Gibney, 2014).

The birth certificate is the cornerstone for other rights such as nationality; the right to this document, and the duty of registration immediately after birth, are recognized in Article 7 of the Convention of the Rights of the Child. Some states signed the 1961 Convention on the Reduction of Statelessness (hereinafter 1961 Convention), each signatory committing to “grant its nationality to a person born in its territory who would otherwise be stateless”. The Coral Triangle states (Indonesia, Malaysia, Papua New Guinea, Philippines, and the Solomon

Islands) are not signatories to the 1961 Convention, and only the Philippines is party to the 1954 Convention (2019a), the only country in Southeast Asia to adopt an action plan to end statelessness.

The year 2014 was a milestone in the effort to reduce statelessness. The UNHCR initiated the #IBelong campaign, and a ten-year program was initiated to encourage states to ratify the relevant conventions, enable birth registration of stateless children, and implement legal reform in nationality laws (2014a; 2014b). The UN SDGs joined these efforts through SDG Target 16.9, which commits states to achieving “legal identity for all, including birth registration” (2015a).

While according to Article 6 of the United Nations Declaration on the Rights of Indigenous Peoples, “Every Indigenous individual have the right to nationality”, many indigenous peoples are not entitled to the right to nationality and have been rendered stateless. There is a lack of research on stateless indigenous peoples. In 2014 there was an attempt through the Tulberg University Statelessness Project to bring attention to the need for further research on indigenous peoples and statelessness (Genutegen et al., 2014). Yet six years later, there is still a need for more research.

The right to nationality is a “‘gateway’ to the recognition of a plurality of other rights” (Genutegen et al., 2014: 99). Indigenous stateless people are extremely vulnerable to abuse in labor rights, human trafficking and the ability to enjoy other rights, mainly due to the lack of birth registration due to bureaucratic difficulties. Immigration, discrimination and intergenerational lack of documentation, and in some instances *de facto* statelessness resulting from hostility from the state or the indigenous peoples’ suspicion of the state or lack of awareness or capability to realize their rights, exacerbate this situation (Genutegen et al., 2014).

Given the current international state order, granting nationality is conceived of as the solution to statelessness, and for many stateless indigenous peoples, the prospect of being granted nationality is welcomed and conceived of as an integration horizon in the states they are settled in. As a Sama Bajau informant told UNHCR, “when we get a birth certificate, we will feel more respected and be able to live life with dignity. I will feel valued as a citizen” (UNHCR, 2019b).

However, Sköld claims that the nationality solution is not appropriate in the case of some indigenous peoples and other *de jure* statelessness groups who are left outside the international state order. Article 33 of the UNDRIP recognizes indigenous peoples’ “right to determine their own identity or membership in accordance with their customs and traditions”,

though this does not impair their right to “obtain citizenship of the states they live in”. In the case of mobile indigenous peoples, or seafarers who live in a trans-border seascape, the nationality solution to their statelessness might be reductive of their history, cultural identity, customs and livelihood (Imai & Gunn, 2013: 238), unless it is complemented with the exercise of indigenous peoples’ rights, especially for mobile indigenous peoples whose homelands were divided by international borders.

Mobile indigenous groups pose further challenges to the sovereign international state-order, mainly in Southeast Asia, where in the “view of history as dominated by long periods of *normative and normalised* statelessness”, the “fluid” mobile trans-border lifestyle of mobile people contradicts the idea of sovereign states, and such mobile groups are left outside (Scott, 2009: 27). The Bajau-Laut seafarers are one such group who have been excluded from the post-colonial state order in Southeast Asia.

(d) The Recognition of the Indigenous Rights of Mobile and Semi-Mobile Bajau-Laut in the Coral Triangle Seascape

The main countries in the Coral Triangle Seascape, where the Bajau-Laut sail, fish and trade, are Indonesia, the Philippines and Malaysia. None of these countries is a party to The Convention concerning Indigenous and Tribal Peoples in Independent Countries, ILO Convention No. 169 (1989)(hereinafter)ILO 169 Convention, and though they support the UNDRIP, Indonesia and Malaysia’s concepts of indigenous rights differ from the contemporary understanding of indigenous rights concept (Errico, 2017; UPR.UN, 2012b). Post-colonial states were enthusiastic in engaging with concepts of indigenous rights partly to mask their continuation of colonial laws concerning specific groups within their territories for the purpose of facilitating administration (Kingsbury, 1998). such as “Orang Asli” in Malaysia and “Masyarakat Adat” in Indonesia, are more assimilation-oriented, rather than guaranteeing the realization of indigenous peoples’ human rights and improving their social situation. In the Philippines, the government has tried to establish a program in accordance with indigenous peoples’ protection and role according to the SDGs, acknowledging their importance for sustainable development. National laws have been accordingly legislated (Errico, 2017). The ASEAN Declaration on Human Rights does not mention the term indigenous peoples; the closest that can be found is “Vulnerable and marginalized groups” (ASEAN, 2013).

One of the key factors in the recognition of indigenous peoples as such is self-identification (ILO Convention 169; Errico, 2017; Phinstock, 2012). In the case of the marginalized Bajau-Laut, the lack of coordination and representation can be a barrier, and this requires an effort to facilitate grassroots coordination and cooperation. Since the international and regional efforts of the conservation initiatives impact the Bajau-Laut who are part of the

Coral Triangle Seascape, the program of the foreign donors who back the SDGs should include this role. The same SDGs and multinational organization that advocate for the reduction of statelessness and the protection of indigenous peoples' rights, are encouraging and funding the conservation agenda without respecting the Bajau-Laut's sea-dependent livelihoods, history and aquaculture. Moreover, representing the Bajau-Laut seafarers and their fishing practices as negative factors in the conservation efforts, and ignoring the role the post-colonial state regime have played in the process of their loss of identity and marginalization, is deeply inconsistent with the international efforts for indigenous rights' realization and protection.

Such large-scale regional cooperation as the CTI could be an opportunity for the states in the region to coordinate over the issue of the stateless Bajau-Laut and their rights as mobile marine-dependent indigenous peoples. Specially, this could be done to rectify the lack of regional active human rights protection mechanisms, the fact the Coral Triangle states are not parties to the 1961 Convention or the ILO 169 Convention, and the status of the UNDRIP as nonbinding in international law and its debated status as customary law (Phunstok, 2012).

If the Bajau-Laut are recognized as indigenous peoples at the Coral Tringle regional level, this may lead to the recognition of their mobile lifestyle, history, aquaculture and their right to consent and manage the MPAs where they have historically roamed and lived in the Coral Triangle Seascape. As elaborated in Article 36 of the UNDRIP:

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

This article imposes an obligation on states to enable this cross-border cooperation, challenging states' sovereignty in the current international state order. An example of such cooperation with an indigenous cross-border group is the Inuit Circumpolar Conference, in which the Arctic Regional Council worked on issues related to environment and sustainable development. The USA and Canada recognized in some instances that the cross-border lifestyle and livelihoods of aboriginal groups in the USA and Canada supports the group's social and economic interests, and enabled cross-border mobility and tax exemptions, such as in the case of the Akwesasne people (Imai & Gunn, 2013).

On the international level, the United Nations has recognized the rights granted in Article 36, and the Permanent Forum on Indigenous Rights encouraged such cross-border cooperation in its 2010 session:

The permanent forum recommends that the governments of Canada and the United States address the border issues, such as those related to the Mohawk Nation and the Haudenosaunee confederacy, by taking effective measures to implement article 36 of the United Nations Declaration on the Rights of Indigenous Peoples, which states that Indigenous peoples divided by international borders have the right to maintain and develop contacts, relations and cooperation with their own members as well as other peoples across borders. (Permanent Forum on Indigenous Issues, Report on the Ninth Session, ESC April 2010, UNESCOR, 2010, Supp No 23, UN DOC E/C.19/2010/15. Para 98 in Imai & Gunn, 2013)

In 2002 there was an effort from mobile indigenous peoples all over the world to promote their rights, recognizing the similarities of their problems. The World Alliance of Mobile Indigenous peoples participated in the fifth Worlds Parks Congress of the IUCN held in Durban, where they presented their alliance and the recommendations they endorsed, the Dana Declaration on Mobile Indigenous Peoples (2002a). This acknowledges their rights to participation and management in conservation efforts, noting that “because mobile peoples often move through different territories, transboundary co-operation between national authorities may be required” (2002a).

In the current situation in the Coral Triangle Seascape, the international agenda aiming for the reduction of statelessness and protection of indigenous peoples, is the same that has led the mobile Bajau-Laut into a situation in which they are pushed from their historical seascape and aquaculture onto the streets, where they lack livelihoods and integration horizons due to their statelessness and mobile lifestyle.

States cooperating in such large-scale conservation initiatives, which are funded by international donors such as the CTI, need to take a stand for and set a target towards the recognition of the mobile and semi-mobile Bajau-Laut indigenous historical and cultural rights, and respect their livelihoods in the Coral Tringle Seascape. Such recognition will facilitate the realization of the rights they should enjoy according to the UNDRIP and ILO 169 Convention. It will also provide them a voice in their home seascape, and a right to be consulted in setting conservation policies and areas, in the management of the MPAs, and the rights for traditional

fishing and maintaining their trade networks and social ties through the Coral Triangle Seascape. In addition, it will recognize their need to embrace and preserve their unique aquaculture, instead of contributing to its extinction and pushing the Bajau-Laut into poverty and helplessness. None of this will not impair their right to nationality or absolve the Coral Triangle states of the need to promote a common solution for the stateless Bajau-Laut.

3. METHODOLOGY

The aim of this research is to identify the policy and framework of the Coral Triangle Initiative for the realization of the SDGs and climate change global agendas, and how these agendas take into consideration the international indigenous rights framework in regard to the Bajau-Laut. In addition to the barriers for the recognition of the Bajau-Laut as an indigenous people, and the implications of this recognition on the realization of their rights through the Coral Triangle Initiative.

The research will be conducted by a mixed method: analytical international law research and qualitative research based on semi-structured interviews with focus groups experts (Dunn, 2000; Aurini, 2016).

I will research the Coral Triangle Initiative role in the implementation the SDGs and climate change agendas from international law instrumentalist theory which aims to grant the international policy makers different possibilities to reach their sought after state order, the glitch of this approach is assuming the present world order as given (Koskeniemi & Martti, 2004). I claim in regard to the Bajau Laut, as a case of “extreme indignity”, are left outside the current state-order. Following framing of the policy and framework set by the Coral Triangle Initiative, there is a need to assess the policy and framework through empirical assessment (Ginsburg et al., 2012).

The other questions I will have to answer are how Coral Triangle Initiative take into consideration the Bajau-Laut rights as indigenous group and how realization of the Bajau-Laut indigenous rights will contribute to the realization of the international sustainable development and climate change agendas.

In order to answer the questions, the methodology used will consist of analytical legal research into public international law, national primary and secondary legal law sources and academic literature, in addition to reports and studies by international, regional and local NGOs

and intergovernmental organizations such as the UN and ILO, in addition to “grey literature”, such as online sources, technical and policy documents (Crang, 2005).

Assessing the implementation of the SDGs and climate change agendas and whether the Bajau Laut indigenous rights are taken into consideration by the Coral Triangle Initiative, will be conducted through empirical qualitative research, based on semi-structured interviews of focus groups and experts.

These interviews are required in the lack of documents (Morgan, 2014), and add a value to research through learning directly from the people interviewed. Through interviews, information is gathered in a differing way than asking about or learning from different sources and enable us learn on specific group of people, on the stakeholders' priorities, opinions motives and history (Robnson, 2002). While an expert interview is with an expert in a specific field and is limited more to a certain subject (Bogner et al., 2009).

“The methodological specificity of this kind of interview, though does not lie in ‘the expert’ as an object of research, but rather in the researcher’s interest in a specific configuration of knowledge” (Bogner et al: 72).

expert interviews an appropriate tool to gather information on the specific subject of the consideration of the Bajau Laut indigenous rights, and on the stakeholders’ perspectives regarding the Bajau Laut indigenous rights.

In the limited field research ability due to the COVID19 situation, the interviews will be conducted online through Skype and through other audio and visual online mediums. Though, these mediums have weaknesses in comparison to face-to-face interviews (Christmann, 2009)

4. PRELIMINARY STRUCTURE OF THE THESIS

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3. The Coral Triangle Conservation Initiative
 - 3.1 The Coral Triangle Initiative as an intergovernmental organization aiming to implement the sustainable development and climate change international agendas
 - 3.2 The integration of the social sciences in conservation policies
 - 3.3 The impact of the Coral Triangle Initiative on the livelihoods and aquaculture of the mobile and semi-mobile Bajau-Laut

4. The recognition of the mobile and semi-mobile Bajau-Laut as an indigenous group and its implication on the realization of their human rights
 - 4.1 The status of indigenous rights protection in public international law
 - 4.2 The status of indigenous rights in the Coral Triangle states
 - 4.2.1 Indonesia
 - 4.2.2 Malaysia
 - 4.2.3 Philippines
 - 4.3 Regional indigenous rights protection mechanisms in the Southeast Asia
 - 4.4 Marine-dependent indigenous rights
 - 4.5 Indigenous rights and marine conservation
 - 4.6 Statelessness and indigenous rights
 - 4.7 Development and indigenous rights
 - 4.8 Cross-border mobile indigenous peoples' rights

5. Indigenous rights and the implementation of international sustainable development and climate change agendas through the Coral Triangle Initiative

6. Conclusions

5. ANTICIPATED TIMELINE

<i>By November 2020</i>	Public presentation and registration of the topic of the doctoral thesis and the supervisor
<i>October 2020-June 2021</i>	Research and composition of the doctoral thesis as well as completion of the necessary courses in accordance with the respective doctoral agreement.
<i>By October 2021</i>	Submission of the doctoral thesis

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