Indigenous Data Sovereignty

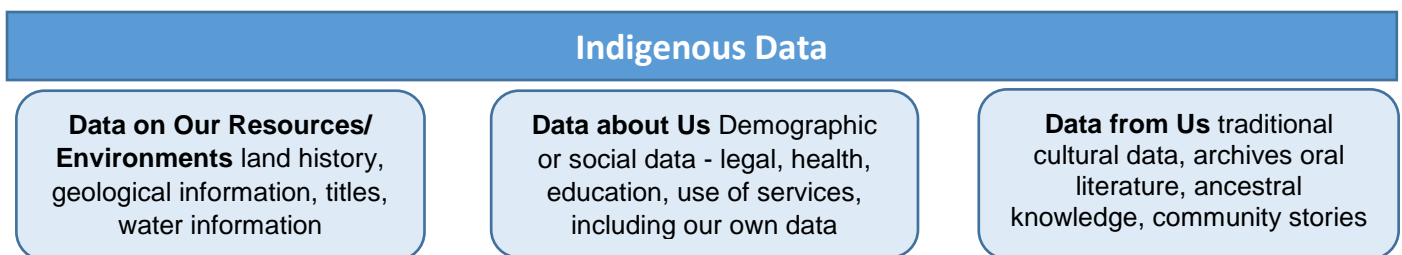## Data for Governance: Governance of Data[1]

This paper is an amended version of the briefing paper prepared for the 2018[2]Indigenous Data Sovereignty Summit held June 2018

What is Indigenous Data Sovereignty?

With digitization occurring at ever increasing rates, data is the new currency of knowledge. Data have a tangible value. They are a resource. Yet, Indigenous peoples, in Australia and elsewhere, remain largely alienated from the collection, use and application of data about us, our lands and cultures.

Indigenous Data Sovereignty (ID-Sov) is the right of Indigenous peoples to determine the means of collection, access, analysis, interpretation, management, dissemination and reuse of data pertaining to the Indigenous peoples from whom it has been derived, or to whom it relates. Indigenous data sovereignty centres on Indigenous collective rights to data about our peoples, territories, lifeways and natural resources (Kukutai & Taylor 2016; Snipp 2016).

Indigenous data refers to information or knowledge, in any format, inclusive of statistics, that is about Indigenous people and that impacts Indigenous lives at the collective and/or individual level.

Indigenous Data		
Data on Our Resources/ Environments land history, geological information, titles, water information	**Data about Us** Demographic or social data - legal, health, education, use of services, including our own data	**Data from Us** traditional cultural data, archives oral literature, ancestral knowledge, community stories

Source: Informed by British Columbia First Nations' Data Governance Initiative (2018) Home http://www.bcfndgi.com/

Indigenous data sovereignty is practiced through **Indigenous data governance** (ID-GOV) which asserts Indigenous interests in relation to data by:

- informing the when, how and why our data are gathered, analysed accessed and used; and
- ensuring Indigenous data reflects our priorities, values, culture, lifeworlds and diversity

ID-SOV and ID-GOV address the recognised connection between Indigenous development agendas and data as a resource. This connection is a recurring issue in the United Nations Permanent Forum on Indigenous Issues where Indigenous representatives have consistently raised concerns about the relevance of existing statistical frameworks and the lack of Indigenous participation in data processes and governance. What, they asked, were the value of current data for Indigenous peoples' development agendas?

In response, in Aotearoa New Zealand, the *Te Mana Raraunga* - Maori Data Sovereignty Network partners with Statistics New Zealand to prioritise Maori standpoints within data frameworks. In the US the *Indigenous Data Sovereignty Network* works with tribal nations to establish Indigenous data governance protocols to support the data sovereignty of Native American Nations. In Canada, groups like the *First Nations Information Governance Centre* are building on the established principles of OCAP© [i]which demanded (and achieved) sovereignty of their own data to further embed Indigenous data decision-making into the data process.

The Workshop International Law, The United Nations Declaration on the Rights of Indigenous Peoples' and Indigenous Data Sovereignty (the Workshop) was held in Oñati, Spain, was hosted 11-12 July 2019 at the International Institute for the Sociology of Law. The Workshop resulted in the formation of the Global Data

Alliance (GIDA) to advocate for and advance a shared vision of ID-Sov. The Oñati Workshop bought together participants from multiple Indigenous nations and tribes in seven nation states, with the representation from Columbia, Sweden, Mexico and the Basque Country supporting IDSOV ambitions to expand beyond CANZUS countries of Aotearoa New Zealand, Australia, Canada, and the United States. The Maiam nayri Wingara Collective (Australia); Te Mana Raraunga Maori Data Sovereignty Network (Aotearoa New Zealand) and the United States Indigenous Data Sovereignty Network were also represented at the Workshop. The purpose of the Workshop was to provide a forum for international ID-SOV scholars and practitioners to collaboratively advance the legal principles underlying collective and individual data rights in the context of UNDRIP. The presentation and associated discussions among Workshop delegates concluded that:

• UNDRIP provides a necessary but insufficient foundation for the realisation of Indigenous rights and interests in data.

• Indigenous Peoples also require Indigenous designed legal and regulatory approaches founded on ID-SOV principles.

• While national ID-SOV networks are best placed to respond to and progress data sovereignty for their peoples and communities, a global alliance is needed to advocate for and advance a shared vision for ID-SOV.

The workshop also endorsed the CARE Principles for Indigenous Data Governance for global release on 13 September 2019. See GIDA-global.org.

The Indigenous Data Paradox: Too Much Data and Too Little Data

As Indigenous peoples we have frequently had data collected from us, but have rarely drawn value from our own data. When our data are used, the benefit of that use remains largely defined and meted out according to non-Indigenous values and belief systems. Consequently, what are currently construed as Indigenous data do not, and will never, meet the data requirements of Aboriginal and Torres Strait Islander First Nations.

This is the heart of the Indigenous data paradox; we have both too much and too little data. There exists a huge pool of official statistics about Aboriginal and Torres Strait Islander peoples, largely generated from the Census or specific surveys and the sets of administrative data collected and held by Government entities, inclusive of hospital data, health centre data, school data, justice system data, Centrelink data etc. Regardless of source, the data topics are depressingly familiar - a descriptive detailing of the various dire Indigenous socio-economic and health inequalities. They are all 5D Data: data that focus on Indigenous Difference, Disparity, Disadvantage, Dysfunction and Deprivation (Walter 2016). Seeking data outside of the 5D framework finds a data desert. There are either no data that align with Aboriginal and Torres Strait Islander needs, or it is not available or not amenable to our needs. Yet there is an overwhelming need for these data; data for development, data for nation rebuilding and data for the as yet unmet delivery of the United Nations Declaration of the Rights of Indigenous Peoples (Taylor & Kukutai 2015; Davis 2016).

In Table 1, the Indigenous data paradox of too much and too little data, are mapped across five 'BADDR' (Blaming, Aggregate, Decontextualised, Deficit, Restricted) categories of Indigenous data failure (Walter 2017; Kukutai & Walter 2016) against a framework Aboriginal and Torres Strait Islander data needs.

Table 1: BADDR Data Outcomes versus Indigenous Data Needs

Dominant BADDR Data	Indigenous Data Needs
Blaming Data	**Lifeworld Data**
Too much data contrasts Indigenous/non-Indigenous data, rating the problematic Indigene against the normed Australian as the ubiquitous pejorative standard	We need data to inform a comprehensive, nuanced narrative of who we are as peoples, of our culture, our communities, our resilience, our goals and our successes
Aggregate Data	**Disaggregated Data**
Too much data are aggregated at the national and/or state level implying Indigenous cultural and geographic homogeneity	We need data that recognises our cultural and geographical diversity to provide evidence for community-level planning and service delivery

Decontextualised Data	Contextualised Data
Too much data are simplistic and decontextualized focussing on individuals and families outside of their social/cultural context	We need data inclusive of the wider social structural context/complexities in which Indigenous disadvantage occurs
Deficit, Government Priority Data	**Indigenous Priority Data**
Too much data reprises deficit linked concepts that service the priorities of Government.	We need data that measures beyond problems and addresses our priorities and agendas
Restricted Access Data	**Available Amenable Data**
Too much data are barricaded away by official statistical agencies and institutions	We need data that are both accessible and amenable to our requirements

Source: Walter 2018

Data Matters and It Is Going to Matter More

BADDR Indigenous data support the embedded narrative of Aboriginal and Torres Strait Islander people as the problem by providing an evidence base for that conclusion. If deficit data, only, are fed into the model then the output from those data can only reflect the problematic Indigene. As such BADDR Indigenous statistics are data that are stacked heavily against our interests, our needs and aspirations.

The rise of powerful data gathering and data mining systems pose even bigger risks. Open Data and Big Data such as linking many different datasets is currently touted as a way to really understand Indigenous problems. Big data and the mounting interest of private global entities in the data space add another dimension. Yet, statistical agencies show little concern, claiming that the data are just the data. *No, they are not.* The statistics that perpetually describe 'the problem', are themselves, a significant part of the problem.

Because data and especially statistical data are not neutral. They are human artefacts whose data (and the findings they produce) directly echo what questions are asked, why, how and who is doing the asking (Walter & Andersen 2013). In the statistics landscape the decision makers determining these are not us (Lovett 2016). Just as we are alienated from the political processes that determine our life circumstances, so we are alienated from the collection and application of data that 'evidence' those processes (Kukutai & Walter 2016). More particularly it is not the children or communities of these decisions makers who are being subjected to the policy outcomes of data mining or RCTs on effective treatments for their 'problems'.

Indigenous Data Sovereignty through Indigenous Data Governance

So, how do we move from an Indigenous data landscape that problematizes and blames, to one which meets Aboriginal and Torres Strait Islander needs, aspirations and objectives? The answer is trading the BADDR data paradigm for an Indigenous Data Sovereignty paradigm. The key to making that paradigm shift is to move the Aboriginal and Torres Strait Islander data voice from the periphery to the channels of power through which Indigenous data decisions are made. We need Indigenous data governance. Stating what Indigenous data governance is not is as important as what it is. ID-Gov is NOT: an Indigenous data advisory group, panel or other such body' OR being consulted about Indigenous data matters OR attending or even presenting at a workshop/discussion around Indigenous data, OR providing a submission around Indigenous data issues. These activities and the many like them to which we give our time, effort and intellect may be useful but are NOT Indigenous data governance.

Indigenous data governance is decision making. It is the power to decide how and when Indigenous data are gathered, analysed accessed and used. It is the ability to construct a data framework that reinforce, not restrict Indigenous goals and ambitions. It is the capacity to collect data that reflects Aboriginal and Torres Strait Islander priorities, values, culture and lifeworlds, in all their diversity, not diminish them. The key questions are: how to claim Indigenous data governance? And what are the parameters that will make it work?

Australian Indigenous Data Sovereignty Principles

In June 2018 the Maiam nayri Wingara Australian Indigenous Data Sovereignty Collective and the Australian Indigenous Governance Institute convened the *National Indigenous Data Sovereignty Summit* in Canberra. Over 40 Indigenous delegates attended, representing every state and territory and bodies, the

public service and academia as well as community leaders. Four representatives of Te Mana Raraunga Māori Data Sovereignty Network and the Data Iwi (Tribal) Leaders Group also attended.

The aim of the Summit was to initiate an Australian set of Indigenous Data Governance protocols. Delegates noted that Indigenous Data Sovereignty is a global movement concerned with the right of Indigenous peoples to govern the creation, collection, ownership and application of their data. Indigenous Data Sovereignty in Australia is derived from Aboriginal and Torres Strait Islander peoples inherent right to govern our peoples, Country (including lands, waters and sky) and resources as outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) for which Australia has declared its support. Delegates attending the summit endorsed the following foundational statements:

o   In Australia, '*Indigenous Data'* refers to information or knowledge, in any format or medium, which is about and may affect Indigenous peoples both collectively and individually.

o   *Indigenous Data Sovereignty'* refers to the right of Indigenous peoples to exercise ownership over Indigenous Data. Ownership of data can be expressed through the creation, collection, access, analysis, interpretation, management, dissemination and reuse of Indigenous Data.

o   '*Indigenous Data Governance'* refers to the right of Indigenous peoples to autonomously decide what, how and why Indigenous Data are collected, accessed and used. It ensures that data on or about Indigenous peoples reflects our priorities, values, cultures, worldviews and diversity.

Exercising Indigenous Data Governance enables Indigenous peoples, our representative and governing bodies to accurately reflect our stories. It provides the necessary tools to identify what works, what does not and why. Effective Indigenous Data Governance empowers our peoples to make the best decisions to support our communities and First Nations in the ways that meet our development needs and aspirations.

The Summit delegates asserted that in Australia, **Indigenous peoples have the right to:**

- **Exercise control of the data ecosystem including creation, development, stewardship, analysis, dissemination and infrastructure.**

- **Data that are contextual and disaggregated (available and accessible at individual, community and First Nations levels).**

- **Data that are relevant and empowers sustainable self-determination and effective self-governance.**

- **Data structures that are accountable to Indigenous peoples and First Nations.**

- **Data that are protective and respects our individual and collective interests.**

Further information can be found at:

T. Kukutai and J. Taylor (eds) *Indigenous Data Sovereignty: Towards an Agenda*. CAEPR Research Monograph, 2016/34. ANU Press. Canberra. https://press.anu.edu.au/publications/series/centre-aboriginal-economic-policy-research-caepr/indigenous-data-sovereignty   DOWNLOAD FREE

Maiam nayri Wingara Australian Indigenous Data Sovereignty Collective
https://www.maiamnayriwingara.org/

Global Indigenous Data Alliance https://www/gida-global.org

References:
Chapters from T. Kukutai and J. Taylor (eds) *Indigenous Data Sovereignty: Towards an Agenda*. CAEPR Research
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- FNIGC (2016) 'Pathways to First Nations Data and Information Sovereignty': 139-156.

- Kukutai, T. & Taylor, J. (2016) 'Data Sovereignty for Indigenous Peoples: Current practice and future needs': 1-24. Lovett, R. (2016)'Aboriginal and Torres Strait Islander Community Wellbeing: Identified needs for statistical capacity': 213-232.
- Smith, D. E. (2016) "Governing Data and Data for Governance: the everyday practice of Indigenous Sovereignty: 117-138.
- Snipp, M. (2016) 'What does data sovereignty imply: what does it look like?': 39-56.
- Walter, M. (2016) 'Data Politics and Indigenous representation in Australian statistics': 79-98.

Kukutai, K & Walter M. (2015) 'Indigenising Statistics: Meeting in the Recognition Space' Statistical Journal of the IAOS 31 (2), 317-326

Taylor, J. and Kukutai, T. 2015. 'Indigenous data sovereignty and indicators: reflections from Australia and Aotearoa New Zealand', Paper presented at the UNPFII Expert Group Meeting on The Way Forward: Indigenous Peoples and the 2030 Agenda for Sustainable Development, United Nations HQ, New York, October.

Te Mana Raraunga Maori Data Sovereignty Network (2018) About Us te-mana-raraunga-m-ori-data-sovereignty-network/

US Indigenous Data Sovereignty Network (2018) About Us usindigenousdata.arizona.edu

Walter, M. & Andersen, C. (2013) *Indigenous Statistics: A Quantitative Methodology*, New York: Routledge.

Walter, M. (2018) 'The Voice of Indigenous Data: Beyond the Markers of Disadvantge' *First Things First, Griffith Review*, (60).

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[i] OCAP is the trademarked First Nations, Canada data protocols: **O**wnership, **C**ontrol, **A**ccess and **P**articipation