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## GOOD HUMAN–TURTLE RELATIONSHIPS IN INDONESIA

### Exploring Intersecting Legalities in Sea Turtle Conservation

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#### Introduction

The world of the Bajau in the Asia Pacific is shaped by the entanglement of people and sea turtles, sharing spiritual kinship and companionship through their common migratory and amphibious way of life. The Bajau (or Sama-Bajau<sup>1</sup>) usually identify as an ethno-linguistic assemblage of people dispersed over archipelagic Southeast Asia, including Indonesia, Malaysia, and the Philippines.<sup>2</sup> The region knows a long oral and written history of human–sea turtle interactions, including the consumption of turtle meat and, particularly, eggs as a delicacy and ritual food in ceremonial events, as well as the use of turtle shells for making adornments.<sup>3</sup> Sustaining a society and economy of sea-based mobility, Bajau movements have often followed the migrations of sea turtles and fish, for barter, trade, and livelihood. Places where sea turtles gather in large numbers to feed, mate, and lay eggs have historically attracted Bajau communities to settle and sustain regional networks of trade.<sup>4</sup> Thereby, the turtles' habitats have also shaped the social geographical spaces that constitute Bajau worlds.

Over the last decades, sea turtles have also risen to the center of attention of national and international conservation programs. Three of seven species (including the green sea turtle) are currently classified as “endangered” or “critically endangered” by the International Union for Conservation of Nature (IUCN). Moreover, the animal appeals as a beloved and charismatic megafauna, or “flagship species”—an icon to attract public interest and donor funding, enhancing

**FIGURE 12.1** A hawksbill turtle caught at sea is held in a “karamba,” or net pen, beneath the house of a fishing family in the Banggai Archipelago, Indonesia. Both green and hawksbill turtles are often held in net pens such as this to grow the turtles to a larger size. In the case of green turtles, this is for eating, while in the case of hawksbill turtles, this is for using the shell to make jewelry and other adornments. Image by Shannon Switzer Swanson, 2017.

its position as a priority species in conservation programs.<sup>5</sup> The abundance of sea turtles in the Indo-Pacific has therefore attracted the interests of marine scientists and conservation agencies such as The Nature Conservancy (TNC), the World Wildlife Fund (WWF), and the Turtle Foundation. The region has become a global conservation priority as one of the world's primary nesting and feeding ground of sea turtles, spurring legal interventions to protect them.<sup>6</sup> Articulated as bans on eating and trading turtles and their eggs and restricting human access to turtle mating and nesting areas, these interventions have intersected—and conflicted—with Bajau engagements with turtles, and with claims to their customary right to do so for their livelihood and social-cultural wellbeing. As we show in this chapter, this situation has given rise to different forms of resistance among the Bajau to contest or circumvent sea turtle protection programs.

While wildlife protection conflicts may inspire analyses of the dialectic and power relations between international laws on the one hand, and customary or Indigenous rights on the other,<sup>7</sup> we are more interested here in unpacking the complex ways in which these coexist and interact in practice. Like in other parts of the world, sea turtle protection programs in the Indo-Pacific encompass a combination of different new and old, international and national, laws and treaties that dictate the protection of these amphibious and migratory creatures in different ways.<sup>8</sup> As noted, these legal interventions intersect with—and are resisted by—legal and normative systems that inform Bajau perspectives on the legality of hunting, collecting, eating, and trading sea turtles and their body parts as a common inherited practice and customary right. However, as we show later, such Bajau customary rights and practices are themselves often a product of historical encounters with colonial systems of governance. Also, acknowledging the entangled nature of Bajau-sea turtle coexistence also brings into the picture the sea turtle herself as a legal subject and object. Working from this complexity, this chapter aims to explore the contours of an inclusive analytical approach that takes in the coexistence of different legal systems, while also bringing in the nonhuman as an agent in the social-legal world.

Legal anthropology has conceptualized the existence and interaction of different legal and normative orders as a situation of “legal pluralism.” This concept implies a broad and historically informed understanding of legality, expanding the boundaries of law to embrace “a variety of more or less formalized and institutionalized forms of normative ordering in society.”<sup>9</sup> The questions “What is law and where is it?”<sup>10</sup> are then empirically addressed, by studying how—in practice—different normative orders are enacted and coordinated in overlapping or contesting regimes of legitimation.<sup>11</sup> In this sense, the term “legality” refers to the state or quality of being lawful in agreement with a legal system, which includes the meanings, practices, and sources of authority that are not necessarily acknowledged by official law.<sup>12</sup> Particularly in the context of marine governance, studies in legal pluralism have shown that the interaction and power relations between different normative orders and governance regimes, as they are practiced in everyday activities of fishing and marine conservation, generate situated

notions of legitimacy and justice.<sup>13</sup> This also applies to the case of turtle legalities in Indonesia in which different formal and informal rules and norms in relation to using, trading, and protecting turtles compete, coexist, or otherwise interact.

While legal pluralism allows for understanding intersecting legalities and enacted power relations *in situ*, including customary and Indigenous legal practices, it has been less equipped to deal with nonhuman agency as part of the social-legal world. Legal pluralist accounts have usually classified animals as a resource or property that people claim rights and access to, which makes them legal objects, not subjects.<sup>14</sup> As pointed out by Zoe Todd in the Arctic Canadian context, such classification may sit uncomfortably with Indigenous legalities based on a notion of society as an entanglement between humans and other beings.<sup>15</sup> To include the more-than-human perspective in legal pluralism therefore requires critical reflection on how conservation and wildlife laws and their contestation presuppose different notions of what the animal is in relation to the human. Whereas both conservation agencies and Bajau may treat sea turtles as highly valuable or even iconic creatures of ocean life, they do not necessarily share the idea that they should be “managed” or “saved,” reflecting different normative and ontological notions of what constitutes a good human–turtle relationship.<sup>16</sup>

The case of intersecting legalities around sea turtle conservation in Indonesia gives rise to an alternative theoretical exploration of the social and political dimensions of more-than-human legalities in the governance of marine wildlife. Inspired by Indigenous and feminist critiques by Zoe Todd and María Puig de la Bellacasa, we suggest that an understanding of human–turtle entanglement through historically embedded ethics of care allows for engaging the sea turtle in a way sensitive to power relations.<sup>17</sup> Our argument builds on our own long-term ethnographic engagement with Bajau families and sea turtles in and between the coastal and marine spaces of Kalimantan and Sulawesi in Indonesia. The first author carried out 18 months of fieldwork in 2011–2013 and several shorter visits 2009–2019, staying and traveling with Bajau families in Berau, Makassar, the Masalima Archipelago, and across the Malaysian border. The second author carried out 15 months of fieldwork in Central Sulawesi in 2016–2019, living and traveling with fishing and farming families in the Banggai Archipelago.

Both authors also regularly interviewed staff of governmental and non-governmental organizations (NGOs) in the region, and carried out participatory research in their conservation activities. All names are pseudonyms, and we have openly discussed the objective of our research practices with the people who took part in it. We also acknowledge our privileged status as outsiders working among these communities. While we aim to faithfully report what has been openly shared with us, we do not purport to speak on behalf of the Bajau people (nor sea turtles) as a whole.

In the next section, we turn to the Berau coastal area as a place where different legal approaches to consuming turtle eggs sparked conflict between governmental departments, NGOs, and Bajau communities. This is followed by an elaboration of how Bajau people navigate and resist turtle protection laws. We



**FIGURE 12.2** Map of East Borneo/Kalimantan and Sulawesi indicating fieldwork locations. Map by Ben Swanson. Used with permission.

then dive deeper into the varying turtle–human entanglements, and analyze how they produce different notions of what is a good human–turtle relation. Such notions underpin different legal and normative approaches to caring for them, and sketch the affordances of a more–than–human legal pluralist approach in marine governance.

### Legal Complexity in Human–Turtle Relations in Indonesia

“It used to be ‘Pulau Telur’ (‘Egg Island’), but it’s gone now, the Germans took it,” Arif said, steering his boat to the shore of the island, next to the speedboat of the Germany-based NGO, the Turtle Foundation. In 2013, the first author visited Mataha Island, a small island off the coast of the Berau district in East Kalimantan. She traveled with two long-term friends, Arif and Alisha from the neighboring island Balikpapan with a majority Bajau population. On Balikpapan, Mataha was and still is known as one of the *pulau telur*; islands where green sea turtle females congregate to lay their eggs. The island used to be a popular place for collecting turtle eggs by Bajau men and women, before the Turtle Foundation extended its turtle protection program in Berau to Mataha. “It is very difficult for us to see how this is a good thing,” said Arif, pointing to the monitoring station and hatchery, the only human buildings on the uninhabited island; “NGOs coming from far away, to keep us from doing what we used to do for a living: eating and selling turtle eggs.”

The hatchery is a sandy surface of five-by-five meters, surrounded by a wooden fence to protect the relocated eggs from being taken. During the 2013 visit, four men were stationed on Mataha to take care of turtle eggs day and night. One man offered a brief tour and explained his job:

Every night, we take turns walking around the island, to see if there are new nests. If they are too close to the water, we take the eggs out, and move them to the hatchery. Usually, there are about ten new nests every night. But there is a season to it. In August and September, we see up to 30 sea turtles coming to the beach to lay their eggs.<sup>18</sup>

While the man pointed at the 30-something sticks in the sand, indicating relocated nests, one tiny big-eyed baby turtle crawled around, flapping its fore flippers, making its way to the sea. Alisha remarked it looked a bit clumsy: “why don’t we bring it to the sea?” she asked. The NGO man replied: “We let them find their own way, keep it as natural as possible. Those are our instructions. Only when they don’t manage and get lost, we sometimes give them a helping hand.”

The start of the turtle’s life journey is treacherous, as the majority of the hatchlings are eaten by birds, crabs, and fish before they reach deeper waters. Without human intervention, only about one or two out of 1,000 hatchlings survive into adulthood, the NGO man explained: “It’s very important we protect these nests. Our data says that the number of nests has been increasing since 2008. That is because we now protect these nests. Once the baby turtles have grown, they will come back in the future to lay their eggs here again.” Sea turtles travel across oceans for thousands of miles to return to their birth ground, where they meet, mate, and lay eggs on the sandy beaches where they once started their own life journey.

This increasing focus on protecting and monitoring sea turtles and their eggs in Berau is exemplary for a global trend over the last decades in which sea turtles have risen to the center of attention in marine wildlife conservation. Concerns about their survival as a species have spurred turtle protection policies and regulations at national and international levels.<sup>19</sup> For Indonesia, the first step in the process was Indonesia’s ratification of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) in 1978. In 1981 all marine turtle species were listed within Appendix I of CITES, which made trading species like the green sea turtle parts and products across international borders illegal. In 1990, Indonesia established the more sweeping Act No. 5, prioritizing the “Conservation of living natural resources and their ecosystems.”<sup>20</sup> A focus on sea turtle protection followed in 1999 with Government Regulation No. 7, declaring it illegal to catch and trade any species of sea turtles and their eggs. Influenced by the WWF, in 2005, Indonesia also signed the Indian Ocean Southeast Asia Sea Turtle Memorandum of Understanding under the Convention of the Conservation of Migratory Species of Wild Animals.<sup>21</sup>

These complex laws reflect the nature of the sea turtle itself with its amphibious and migratory lifestyle that troubles spatial and legal boundaries. Government agencies, with the help of NGOs, enact the laws by heavily monitoring sea turtle life cycles across oceans. Berau is an exemplary case, with hatcheries and ranger stations scattered over its offshore islands. In Berau, these island stations do more than care for eggs and hatchlings; they also keep out Bajau collectors from neighboring islands to stop—in terms of the Turtle Foundation—the “illegal plundering of nests.”<sup>22</sup> The criminalization of egg collection by the Bajau is legally grounded in the aforementioned laws and regulations. Still, NGOs do not have enforcement power to enact laws. The responsibility to enforce national laws on the protection of sea turtles as an “endangered species” lies with the BKSDA (*Balai Konservasi Sumber Daya Alam*—Indonesia’s official Nature Conservation Agency), with rangers operating under the responsibility of the national Ministry of Environment and Forestry in Jakarta. Since 1982, the BKSDA has been formally in charge of several of the “turtle egg islands”<sup>23</sup> in Berau, to protect and patrol turtle nests, while NGOs tend to the hatcheries.

Despite the clear mandate for forestry rangers to protect turtles, there are limitations to their authority. With only two or three rangers in Berau, they can only focus on “their” islands. Sea turtles move beyond these islands, onto Berau’s seagrass meadows, coral reefs, and around the densely populated Bajau islands Balikukup, Derawan, and Maratua. After the Berau coast appeared on the conservation radar as primary nesting ground of sea turtles in the Indo-Pacific, the entire coastal zone of the Berau district was designated as a marine protected area (MPA) in 2005. With the financial and organizational support of the WWF and TNC, the MPA scaled up turtle protection to an integrated ecosystem-based approach, putting 1.27 million hectares of coastal waters, islands, and turtle habitats formally under decentralized management by the district Department of Fisheries and Marine Affairs.<sup>24</sup>

The declaration of the MPA set the stage for a protracted conflict around the customary rights of the Bajau to collect, eat, and trade turtle eggs. The MPA accompanied an intensified turtle conservation program, as a consortium of agencies operating from Berau’s capital Tanjung Redeb took charge of studying, monitoring, and protecting the turtle population in the area. Many Bajau regarded this as a harmful and unjust territorialization of their living spaces, including their cultural and economic traditions relating to sea turtles.<sup>25</sup> Referred to as the “turtle problem” (*masalah penyu*), the intrusive nature of intensified turtle protection came to stand for everything that was wrong with marine conservation and the MPA, as the words of a Bajau captain illustrate:

Why should we listen to them? Imagine! Suddenly they turn up; people from far away, who have never lived here, whom I have never been introduced to, come all the way here to forbid us to take turtle eggs. They don’t know anything about us. They did all these studies here, investigating the turtles, the corals ... but didn’t ask us. And they are suddenly telling us

what we should or shouldn't do. They forbid us to do what we used to do since the time of our ancestors.<sup>26</sup>

With the “practice since the time of ancestors” the captain refers to the privileged access that the Bajau have enjoyed in Berau for at least a century. The collection and trade of sea turtle eggs was commercialized in the region circa 1876–1882 under the reign of Sultan Hasanuddin.<sup>27</sup> With a livelihood based on fishing, bartering, and trading, the Bajau families in Berau enjoyed exclusive rights to collect and trade sea turtle eggs under the protection of the sultanate. This arrangement further strengthened the central role the Bajau already played in the trade and exchange of valuables, including turtle eggs, across the sea,<sup>28</sup> attracting Bajau families from Malaysia and the Philippines to East Kalimantan.<sup>29</sup>

Subsequently, the movements of sea turtles helped shape the southward expansion of Bajau worlds, creating overlapping living spaces of Bajau and sea turtle communities.<sup>30</sup> By regency regulation of 1880, the right to manage the “turtle egg islands” was auctioned to entrepreneurs (*punggawa*) to which the Bajau egg collectors paid tribute. This system continued during 1901–1945, when the Dutch put the auctioning of the turtle eggs under their colonial administration. This allocated the lease (*pachterschap* in Dutch) of the collection and trade of turtle eggs on Berau's islands to Bajau families through customary management. It thereby sustained the Bajau long-held de facto monopoly on this livelihood practice in the wider maritime region.<sup>31</sup>

This customary management stipulated that ten percent of the turtle eggs collected from a nest were set aside to hatch. The baby turtles were kept in basins on the islands for three months and then set free.<sup>32</sup> After Indonesian independence, the district government continued the auctioning arrangement that included the care system for hatching part of the eggs.<sup>33</sup> As a former egg collector explained: “Before the NGOs came, we had a system to take care of the sea turtles. We took only part of the eggs. Every tenth nest we found; we saved that one. We took care of it, and released the baby turtles.”<sup>34</sup> On Balikpapan Island, an elderly Bajau woman remarked: “The men, they fish. The eggs and the clams, that's our work. We used to collect the eggs from *Pulau Telur* (Mataha), but the guards won't let us anymore.”<sup>35</sup> When asked what she thought of the idea of taking care of sea turtles, she replied:

That's just the thing. In the past, we women had a system of taking care of the turtles. We took in part of the baby turtles, and brought them up for three months. I was quite busy with it! ... The fisheries office would pay us 30,000 IDR [Indonesian Rupiah] for every turtle's release. This stopped when the NGOs came in. We used to be part of conservation, now we are not anymore.<sup>36</sup>

The history of customary management by the Bajau has shaped political and kinship alliances in the wider region. In Berau, the sea turtle concession had





**FIGURE 12.3** A woman in a Bajau village in Berau offers boiled sea turtle eggs. Image by Annet Pauwelussen, 2009.

been firmly based in Bajau family networks. The last famous turtle *pachter*, who held the lease from 1994 to 2006 was the man known far and wide as “Haji Penyu” (Turtle Haji), who, through his extensive Bajau kinship network, was a widely respected businessman and Bajau patron. He also enjoyed extensive political alliances in the district government of Berau, including its Department of Fisheries and Marine Affairs.<sup>37</sup> This created a strong network of resistance to the enactment of the turtle egg ban along the coast of Berau. This historical and political context matters for the way in which eating turtle eggs is legitimized or criminalized in present-day regulations. Considered from a situated perspective of Bajau living in the coastal zone of Berau, recent interventions to separate the Bajau from turtles and their eggs, is by many considered an illegitimate, ineffective, and harmful intervention. The historical context of formal government regulations which allowed Bajau to legally collect turtle eggs legitimizes their perspective until today. At the same time, it highlights the contradictory nature of Bajau’s historical legalities and today’s national and international conservation interventions, helping to explain why and how Berau evolved into a site of resistance against international and national species protection laws.

### **Bajau Acts of Resistance and Persistence**

In the years following the designation of the Berau MPA, resistance to the turtle egg ban took different forms. As the previous section showed, some took the

form of verbal resistance or even outrage, in which the legitimacy and effectiveness of the turtle laws—and by extension conservation regulations—were questioned. Yet most Bajau resistance has taken the form of what James C. Scott has referred to as “everyday resistance”: the non-compliance, feigned ignorance, sabotage, and other ways in which those lacking formal positions of power resist territorializing state interventions.<sup>38</sup>

This kind of resistance is illustrated by a 2012 journey made by the first author with a Bajau trader selling valuables between Berau and the Malaysian town Tawau.<sup>39</sup> Twice a month, the trader sent her boat loaded with fish and dried clams from Berau to Tawau. Returning from Malaysia, her boat imported a range of goods on order, including sea turtle eggs, which she only began importing once the ban on collecting eggs in Berau was enforced. While her Bajau boat crew—all kin—moved her load through the coastal trading frontier of Northeastern Borneo, the tradeswoman moved along separately, taking care of business with buyers and suppliers *en route*. The following fieldnotes narrate a stressful moment in Tarakan—along the way from Tawau back to Berau—when the load was being detained:

Ibu (Mrs.) T is pacing around, mobile phone in hand. Her turtle egg supplier just called from Malaysia: apparently, her boat is held at customs in Tawau. “The turtle eggs are safe,” Ibu T says to me, visibly relieved. She explains that luckily the egg supplier was late this time, she (the supplier) just arrived when the border police was busy inspecting Ibu T’s boat at Tawau’s harbor, detaining boat and crew as permit documentation was not in order. Ibu T continues pacing around, now calling her uncle in Tawau who is a government official, to solve the situation with the police.<sup>40</sup>

At the time of writing these fieldnotes, the first author and Ibu T had already left Tawau the day before, crossing the Indonesian border to move ahead of the load. Meanwhile, they were staying with T’s brother in “Kampung Bajau”—a slum-like stilt house quarter in island-city Tarakan, a regular stop-over. Here, Ibu T was waiting for the turtle eggs to arrive.

“Things have changed,” T’s brother explains while Ibu T is on the phone again. “In the past, it was easy to get turtle eggs from Berau, it was one of the main turtle egg trading centers of southeast Asia. But nowadays, it’s very hard to get turtle eggs from Berau. We have to import them from Semporna now [Sabah, Malaysia].”<sup>41</sup> Ibu T worries over the eggs ... After five to six days, the colour of the eggs changes from white to yellowish. “They can expire, the price will plummet.”<sup>42</sup>

Some of the eggs Ibu T imported at that time were for a local seller in Tarakan. The other part she planned to bring back to Berau, where her cousin had ordered the eggs for a wedding ceremony.

“They count on me. A wedding without turtle eggs is not a Bajau wedding,” she says. She calls the egg supplier from Semporna again and orders her to hire a speedboat—“I’ll pay you next time!”—to transport the eggs to us immediately. Ibu T gives instructions: “[U]se cardboard boxes and send them to the Tarakan speed boat terminal. Please make sure to tie the boxes carefully, so they won’t slide. Have you paid the police already?”<sup>43</sup>

The main issue for Ibu T was to get the eggs safely across the border between Malaysia and Indonesia and the security forces active there. Ibu T dictated the exact route for the speedboat, over a river flanked by thick mangrove forests, where her son was stationed as police officer at the time. As the first author wrote in her notebook:

Restrained excitement when the boxes arrive the next day in Tarakan; filled with black plastic bags, each containing 55 turtle eggs, still covered with sand from the beaches where they were dug out. There are over 30 bags, totaling around 1,650 eggs. Ibu T opens several of the bags to check if they are undamaged. She then proceeds to unpack the bags. With great care, she inspects the eggs with eyes and fingers, sometimes smelling the eggs, after which she puts them into two separate boxes. One box goes to the Tarakan trader, another box stays with us, and is moved into my bedroom. Tonight, I will sleep with 500 turtle eggs.<sup>44</sup>

Bajau traders like Ibu T skillfully navigate a dynamic, plural, and spatially dispersed lawscape to continue eating and exchanging turtle eggs throughout Bajau kinship networks. In line with pluralist approaches in legal anthropology, this shows that while nation-states can make formal laws, the extent to which these are enacted in practice is conditioned by how people “on the ground” and “at sea” understand, value, and “work with” them.<sup>45</sup> Among Southeast Asia’s peasant communities, the “right to subsistence” and the “norms of reciprocity” often precede formal rules of resource use and access.<sup>46</sup> This is especially the case where enforcement is sparse and intermittent, and mediated by patrons and officials who themselves may prioritize the unwritten rules of being loyal to kinship over formal procedures.<sup>47</sup> Ibu T knew her practice was illegalized, but she also considered it legitimate to trade eggs when they were for a wedding. In Ibu T’s view, supplying eggs is about more than profit: it also serves the stability and survival of long-standing Bajau cultural traditions that she felt have been (unjustly) disregarded by terrestrial Indonesian society.

Importing the eggs from other places that are less protected, she also builds on—and sustains—Bajau alliances of kinship and trade that have taken shape over centuries of sea-based movements. By engaging with the law while simultaneously flouting it, Ibu T in essence sustains an alternative legality based on customary laws evolved in the practice of turtle egg trade in Eastern Kalimantan over the past centuries, and embedded in a colonial state legal system. This

effectuates a situation of legal pluralism—a parallel legal system as a living legal realm intersecting with formal or written legal systems outlined in (currently enacted or prevailing) official documents.<sup>48</sup> Still, it is important to point out that while the coexistence of different legal systems leads to a situation of legal complexity, this need not necessarily lead to contestation in practice. Different narratives of what is just or legitimate may be spatially distributed. This becomes clear once we shift focus to the ways Bajau engage with sea turtles in other places in Indonesia, where “turtle bans” have not been enforced.

Bajau enclaves in Sulawesi archipelagos, Masalima and Banggai, for example, have continued hunting and eating turtles, as well as using their shells for jewelry and gifts, in relative indifference to formal wildlife laws and policies. In Masalima it is common for Bajau communities to eat the meat of green sea turtles and trade part of it to Makassar and Bali, where it is in demand as a delicacy and ceremonial food. Hunting turtles is an acquired skill for Bajau fishers in Masalima, for which they use special gear to catch and pull the turtles to the boat. Turtle meat barbeques in Masalima are usually lively gatherings during which this protein-rich food is shared with family and friends.

Similarly, in the Banggai Archipelago of Central Sulawesi, the second author often observed fishing families catching green and hawksbill sea turtles and rearing them to a larger size in net pens, known as “*karambas*” beneath their homes to either sell or use for their meat and shells. They would often cook the meat into a spicy curry to be shared with friends and family for special occasions, while they would boil the shell, shape it, and carve it into bracelets, pendants, rings, and other jewelry and adornments. In addition to these uses, live baby turtles would be gifted to the young children of families. For example, the second author was out at sea with a line fisherman who primarily caught snapper for the food fish market, when he happened upon a baby green sea turtle swimming at the surface of the open ocean. He angled the boat toward the turtle and casually scooped it up with his hands. He then filled his “*gabus*” (Styrofoam container) with sea water and placed the turtle inside. Upon returning to his village, he gifted the turtle to his cousin’s five-year-old son. The turtle quickly became a focal point of the “*dusun*” (neighborhood), drawing extended family and friends to stop by and feed and play with the turtle, until the boy’s mother released the turtle back to the sea a month later. These examples show again the diversity of human–turtle entanglements that extend beyond eating practices to include carving, gift-exchanging, playing and feeding. As such, they sustain social ties amongst the Bajau, as well as between Bajau communities and sea turtles.

When compared to Berau, the way Bajau in Masalima and Banggai sustain their turtle engagement in relative indifference to official wildlife laws is partly explained by the local absence or silent support of government officials or conservation managers. It also shows the situatedness and historical (and colonial) entrenchment of legal disputes around marine conservation.<sup>49</sup> Selective and localized enforcement of “global” turtle laws can add to the perception of unfair intrusion in customary affairs in Berau.<sup>50</sup>



**FIGURE 12.4** A fisherman came across this baby green turtle at sea and brought it home as a gift for his cousin's son. The father and daughter holding the turtle in the image are uncle and cousin to the boy to whom the turtle was gifted. The two rings and bracelet the father is wearing are made from the shell of a hawksbill turtle. Image by Shannon Switzer Swanson, 2019.

Still, it becomes clear how such customary or Indigenous legalities are themselves shaped or partly invented in interaction with different (colonial) legal systems with which the Bajau have come to deal.<sup>51</sup> In this, Bajau people navigate different legal orderings while also sustaining their own narratives of what is right and just in how they relate to turtles and each other. Both in Berau and Banggai the Bajau refer to long-standing cultural practices that tie them to sea turtles. Yet while the Bajau in Berau emphasized historical customary rights, the Bajau in Banggai generally believed they were exempt from turtle protection laws due to their self-identification as an Indigenous group.<sup>52</sup> And while the Bajau in Berau became involved in a partly commercialized system of egg trade mediated by entrepreneurs, the Bajau in Banggai mostly engage with sea turtles on a more casual basis, outside market exchanges.

These differing relationships problematize a clear delineation of the Bajau as one group with a primordial normative system that stipulates exactly how the Bajau should engage with sea turtles. At the same time, the sea turtle, in its different forms and qualities, reappears in Bajau practices and narratives as a symbol and agent of reciprocity and gift-giving between and within kinship circles. Through these practices, kinship and community are extended to include sea turtles as an inherent part of social life. As a former egg collector in Berau remarked: "They are part of our identity and livelihood ... They are part of our

community here.”<sup>53</sup> The sea turtles also shape Bajau bodies by providing a critical source of daily protein and micronutrients.<sup>54</sup> So, the Bajau persist in eating, playing with, and using turtles—not just out of defiance, but because these ways of engaging with turtles are inherent threads in the more-than-human fabric that weaves and holds together their relationship with each other and the sea.<sup>55</sup>

### What Is a Good Human–Turtle Relationship?

In the previous sections, Bajau relational and embodied approaches to engaging with turtles appear to conflict with the “turtle protection” approach of overlapping conservation institutions. While this might give the impression of a singular “turtle protection” approach, these institutions themselves may build on different perspectives of what good turtle protection is. In 2012, a three-day conservation workshop brought together conservation partners, government agencies, and community representatives around the issue of protecting species and areas in the Berau coastal zone. Regarding the protection of turtles and their eggs, these different participants were considerably divided in what kind of human–turtle relations they saw as good and legitimate. At the beginning of a session dedicated to species protection, a forestry officer started by outlining the laws on the protection of endangered species, emphasizing the ban on using any part of sea turtles for consumption and commercial purposes. During the presentation, a young fisheries officer stood up and asked:

I would like to know how Forestry is going to seek connection with the Bajau communities here. It’s not logical for them that one species needs to be strictly “protected,” let alone one that is so important to them. That feels like discrimination. The problem is, the more rigorous you enforce these bans, the less these people are willing to collaborate. They will do it secretly. It’s like closing the door on the local population here.<sup>56</sup>

The forestry officer responded that, of course, conservation has to be community-supported. The fisheries officer interrupted:

Yes, but how will you engage the communities in turtle protection? They have a right to know this. They were on our side, with the tenure system. But what now? Will there be a new form of collaboration?<sup>57</sup>

The forestry officer responded:

We are a technical body. Our work is to keep safe the endangered species listed in Law 5 from the year 1990. We think the Bajau can be involved through ecotourism; guiding tourists to watch turtles. If they just stop taking the eggs, they will reap the benefits in the long run. If there are a lot of sea turtles, there will also be a lot of tourists.<sup>58</sup>

Through these excerpts from a workshop discussion, it becomes clear how agents of the departments of forestry and fisheries talk about turtles in different terms, in turn informing different ethics of, or approaches to, taking care of sea turtles. The fisheries department sees turtles as “fish,” as a “resource” that needs to be sustainably managed, preferably in collaboration with fishers and local communities. Their staff is local, partly Bajau, and they feel caught between Bajau community interests and conservation interests introduced and lobbied by WWF. They are in charge of the management of marine resources and the MPA for which they need to follow guidelines and decentralized fisheries laws on community-based conservation that offer room for customary and Indigenous legal systems.<sup>59</sup>

In contrast, the forestry department (BKSDA) sees turtles as an endangered species that needs strict protection. They enact a species protection law that is superior to the regional laws on which the fisheries department base their community-based management policies. Another forestry officer has explained:

You could think that with the new MPA we have to hand over our conservation tasks to the fisheries office. But we don't feel they are up to it. Their interest is with fisheries. But sea turtles aren't fish, they are reptiles. They can make up new laws in fisheries, but with turtles we will work with Law No. 5 from the year 1990. This law is still operational. And as long as it is, and [Fisheries] have not come up with a clear plan for how they are going to protect these poor animals, we will keep to our forestry law. The list is based on CITES. This is not just Indonesian law; it is international law.<sup>60</sup>

The protectionist perspective of the BKSDA classifies sea turtles as vulnerable reptiles and celebrity megafauna in need of care in the form of protection from human interference. Their view aligns with that of the WWF and the Turtle Foundation, but not necessarily with the ecosystem approach of TNC in which turtles are rather one node in a complex and interactive web that includes social and ecological elements. During the first author's fieldwork in 2011–2013, this difference in priorities led to repeated tensions in the collaboration between the WWF and TNC in Berau. Their conflicting approaches show again how sea turtles are particularly “troubling” legal objects because of their mobile and amphibious nature. They transgress administrative boundaries between land and sea and the corresponding governmental departments and law enforcement agencies. Moreover, sea turtles also express a certain “amphibiousness” as plural objects (and subjects), engaging different yet intersecting ontological and normative systems.<sup>61</sup> This also troubles any neat division between “Bajau” and “conservationist” legalities by pluralizing perspectives in and between.

These different perspectives illustrate different approaches in sociolegal theory and methodology regarding the role of nonhuman animals in the constitution of law. The approach of both the fisheries department and TNC gives room for legal pluralism in turtle conservation, allowing human–nature interference as long as resources are sustainably managed. They correspond with ecological approaches

to environmental governance that acknowledges human interdependence with ecosystems. Fisheries governance usually classifies and manages animals in terms of property, acknowledging legal pluralism in its management. The approach of the forestry department and of the WWF and the Turtle Foundation is one of species protection prioritizing sea turtles as charismatic animals in need of saving. In this, it aligns more with current legal debates around the rights and well-being of animals, that orient toward common ownership in the form of a “global custodianship” shared across geographies and institutions.<sup>62</sup>

Still, both approaches render the nonhuman passive, disregarding the diverse and embodied ways in which human–nonhuman entanglement takes shape, for example with dogs, trees, and corals.<sup>63</sup> Advocating the interests of the nonhuman also requires critical reflection on the politics involved in the way (certain) animals come to be objects in legal systems and the classification practices involved. The classification of turtles as “endangered” prioritizes this species over others based on values of rarity and vulnerability, and there are politics involved in how certain humans and organizations get to define what animal is worthy of being protected, and what kind of human–animal entanglement this protection enables and reinforces.<sup>64</sup> Through these acts, saving turtle lives becomes a matter of biopolitics, inscribing a particular calculus on which life is (more) worth saving and through which means.<sup>65</sup> Reflecting on such unequal relations of power configured into what and whose definition and valuation of marine turtles is



**FIGURE 12.5** A spearfisherman encounters a large green sea turtle while out compressor diving in the Banggai Archipelago, Indonesia. He uses the tip of his spear to nudge the turtle, but then lets it go on its way. Though not necessarily targeting turtles, fishers share the same spaces with them while on and in the ocean every day. Thus, they learn sea turtle behavior, habits, and preferences. Image by Shannon Switzer Swanson, 2019.



prioritized begs the question: is there room for Bajau–turtle entanglement and care practices on Bajau terms? In light of the asymmetric relation between human and animal in which wildlife protection is enacted, the case of the Bajau highlights the underlying politics that determine who gets to define what is a good human–turtle relation in the legally pluralistic seascape of Indonesia.

## Lawful Injustice and Ethics of Care

Species and habitat protection laws have intervened in and shaped human–turtle relations, not only in Indonesia, but also in locales across the globe. International conventions have spawned species protection laws that criminalize local and Indigenous people’s long-standing practices of eating and living with sea turtles.<sup>66</sup> This chapter shows how, on the basis of historical practice, endangered species bans are resisted as violent intrusions, but also how they are circumvented or accommodated in everyday practice. Political ecologist Lisa Campbell has found that among conservationists the notion of sea turtles as a global resource in which “everybody on the planet has a stake” effectively pushes aside the customary claims of the human communities whose daily lives and livelihoods are most affected.<sup>67</sup> While privileging turtle habitats, mobility, and wellbeing over that of (certain) human ones, this turtle-as-a-global-commons perspective fails to acknowledge the structural inequities between different kinds of human communities. It also ignores the biopolitics involved in the classification of certain animals as worth saving, making it still necessary to invoke Donna Haraway’s entreaty to ask “what counts as nature, for whom, and at what cost?”<sup>68</sup>

With these imbalanced geo-political power dynamics, it has fallen in the hands of local communities to “exempt” themselves from these laws either through proper legal channels or by practicing legal pluralism in creative ways. For example, Aboriginal communities in northern Australia successfully fought for their traditional rights to use and eat sea turtles.<sup>69</sup> Similarly, in Ostional Costa Rica, local communities were able to keep access to Olive Ridley turtle eggs.<sup>70</sup> By contrast, the Bajau have not enjoyed the exceptional status of Indigenous or traditional (*adat*)<sup>71</sup> communities in Indonesia.<sup>72</sup> Instead, the sea-oriented Bajau have been, and often still are, perceived by the Indonesian state as outlaws whose lack of attachment to a land-based territory forecloses their ability to claim indigeneity.<sup>73</sup> This makes the Bajau doubly excluded. Ironically, while the wide-ranging habits of sea turtles have afforded them international protection, the mobile and sea-based lifestyle of the Bajau seemingly has the opposite effect, historically preventing them from organizing to be formally acknowledged as a cohesive Indigenous group with customary rights.<sup>74</sup>

Acknowledging the plight of the Bajau and their claims to turtles should not necessarily lead to the romantic notion of them being “ecologically noble”<sup>75</sup> and morally superior. In Berau, turtle egg exploitation arguably evolved into a commercial business operated by a regional (Bajau) elite to the detriment of

the sea turtle population. Severing the Bajau from their involvement with sea turtles by conservation intervention does, however, ask for a critical reflection on the harmful effects (for humans and turtles) of the alienation process that wildlife bans can generate, particularly when based on a modernist separation of humans from nature.<sup>76</sup> In Banggai and Masalima, where bans are evidently not enforced, Bajau families eat and use turtles as part of a wider notion of reciprocity, acknowledging their spiritually and materially entangled worlds—perhaps a case of what Susan Reid refers to as being “a more ethical predator.”<sup>77</sup> By contrast, in Berau angered Bajau men are now frequently reported to catch egg-bearing turtles before they come on land and cut open their bellies to take their eggs. The system of caring for ten percent of the eggs and baby turtles is no longer in place, which Bajau in the area claim has resulted in a more rapid deterioration of turtle populations in Berau since NGO intervention. Although the effects of different conservation and care systems on Berau’s turtle population are contested, many Bajau families feel that—since the Bajau no longer care for the turtles—the animals may no longer come back. While the movements of turtles have shaped Bajau living spaces, the Bajau in turn have also shaped the living spaces of sea turtles through life-supporting care practices.

How can we engage productively and politically with such more-than-human entanglement and “conviviality”<sup>78</sup> through a legal lens? Legal pluralism scholarship has shown how legal and normative systems are diverse, overlapping, and contesting, and how people like the Bajau skillfully navigate their in-between spaces. But this scholarship has yet to include the nonhuman as taking an active part in the social-legal world. In response to the anthropocentric and humanist basis of legal systems, several approaches have enriched sociolegal scholarship over the last decades by explicitly considering nonhuman animals as legal persons and subjects into the constitution of law.<sup>79</sup> Notable examples are the attribution of rights or legal personhood to nonhuman animals, and the rights of nature approach, delivering “judicial protection of nature for the sake of nature itself.”<sup>80</sup> Still, in the practice of marine wildlife management, the “sake of nature” is selectively represented by only certain human persons or organizations,<sup>81</sup> and is usually embedded in asymmetric power relations between them.

So, while these approaches allow animals to enter the legal scene as “subjects,” there are still vital biopolitical questions of what nonhuman animals are deemed worthy of being given a right or personhood, and on whose terms? Or in our case, more specifically, whose version of what counts as good—or harmful—human–turtle relations and care practices. Where conservation perspectives may consider eating turtles as a harmful interference in species wellbeing and survival, for the Bajau, harm is in the alienation between humans and turtles. Thus, their embodied and social practice of eating and sharing turtles and their eggs constitutes a social and moral world in which both humans and turtles participate as beings or subjects, and sea turtles co-constitute Bajau life and wellbeing.

Human–turtle relations in Indonesia could then—after Zoe Todd—be seen as troubled “sites of engagement,”<sup>82</sup> narratives and embodied practices in which

different enacted versions and ethics of human–turtle relations intersect. This creates or sustains a situation of legal pluralism wherein we find not only the coexistence of different legalities, but also the intersection of different ethics of care.<sup>83</sup> Following human–turtle relations as historical and contemporary sites of engagement involving Bajau, NGO and governmental agents, as well as Dutch colonial administrators, the case of turtle conservation in Indonesia shows how notions of justice pertaining to turtles bring the turtle itself as both an object and a subject into the picture. Acknowledging the entanglement of human and sea turtle agency can enrich the discussion of marine legalities to engage more reflexively with the question of what, when, and where is a good and just human–turtle relation in situated practices? Taking seriously such ontological and ethical pluralism undergirding legal contestations in wildlife protection is vital for understanding the complexity of disputes around marine wildlife, and a first step toward fostering coexistence or dialogue across different legalities with a potential for mutual support.

Envisioning such more-than-human or “lively”<sup>84</sup> legalities may require a radical re-examination of identifying with self and other, as Gumbs does, for example, in her anthology that explores ways of relating to marine mammals as kin.<sup>85</sup> Ethnographic, feminist, and Indigenous perspectives and critiques can provide inspiration to do such radical re-examination in legal scholarship, while we acknowledge the need to do so carefully so intellectual inspiration does not lead to appropriation. As a way forward we suggest that a careful and respectful exchange between feminist, Indigenous, and legal pluralist perspectives that take in situated legalities can facilitate an “enriched understanding of interspecies relations, the lives of animals and humans, as well as broader societal relations of power” in legal scholarship and wildlife protection.<sup>86</sup> Doing so can help the various groups engaging with sea turtles to “stay with the trouble,”<sup>87</sup> with the murkiness and entanglements of human–turtle relations, to gain a more nuanced and enriched understanding of their historically embedded ethics of care and justice.

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## Notes

- 1 Autonyms vary by region and context. In the Banggai Archipelago, when speaking with non-Bajau, they refer to themselves as Bajo; however, when speaking amongst themselves, they refer to themselves as Sama—like in the southern Philippines, the Sulu Archipelago, and elsewhere in North Sulawesi; Celia Lowe, *Wild Profusion: Biodiversity Conservation in an Indonesian Archipelago* (Princeton: Princeton University Press, 2006). In Berau they refer to themselves in both cases as Bajau. For simplification, and because most of the ethnography is based on Berau, we use Bajau in this chapter.
- 2 Annet Pauwelussen, “The Moves of a Bajau Middlewoman: Exploring the Disparity Between Trade Networks and Marine Conservation,” *Anthropological Forum* 25, no. 4 (2015): 329–349. Clifford Sather, *The Bajau Laut: Adaptation, History, and Fate in a Maritime Fishing Society* (Kuala Lumpur: Oxford University Press, 1997).
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- 4 Sather, “Commodity Trade”; Eric Tagliacozzo, “Navigating Communities: Race, Place, and Travel in the History of Maritime Southeast Asia,” *Asian Ethnicity* 10, no. 2 (2009): 97–120; James Warren, *The Sulu Zone 1768–1898: The Dynamics of External Trade, Slavery, and Ethnicity in the Transformation of a Southeast Asian Maritime State* (Singapore: NUS Press, 2007).
- 5 Jack Frazier, “Marine Turtles: The Role of Flagship Species in Interactions Between People and the Sea,” *Marst* 3, no. 2. (2005): 5–38.
- 6 Imam Musthofa Zainudin et al., “Interaction of Sea Turtles with Indonesian Fisheries – Preliminary Findings,” *Indian Ocean Turtle Newsletter* (2007): 1–10. Irawan Asaad et al., “Delineating Priority Areas for Marine Biodiversity Conservation in the Coral Triangle,” *Biological Conservation* 222 (2018): 198–211.
- 7 See, e.g., discussions in the Introduction as well as Braverman and Reid, this volume.
- 8 Hector Barrios-Garrido et al., “Conflicts and Solutions Related to Marine Turtle Conservation Initiatives in the Caribbean Basin: Identifying New Challenges,” *Ocean and Coastal Management* 171 (2019): 19–27; Jarina Mohd Jani et al., “To Ban or Not to Ban? Reviewing an Ongoing Dilemma on Sea Turtle Egg Trade in Terengganu, Malaysia,” *Frontiers in Marine Science* 6, no. 762 (2020): 1–18.
- 9 Rutgerd Boelens et al., “Legal Complexity in the Analysis of Water Rights and Water Resources Management,” in *Liquid Relations: Contested Water Rights and Legal Complexity*, eds. Dik Roth et al. (New Brunswick: Rutgers University Press, 2005), 6. Useful reviews of debates in legal pluralism are given by Paul Schiff Berman, “The New Legal Pluralism,” *Annual Review of Law and Social Science* 5 (2009): 225–242 and (particularly for customary law) Keebet von Benda-Beckmann and Bertram Turner, “Legal Pluralism, Social Theory, and the State,” *Journal of Legal Pluralism and Unofficial Law* 50, no. 3 (2018): 255–274.
- 10 Boaventura de Sousa Santos, “Law: A Map of Misreading. Toward a Postmodern Conception of Law,” *Journal of Law and Society* 14 (1987): 279–302, 281.
- 11 Laurent Thévenot, “Which Road to Follow? The Moral Complexity of an ‘Equipped’ Humanity,” in *Complexities: Social Studies of Knowledge Practices*, eds. John Law and Annemarie Mol (Durham: Duke University Press, 2002), 53–87.
- 12 Paul Schiff Berman, *Global Legal Pluralism: A Jurisprudence of Law Beyond Borders* (Cambridge: Cambridge University Press, 2012).
- 13 Janne R. Rohe et al., “A Legal Pluralism Perspective on Coastal Fisheries Governance in Two Pacific Island Countries,” *Marine Policy* 100 (2019): 90–97; Joeri Scholten

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  - 15 Ibid, 50; Zoe Todd, "Fish Pluralities: Human-Animal Relations and Sites of Engagement in Paulatuuq, Arctic Canada," *Inuit Studies* 38, nos. 1–2 (2014): 217–238.
  - 16 For this argument's application to corals see Annet Pauwelussen and Gerard Verschoor, "Amphibious Encounters: Corals and People in Conservation Outreach in Indonesia," *Engaging Science, Technology and Society* 3 (2017): 292–314, and to elephant conservation see Charis Thompson, "When Elephants Stand for Competing Philosophies of Nature: Amboseli National Park, Kenya," in *Complexities: Social Studies of Knowledge Practices*, eds. John Law and Annemarie Mol (Durham: Duke University Press, 2002), 166–190.
  - 17 María Puig de la Bellacasa, *Matters of Care: Speculative Ethics in More Than Human Worlds* (Minneapolis: University of Minnesota Press, 2017); Todd, "Fish Pluralities."
  - 18 Local staffmember, Turtle Foundation, personal communication with first author, Mataha, April 9, 2013.
  - 19 Chris Wold, "The Status of Sea Turtles Under International Environmental Law and International Environmental Agreements," *Journal of International Wildlife Law and Policy* 5, nos. 1–2 (2002): 11–48; Barrios-Garrido, "Conflicts and Resolutions."
  - 20 Zainudin, "Interaction of Sea Turtles"; Lalita Gomez and Kanitha Krishnasamy, "A Rapid Assessment on the Trade in Marine Turtles in Indonesia, Malaysia and Viet Nam," TRAFFIC, 2019, <https://www.traffic.org/site/assets/files/12524/se-asia-marine-turtle-trade.pdf>.
  - 21 Ibid.
  - 22 According to the Turtle Foundation, this plundering by the local population of Berau has decimated the sea turtle population to ten percent of what it was 70 years ago. "Program Indonesia: General Information and Background," Turtle Foundation, accessed October 14, 2021, <https://www.turtle-foundation.org/en/program-indonesia/>.
  - 23 Two of these islands (Sanggalaki and Semama) have national park status under Forestry law. Budi Wiryawan et al., *Menuju Kawasan Konservasi Laut Berau, Kalimantan-Timur: Status Sumberdaya Pesisir dan Proses Pengembangan* (Jakarta: TNC-WWF-Mitra Pesisir/CRMP II USAID, 2005).
  - 24 Bambang Gunawan, "Shrimp Fisheries and Aquaculture: Making a Living in the Coastal Frontier of Berau, Indonesia" (PhD dissertation, Wageningen University, 2012); Rini Kusumawati and Leontine Visser, "Collaboration or Contention? Decentralised Marine Governance in Berau," *Anthropological Forum* 24, no. 1 (2014): 21–46.
  - 25 Kusumawati, "Networks and Knowledge"; Rini Kusumawati and Leontine Visser, "Capturing the Elite in Marine Conservation in Northeast Kalimantan," *Human Ecology* 44 (2016): 305–307.
  - 26 Bajau captain, personal conversation with first author, Balikpapan, February 21, 2012.
  - 27 Kusumawati, "Networks and Knowledge," 59, 67.
  - 28 Tagliacozzo, "Navigating Communities"; Warren, "The Sulu Zone," and specifically for Berau: Annet Pauwelussen, "Community as Network: Exploring a Relational Approach to Social Resilience in Indonesia," *Maritime Studies* 15, no. 1 (2016): 1–19.
  - 29 C. Ensing, "Memorie van Overgave van de onderafdeling Beraoe," *Koninklijk Instituut voor de Tropen: Memories van Overgave 1852–1962* 70 (1937): 1078.
  - 30 Nimmo, *The Sea People of Sulu*; Sather, "Commodity Trade"; as also shown for another region in Indonesia by Lance Nolde, "'Great is Our Relationship with the Sea': Chartering the Maritime Realm of the Sama of Southeast Sulawesi, Indonesia," *Explorations* 9 (2009): 15–33.

- 31 Ensing, “Memorie van Overgave”; Kusumawati, “Networks and Knowledge.”
- 32 This care overlaps with Susan Reid’s notion of being “a more ethical predator” as the Bajau seem to acknowledge that “eating the other entails taking in, at least partially, the worlds that constitute them” this volume, 81.
- 33 Ibid.
- 34 Former egg collector, conversation with first author, Tanjung Batu, June 10, 2012.
- 35 Bajau fisherwoman, conversation with first author, Balikpapan, February 19, 2012.
- 36 Ibid.
- 37 Based on multiple conversations during fieldwork. Kusumawati, “Networks and Knowledge” and Kusumawati and Visser, “Capturing the Elite” provide detailed accounts of the role of Haji Penyau and the regional elite in marine governance in Berau. Until turtle egg collection was formally banned in 2006, the turtle egg business was the primary revenue resource (80 percent) for the Berau district government, which explains the reluctance even within Berau government to enforce the ban.
- 38 James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985).
- 39 Pauwelussen, “Moves of a Bajau Middlewoman.”
- 40 Annet Pauwelussen, fieldnotes, Tarakan, June 30, 2012.
- 41 See Figure 12.2.
- 42 Pauwelussen, fieldnotes.
- 43 Ibid.
- 44 Ibid.
- 45 Benda-Beckmann and Turner, “Legal Pluralism.”
- 46 James C. Scott, *The Moral Economy of the Peasant. Rebellion and Subsistence in Southeast Asia* (New Haven: Yale University Press, 1976).
- 47 Pauwelussen, “Community as Network” and “Moves of a Bajau Middlewoman.”
- 48 Sociological scholar Eugene Ehrlich conceptualized this as “living law.” For a discussion of this concept and how it has been developed in later writing, see David Nelken, “Eugen Ehrlich, Living Law, and Plural Legalities,” *Theoretical Inquiries in Law* 9, no. 2 (2008): 443–471.
- 49 Christine Walley, *Rough Waters: Nature and Development in an East African Marine Park* (Princeton: Princeton University Press, 2004) shows this colonial embeddedness of MPAs in an East African context. See also Paige West, *Conservation is our Government Now* (Durham: Duke University Press, 2006) and Dan Brockington et al., *Nature Unbound: Conservation, Capitalism and the Future of Protected Areas* (London: Routledge, 2008) for relevant critiques of conservation.
- 50 Due to the sea-based mobility and connectivity of Bajau worlds, people usually have detailed knowledge of such local differences in law enforcement.
- 51 This interwoven nature of customary law with colonial state law is central to discussions in legal pluralism: Benda-Beckmann and Turner, “Legal Pluralism.”
- 52 Noted from second author’s in-person conversations with multiple members of fishing families in the Banggai Archipelago during fieldwork.
- 53 Former egg collector, personal conversation.
- 54 Martin Quaas et al., “Fishing for Proteins” WWF Germany, 2017, [https://www.researchgate.net/publication/328428806\\_Fishing\\_for\\_Proteins\\_How\\_marine\\_fisheries\\_impact\\_on\\_global\\_food\\_security\\_up\\_to\\_2050\\_A\\_global\\_prognosis](https://www.researchgate.net/publication/328428806_Fishing_for_Proteins_How_marine_fisheries_impact_on_global_food_security_up_to_2050_A_global_prognosis).
- 55 See Pauwelussen and Verschoor, “Amphibious Encounters” for this argument related to coral reefs. For the way sea turtles figure as expression of life and consciousness in situated and Indigenous oral histories see Frazier, “Marine Turtles.”
- 56 Annet Pauwelussen, fieldnotes, Tanjung Redeb, February 7, 2012.
- 57 Ibid.
- 58 Ibid.
- 59 Pauwelussen, “Community as Network”; Gunawan, “Shrimp Fisheries”; Kusumawati, “Networks and Knowledge.”
- 60 Forestry officer, conversation with first author, Tanjung Redeb, January 31, 2012.

- 61 Annet Pauwelussen, "Amphibious Anthropology: Engaging with Maritime Worlds in Indonesia" (PhD dissertation, Wageningen University, 2017); Pauwelussen and Verschoor, "Amphibious Encounters." This also resonates with Todd, "Fish Pluralities," 218, which shows the "slipperiness" of fish as beings, existing as "simultaneously different entities" that "challenge existing articulations of human–environment relationships."
- 62 Irus Braverman, "Law's Underdog: A Call for More-than-Human Legalities," *Annual Review of Law and Social Science* 14 (2018): 127–144, 133.
- 63 Eva Hayward, "FINGERYEYES: Impressions of Cup Corals," *Cultural Anthropology* 25, no. 4 (2010): 577–599; Eduardo Kohn, *How Forests Think. Towards an Anthropology Beyond the Human* (Berkeley: University of California Press, 2013).
- 64 For a discussion of how such classifications order human–nonhuman relations see Irus Braverman, "The Regulatory Life of Threatened Species Lists," in *Animals, Biopolitics, Law: Lively Legalities*, ed. Irus Braverman (London: Routledge, 2016), 19–36.
- 65 Braverman, "Law's Underdog," 139.
- 66 Lisa Campbell, "Use Them or Lose Them? Conservation and the Consumptive Use of Marine Turtle Eggs at Ostional, Costa Rica," *Environmental Conservation* 25 (1998): 305–319; Rudrud, "Forbidden Sea Turtles."
- 67 Lisa Campbell, "Local Conservation Practice and Global Discourse: A Political Ecology of Sea Turtle Conservation," *Annals of the Association of American Geographers* (2007): 313–334.
- 68 Donna Haraway, *Modest\_Witness@Second\_Millennium.FemaleMan\_Meets\_OncoMouse: Feminism and Technoscience* (New York: Routledge, 1997). See also Lowe, *Wild Profusion*.
- 69 Rod Kennett et al., "Indigenous Initiatives for Co-Management of Miyapunu/Sea Turtle," *Ecological Management and Restoration* 5 (2004): 159–166.
- 70 Campbell, "Use Them."
- 71 *Adat* is often described as customary law of Indigenous people in Indonesia; unwritten traditional code governing personal conduct as part of the community. The Bajau have been structurally excluded from claims to indigeneity and customary tenure due to their mobility at sea and lack of land ownership. See Suraya Abdulwahab and Celia Lowe, "Claiming Indigenous Community: Political Discourse and Natural Resource Rights in Indonesia," *Alternatives* 32, no. 1 (2007): 73–97.
- 72 We have not found any formal legal exceptions that allow turtle hunting or egg consumption in Indonesia. However, Michael de Alessi, "Archipelago of Gear: The Political Economy of Fisheries Management and Private Sustainable Fisheries Initiatives in Indonesia," *Asia and the Pacific Policy Studies* (2014): 576–589, discusses overlapping fisheries regulation in Indonesia and the recognition of local tenure.
- 73 Julian Clifton et al., "Statelessness and Conservation: Exploring the Implications of an International Governance Agenda," *Tilburg Law Review* 19, nos. 1–2 (2014): 81–89.
- 74 One possible exception is in the Torres Strait, detailed in Natasha Stacey, *Boats to Burn: Bajo Fishing Activity in the Australian Fishing Zone* (Canberra: ANU Press, 2007).
- 75 Hames Raymond, "The Ecologically Noble Savage Debate," *Annual Review of Anthropology* 36 (2007): 177–190.
- 76 See also Bram Büsscher and Robert Fletcher, *The Conservation Revolution: Radical Ideas for Saving Nature Beyond the Anthropocene* (London: Verso Books, 2020).
- 77 Reid, this volume, 81.
- 78 Ibid.
- 79 Braverman, "Law's Underdog."
- 80 Erin Daly, "The Ecuadorian Exemplar: The First Ever Vindications of Constitutional Rights of Nature," *Review of European, Comparative & International Environmental Law* 21, no. 11 (2012): 63–66, 63.

- 81 Erin L. O'Donnell and Julia Talbot-Jones, "Creating Legal Rights for Rivers: Lessons from Australia, New Zealand, and India," *Ecology and Society* 23, no. 1 (2018): 7.
- 82 Todd, "Fish Pluralities."
- 83 "Care is everything that is done (rather than everything that 'we' do) to maintain, continue, and re-pair 'the world' so that all (rather than 'we') can live in it as well as possible." Puig de la Bellacasa, *Matters of Care*; 103.
- 84 Irus Braverman, ed., *Animals, Biopolitics, Law: Lively Legalities* (London: Routledge, 2016).
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