
United Nations
Office of the High Commission on Human Rights
Sub-Committee on Human Rights Promotion and Protection
Working Group on Minorities
10th Session, 1-5 March 2004
Palais d'Nations, Geneva Switzerland

Intervention for Agenda 3.A. Sama Dilaut—Fishers of Coins:

Case of Sea Nomadism in Sulu Seas, Mindanao Philippines

Thank you Mr. Chairman

My name is Mucha Shim Q. Arquiza of Sulu islands, Mindanao, the Philippines. I am representing my organization, the Asian Muslim Action Network in the Philippines, in particular one of its affiliate member-organization called the Lumah Ma Dilaut Center for Living Traditions. The Lumah Ma Dilaut Center for Living Traditions is a program focusing on Cultural re-invigoration of the sea-faring nomadic society of Sama Dilaut or Bajaus of Mindanao and Sulu seas, southern Philippines. Belonging to the same family of Sinama-speaking ethnic minorities as the Sama Dilaut, we are concerned about our people's extinction because of rapid sedentarization and threatened lost of sea-faring lifestyle and culture. This has been due to conflict in the Sulu and Mindanao waters and also because of government negligence and non-prioritization of this group in development plans.

Traditionally itinerant and boat-dwelling people, the Sama Dilaut life and culture rely much on the bounties of the seas, therefore, nomadism is a natural order of things and the attachment to the sea is distinctive characteristics of the Sama Dilaut. Without the sea, there is no Sama Dilaut.

Social anthropologists hint of the Sama Dilaut's ethnically sharing primordial ties with sea-faring and nomadic tribes in Southeast Asian basin particularly, those in Northern Malaysia and the Indonesian waters. In fact a quick survey of the ethnodemographic profile of the Filipino deportees or "halaws" that of late been driven out in thousands each month for the past two or three years now by Malaysia, a sizeable number are of Sama Dilaut origin.

The Sama Dilaut remains in the fringes of Moro society and are experiencing multi-tiered discrimination as indigenous people and minorities as well. While nominally Muslims, they practice their own indigenous faith. Anthropologists and historians depict the Sama Dilaut as "meek, subservient and coward", attributes that render the

Sama Dilaut "harmless" from the perspective of the Philippine government. It is true indeed that investment in development for the minorities such as the Sama Dilaut does not necessarily redound to any political gain in terms of advancing government's political agenda of "neutralizing" or defeating perceived state enemies because, just like all other Sinama speaking ethnics, the Sama Dilaut are not as politically advanced in terms of historic political movements of dissention or resistance as the other majority groups i.e. Tausug of Sulu and Maguindanao and Maranao of Central Mindanao that founded and now mostly comprise the Moro National Liberation Front and Moro Islamic Liberation Front, who have of late been the target of government attention and recipients of official development assistance. The Sama Dilaut issues have not been projected as much as the mentioned majority Bangsamoro groups have been.

The present conflict and the insecurity in the Sulu waters have rendered the Sama Dilaut as easy targets of aggression and violence as chances of evading the dominant ethnic groups have become lesser for the Sama Dilaut. Aggravating the situation are the presence of corporate and big private fishing business, their thugs and goons pose as risks at sea for small and individual fishermen. It is ironic to witness how government authorities have massively hunted down small Sama Dilaut fishermen who, in desperation, use harmful fishing methods such as dynamite fishing; but leave unscathed the big thrawlers and purse seiner fishing owned by fishing magnates and foreign corporations to get on with their exploitative and environmentally destructive enterprise.

Mr. Chairman, the failure of the state to resolve the raging conflict in Mindanao and Sulu, and its inability to quell economic crisis in the country, have caused the sea-based and nomadic lifestyle to be dangerous and unsustainable for the Sama Dilaut as well. Being pushed to the land, Sama Dilaut form beggar colonies, squatting in garbage dumps along the jetties and coastal areas in most urban districts all over the Philippine archipelago, from Mindanao to Luzon islands, where they become even more vulnerable to exploitation and abuse. Here, rich fishing magnates and owners of big fishing business exploit and take advantage of them since the Sama Dilaut are known to be good divers and fishermen. They are recruited as dock-hands or paid fishing laborers. Most are forced into a "Partida" system which is a form of cooperative where Sama Dilaut fishermen are given small credit for their daily sustenance as long as they sell their catch to the partida at very low price and they have to render service as divers and fishermen for fixed wages. Oftentimes these promised wages are never received since the Sama Dilaut men are indebted to the financier. At the end of the day, their wives and children would be mortgaged as collaterals to the endless cycle of debt contracted by men. Under very exploitative and unjust situation, the Sama Dilaut community must comply with the conditions set by the debtor; they should build houses on land under the patronage of and with the full knowledge of the financier's. The women and children should be ready and available anytime their services are required by the financier. This arrangement has caused much trouble and devastation to the Sama Dilaut, especially since they are used to be roaming as free-spirited tribe, suddenly they become "tied to the land". Oftentimes the family members, esp. women and children run away when the menfolks fail to return and never pay their debts to the rich businessmen. In this situation, the entire community (since they stay together as a clan in "moorages") becomes fugitives and that has been how, upon capture, many of them have been

summarily executed and become victims of further violent reprisals by the big fishermen and corporate lords.

There are still much worse cases known to us, Mr. Chairman, of whole communities of Sama Dilaut turning "captives" of development actors and, among them, Christian missions. Under the same condition of bonded labor and forced sedentarization, usually the Christian pastors offer them houses and boats or small capital for livelihood as long as they remain under the wings of the pastors and attend Sunday services. To the Sama Dilaut, this is a form of captivity but because they need the offered assistance, they can not refuse. Still, cases of run-aways often end up in violent reprisals. Indeed, Mr Chairman, this is a contemporary form of slavery and appropriate UN Committee should look into this case.

It will interest you to know that the beggar communities are mostly of women and children and that women usually head the households. It might even be a surprise to you, that because of the high incidence of piracy at sea and the unhampered violence inflicted upon Sama Dilaut communities by the majority ethnic groups, particularly the Tausug, you will find so many disabled and (physically) paralyzed men (although paralysis has also been known to be caused by hazardous fishing practice of deep-sea diving with no paraphernalia). Majority of these women are widowed and single-handedly rear the children as well as keep the community intact, assuming the roles of "negotiators and peace-keepers" with outside society which used to be the menfolk's.

Of course, the minorities and indigenous peoples in Mindanao have gained grounds in terms of achieving some semblance of reforms and legislative actions in their favour. The Indigenous People's Rights Act (IPRA) and the Organic Act for Muslim Mindanao otherwise known as Republic Act 9054 are two examples. Yet, for nomadic tribes such as the Sama Dilaut, the IPRA Law is a difficult instrument to use for claiming their right to ancestral territory because the Act is tailored specifically for land-based culture whileas the Sama Dilaut only recognize ancestral seas. On the other hand, the law for Autonomous Region in Muslim Mindanao (ARMM) has only succeeded in setting up limited political machineries presently exclusively enjoyed by elites and political aspirants among majority Bangsamoro tribes. For an economically marginalised and socio-culturally excluded group such as the Sama Dilaut, there is no useful provision in the ARMM Act.

Suffice it to say, Mr. Chairman, that the plight of the Sama Dilaut spells a threatened extinction of indigenous and minority people that has been part of the Sulu seas even before history and the founding of the Republic of the Philippines. We therefore urge that this UN body exert pressure on the Philippine government to review what could potentially be an assimilationist policy and strategy of "directed change" in government's "Ahon Badjao" (i.e. Fish-Out the Bajaus) Anti-poverty projects which is meant to sedentarize the Sama Dilaut without ensuring substantive measures for sustained and appropriate economic, social and cultural rehabilitation of the people. We also urge the relevant UN Committees to urgently look into the case of this vanishing tribe, namely, the Committee on the Convention on the Elimination of Racial Discrimination (CERD), the Committee on the Convention on Economic, Social and Cultural Rights (CESCR), the Committee on the Convention on the Rights of the Child (CCRC), the secretariat in charge of monitoring the Convention on

Biodiversity and the special agencies mandated to protect the human rights of marginalized, excluded and vulnerable groups, namely, the ILO, UNICEF and UNDP. Finally, we urge the Special Rapporteur on Indigenous People to mark the Sama Dilaut case for urgent action.

Again, thank you, Mr. Chairman.

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