

Reflection from the Rights Perspectives: 19 years of Sea Gypsies Indigenous-Reclaiming and Self-Governance in Thailand



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the National Human Rights Commission of Thailand**

Inconvenient Truth of Sea Gypsies: Structural and Policy Challenges



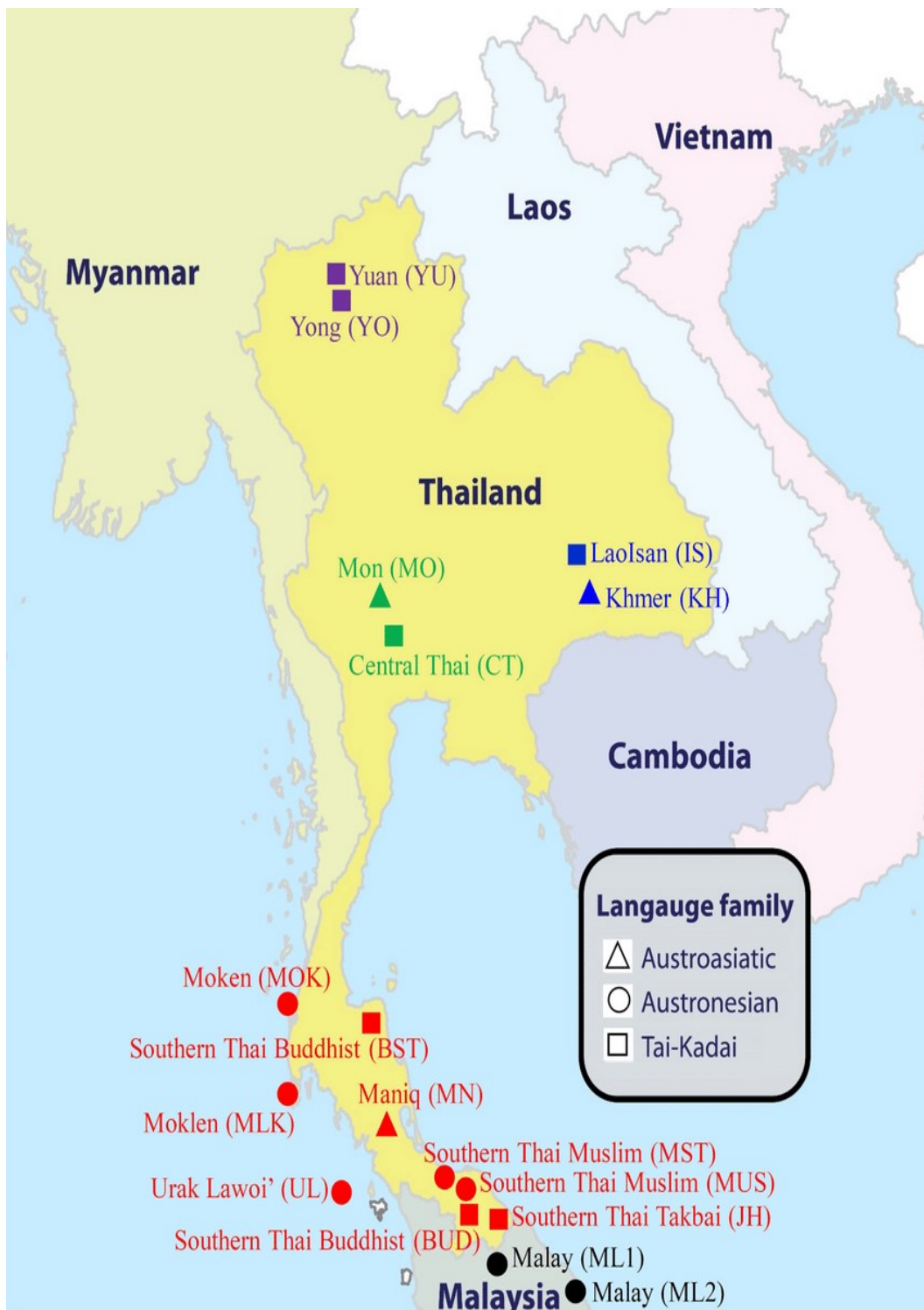
Development policies squeeze out sea gypsies.

- ❑ **Tourism development:** Land is expensive, and the investment competes for land.
- ❑ **Announcement and demarcation of a state conservation area:**
 - * Sea gypsies' livelihoods are limited, they could not catch aquatic animals. They lose confidence and lack pride in their identity;
- ❑ **Prejudice against ethnic groups:** Most Thai people know about sea gypsies after the Tsunami – but they have existed there for about 300 years.
 - * Adaptation of the development with traditional way (young generation);
 - * Restoring a way of life/preserving culture amid drastic change;



***There is the sea, but no arable
area to make life.***

There is land, but no place to live.



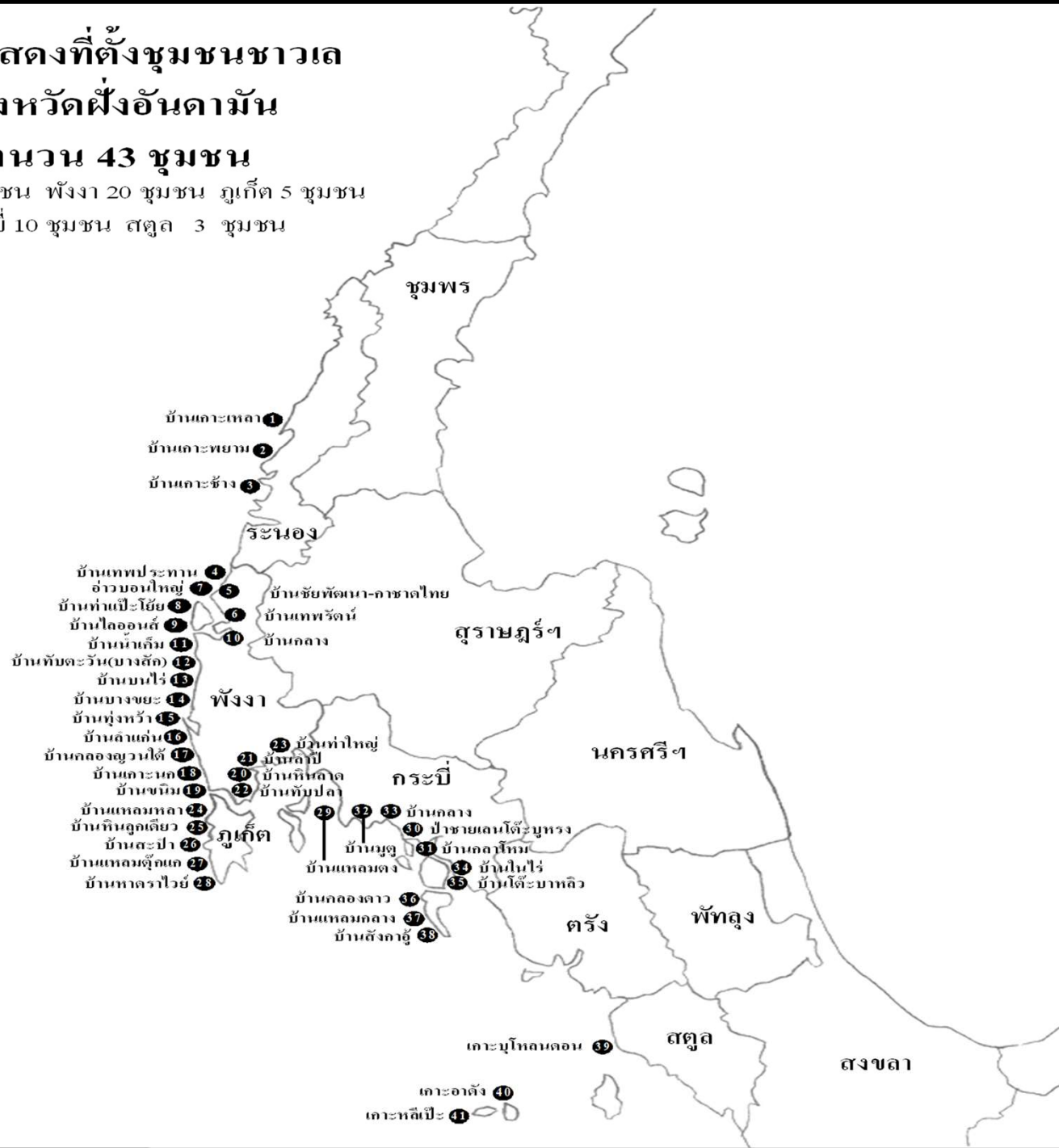
43 communities with 12,094 sea gypsies live in five Andaman provinces, which are world-class tourist attraction areas. They have no stability in their residence.

Province	Community	Household	Population
Ranong	3	108	485
Phang Nga	22	923	3,231
Phuket	5	918	5,390
Krabi	10	481	1,633
Satun	3	329	1,355
Total	43	2,758	12,094

แผนที่แสดงที่ตั้งชุมชนชาวเล
5 จังหวัดฝั่งอันดามัน

จำนวน 43 ชุมชน

ระนอง 3 ชุมชน พังงา 20 ชุมชน ภูเก็ต 5 ชุมชน
กระบี่ 10 ชุมชน สตูล 3 ชุมชน

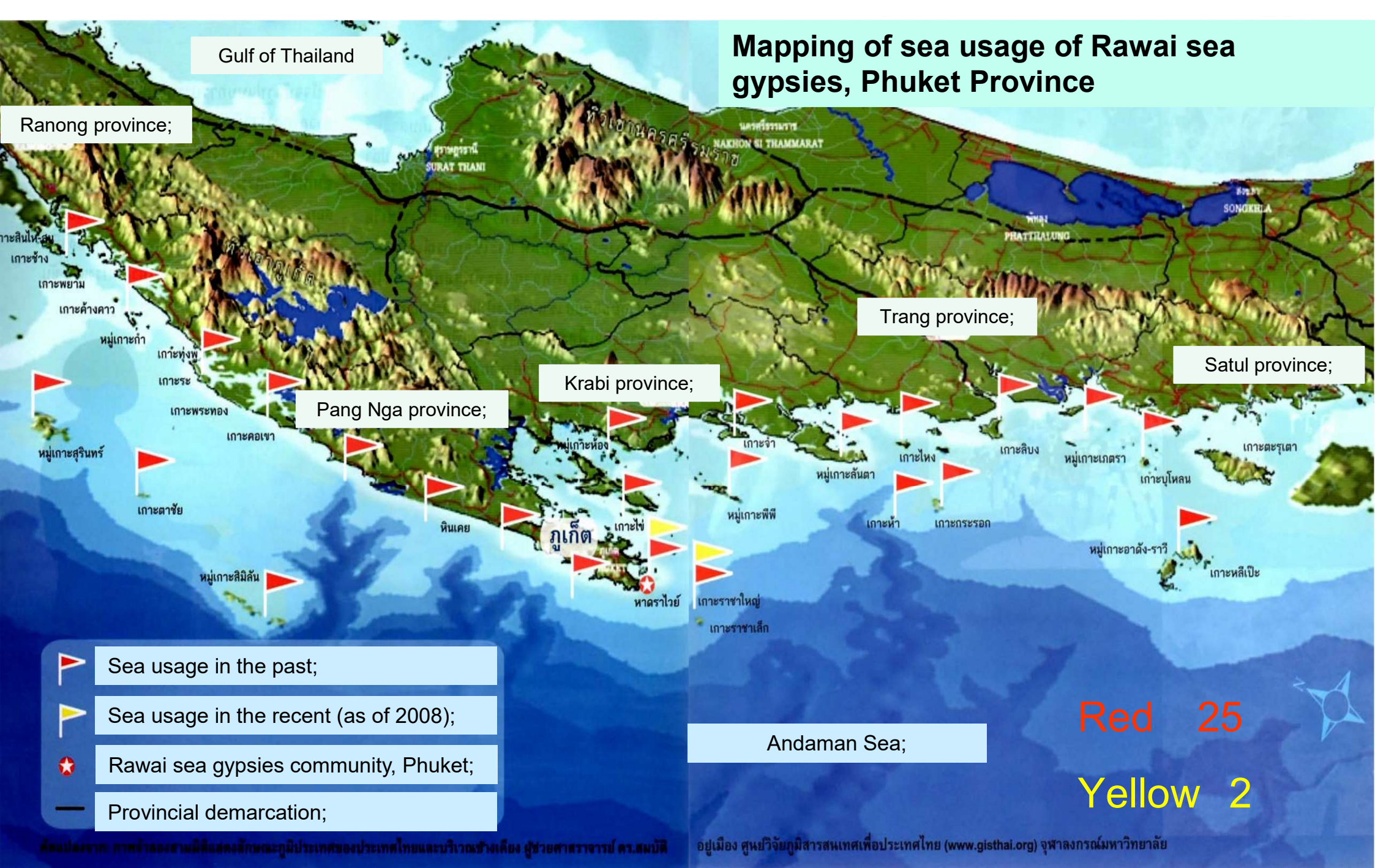


Map showing the location of 43 sea gypsy communities in five provinces on the Andaman coast of Thailand:

- Ranong 3 communities;
- Phang Nga 20 communities;
- Phuket 5 communities;
- Krabi 10 communities; and
- Satul 3 communities.

All sea gypsies' villages are along the sea – precious and high-value land.

Mapping of sea usage of Rawai sea gypsies, Phuket Province



จาก หนังสืออีกดล้าโจว โดย นางสาวรองแก้ว สุอำพันธ์ และ นางสาวเสาวภา อาศน์ศิลารัตน์ ,สำนักอนุรักษ์ทรัพยากรทางทะเลและชายฝั่ง, สำนักพิมพ์ ชุมชนสมุทรศาสตร์แห่งประเทศไทย จำกัด , 2552

Rawai sea gypsies community, Phuket Province

In the past

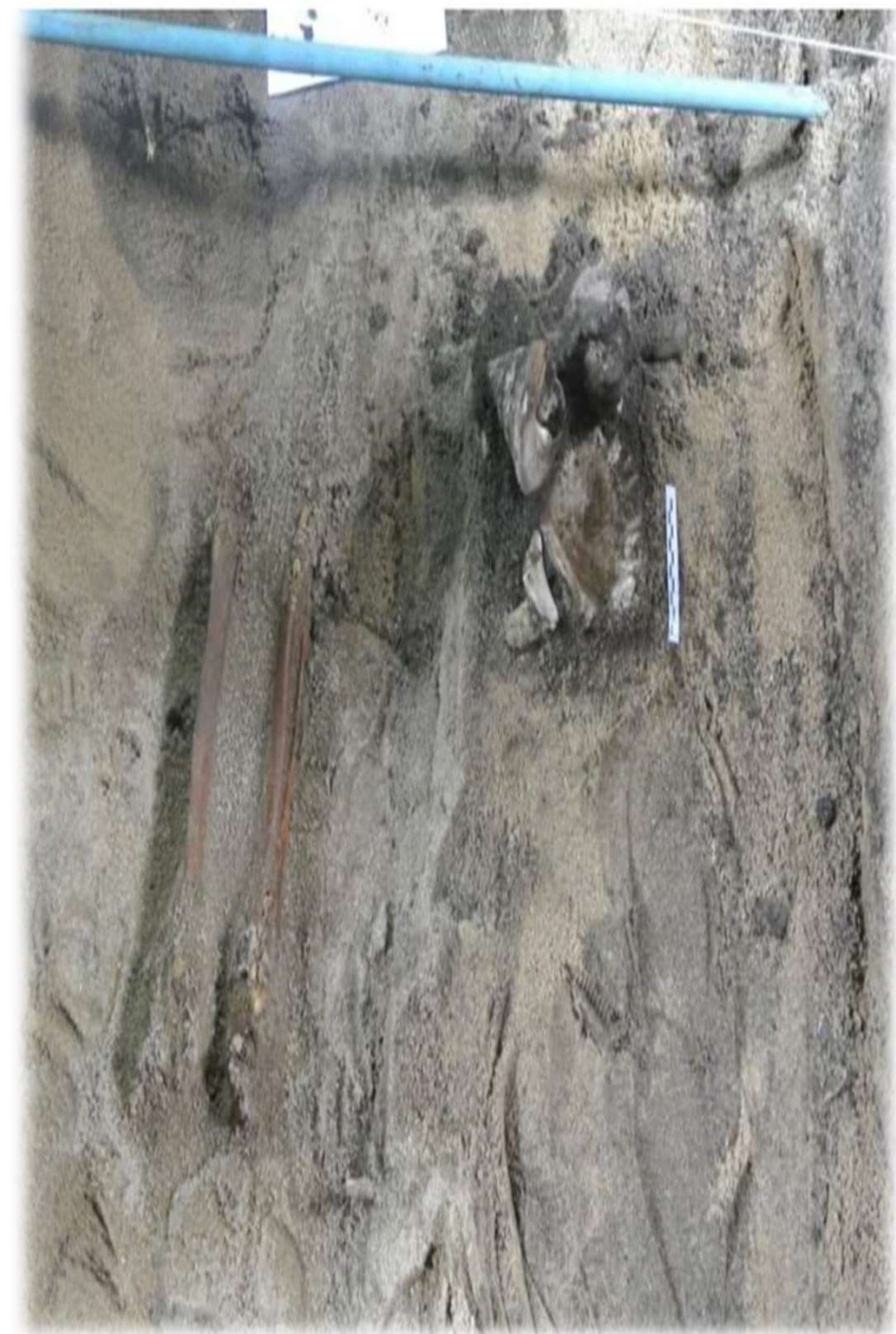


- Land documents belong to the private sector. They could not build more houses and not access to public water and electricity.
- The government agencies can not improve and develop the community.





Their Baray - a place of worship and ritual- is also covered by private land rights documents.



Verification to confirm the traditional rights of the Rawai people by Fine Arts Department, Department of Special Investigation (DSI), and Forensic Science – Ministry of Justice (MoJ)

1. To dig up more than 150-year-old bones in the community for DNA examination, matching between those in the past and present;
2. To prove the coconut tree age with a photograph taken when the King Rama IX visited.;
3. To read and translate old aerial maps.

Results: It verified the sea gypsy village existed before the land rights documents of the capitalist group. **The sea gypsies had to file a lawsuit with the Administrative Court to revoke the land documents that were issued against the community.**







When sea gypsies were attacked by the capital group's gangsters. Sea Gypsies Citizen Journalists shot video clips and distributed them on online media. One clip became viral all over the country.





Sea gypsies protested at the City Hall and filed a complaint with the National Human Rights Commission.



71 houses of **Baan Thung Wa Morklan sea gypsies community**, Phang Nga Province were damaged by 2004 Tsunami. The government forbade them to rebuild houses. They firmly reclaimed their land to build houses and confirmed that **they have been there for a long time** because of the cemetery. By the end, the Land Resolution Committee agreed.





- To create a sea gypsy cultural center;
- To announce to the public that it is an area of sea gypsies;



In the Moklan community of Baan Thap Tawan, Phang Nga, after the 2004 Tsunami, the villagers were banned from re-building their houses by the private sector. They exercised their rights with land seizing to build houses. After that, the lawsuit was filed and there was mediation to divide the land.



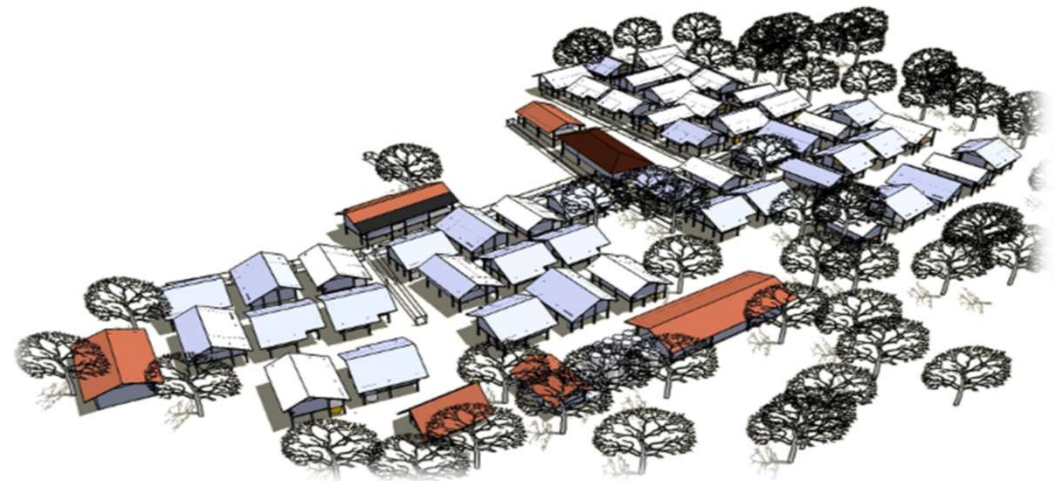




- The waterhole - a source of livelihood for sea gypsy women – was claimed by private companies.
- They then build a cultural house to announce it is a sea gypsy area.

Koh Lao, Ranong Province, is land of the Marine Department. Sea gypsies insist that they existed before the announcement.

* To support the construction of houses with the help of community architects.





In Koh Lanta, Krabi Province, they used the old district office to be a community museum to show that it is an area where peaceful coexistence exists between sea gypsies, Thai Muslims and Thai Buddhists. The public event is annually organized to promote the way of life and culture of the sea people.





Cultural Center,
in Baan Nam
Khen, Phang
Nga

Cultural
Center, in
Black Beach,
Ranong

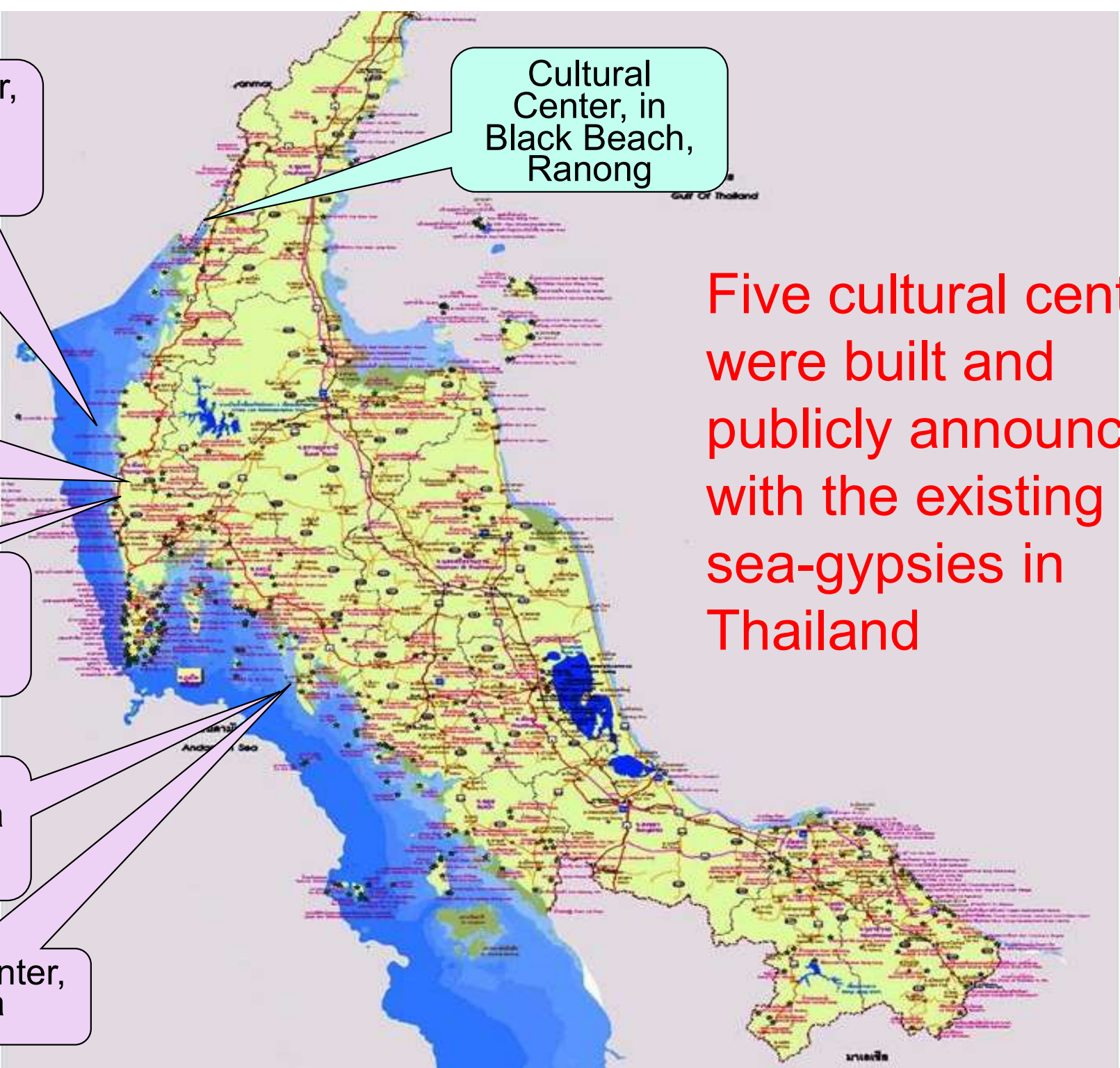
Cultural Center,
in Baan Tap
Tawan, Phang
Nga

Cultural Center,
in Thung Wah,
Phang Nga

Cultural Center,
in Baan Sang Ka
U, Lan Ta, Krabi

Cultural Center,
in Lanta

Five cultural centers
were built and
publicly announced
with the existing of
sea-gypsies in
Thailand



Various ceremonies have been revived, such as the beach sleeping ceremony of the sea gypsies at Mai Khao Beach, Phuket, boat floating ceremonies in many areas, and organizing a memorial event for 2004 Tsunami victims every year.





Boat floating commemorating 2004 Tsunami victims.











ลอยเรือ / อามน้ำมนต์

นอนหาด / ไหว้เรือ

ไหว้ทะเล

ไหว้บรรพบุรุษ

ไหว้ปลา

เพลงอกไก่พร

ลอยเรือ / อามน้ำมนต์

กิมข้าวกลางบ้าน

กิมบุญเดือนสิบ

เดือน ๑๑ เดือน ๓
เดือน ๑๐ เดือน ๕
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ปฏิทินพิธีกรรมและ
ประเพณีกลุ่มชาติพันธุ์ชาวเล
(มอแกน มอแกนลน
อูร์กลาไวย์)

Solving the problem of 521 stateless sea gypsies

Ranong Province, 379 persons

- Mueang District 378

- Suksamran District 1

**Phang Nga Province, 142
persons:**

- Khura Buri District 121

- Takua Pa District 21



Other problems need to be resolved, at Koh Lipe and Koh Adang, Satul Province, the national parks have been announced to replace the traditional gardens of the sea gypsies. Over the sea cemetery, private sector sues to evict sea gypsies. They made a complaint to the National Health Commission and the government set up a committee to solve the problem.



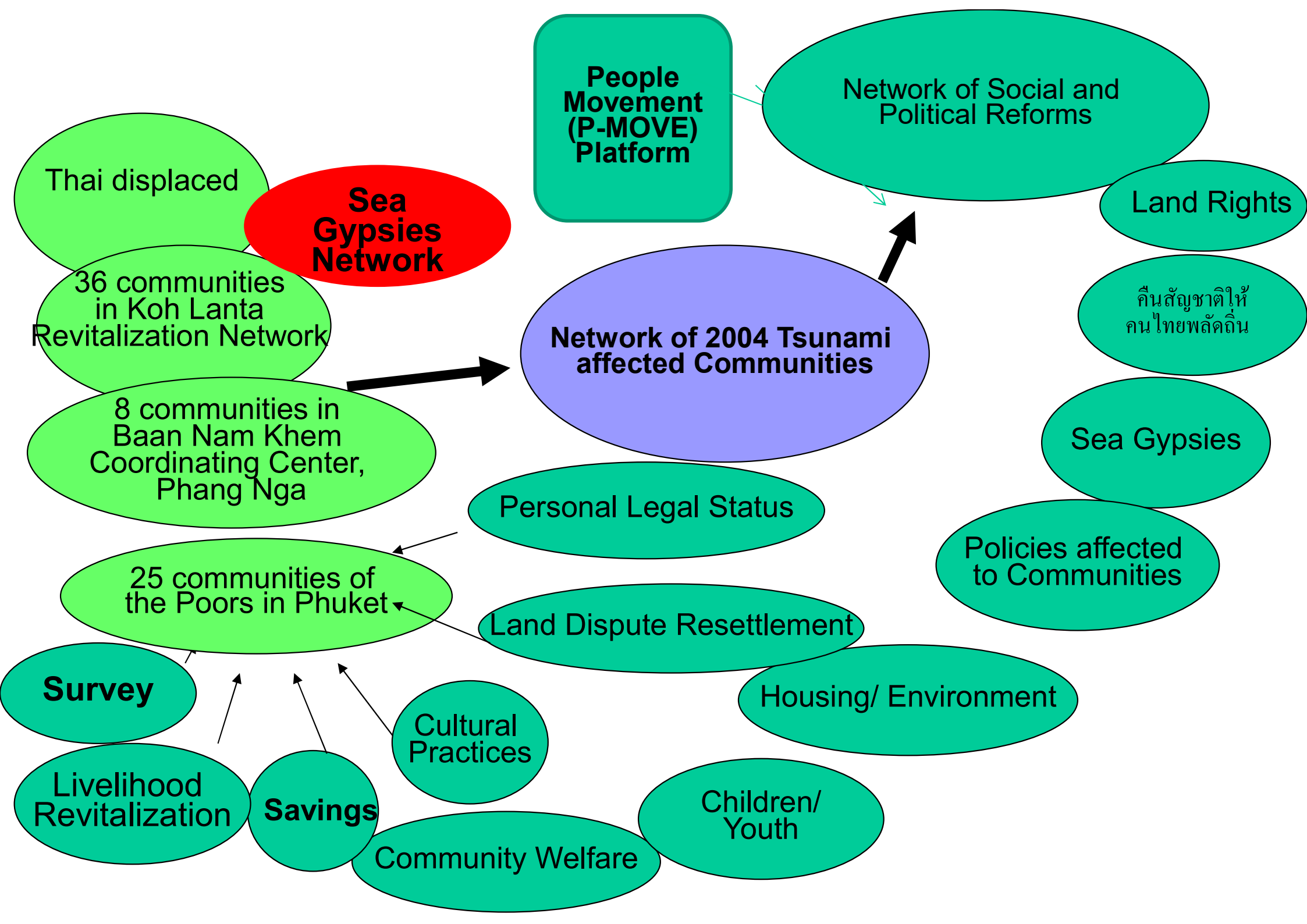
Bakak, an area where shacks are set up for revolving livelihoods and for shelter from the monsoon winds, was ordered to be dismantled. The sea gypsies complained to the National Human Rights Commission of Thailand.





Problems-solving process with Solutions after the 2004 Tsunami: Turning Crisis into Opportunities

- 1. A network of disaster victims was born (land problems, sea gypsies, Thai displaced people and stateless);**
- 2. There is a continuous working team (developing the potential of new generation leaders);**
- 3. To advocate the government to set up a committee to solve land problems after disasters;**
- 4. To advocate the 2010 Chao Lay (Sea Gypsies) Cabinet Resolution;**
- 5. To advocate the law to restore Thai nationality (Thai displaced people) in 2012;**
- 6. To set up national and provincial committees;**
- 7. To organize a family reunion day for sea gypsies / social communication - social movement;**



Initiatives with Policy Space for Sea gypsies and Indigenous Peoples in Thailand

- To gather at the provincial level to form a network of Andaman Sea people in 5 provinces;
- To advocate the Cabinet Resolution to restore the way of life of the sea gypsies and the Karen in 2010 (Thailand has more than 70 ethnic groups);
- To promote cultural protected areas for the Karen and sea gypsies and strengthen the Council of Indigenous Peoples in Thailand (CIPT);
- Article 70 of the 2017 Constitution specifies the promotion and protection of ethnic groups (first time);
- Jointly propose laws to promote and protect ethnic groups and indigenous peoples. The council accepted the principles;

