



Indigenous Data Sovereignty

Data for Governance: Governance of Data¹

Briefing Paper: 2018²



Maiaim nayri Wingara

The 2018 Indigenous Data Sovereignty Summit is a collaboration between the *Maiaim nayri Wingara* Indigenous Data Sovereignty Network and the Australian Indigenous Governance Institute.

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.



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 OCAP³ which demanded (and achieved) sovereignty of their own data to further embed Indigenous data decision-making into the data process.

IT IS TIME FOR INDIGENOUS DATA SOVEREIGNTY AND INDIGENOUS DATA GOVERNANCE IN AUSTRALIA

¹ Diane E Smith coined this phrase in "Governing Data and Data for Governance: the everyday practice of Indigenous Sovereignty pp 117-138 in T. Kukutai and J. Taylor (eds) *Indigenous Data Sovereignty: Towards an Agenda*. CAEPR Research Monograph, 2016/34. ANU Press. Canberra.

² Citation: Walter, M. Lovett R., Bodkin Andrews, G. & Lee, V. (2018) *Indigenous Data Sovereignty Briefing Paper 1*. Maiaim nayri Wingara Data Sovereignty Group and the Australian Indigenous Governance Institute. We acknowledge the pioneering contribution of John Taylor.

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. Data linkage, 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. At the smaller scale, a policy belief in randomised control trials (RCT) for social interventions (on us) add to a disturbing pattern. 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
- being consulted about Indigenous data matters
- attending or even presenting at a workshop/discussion around Indigenous data
- providing a submission around Indigenous data issues

These activities and the many like them to which we give our time, effort and intellect all operate to give an impression of engagement largely at the expense of gaining any actual say in outcomes.

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?

The Indigenous Data Sovereignty Summit

To this point ID-Sov and ID-Gov in Australia have largely been pursued intellectually by connecting globally and developing awareness. But this is not enough. ID-Gov and ID-Sov require a practical dimension. An Indigenous Data Sovereignty Summit is our way of developing those next steps.

ID-Sov by definition instructs us that these determinations must be the product of collaborative development. Aboriginal and Torres Strait Islander communities, leaders, peak organisations and academics, among others, need to be engaged. It is a collective task. Globally, an early goal is for Indigenous leaders to agree on a set of data protocols, operating at the community, First Nation and national level that quantify and prescribe the parameters of Indigenous data governance. This includes agreeing, as a collective, on what the central concepts, ID-Sov and ID-Gov, mean and what they look like in practice.

Distinctive Aboriginal and Torres Strait Islander lifeworlds plus a history of colonisation without treaties indicates we cannot simply adopt the protocols of others. But we can learn from them. In this spirit the following draft data governance principles, based on, but not the same as those from other Indigenous ID-Sov groups, are offered as a way of starting the conversation. These protocols state that:

Data collection and collections about Aboriginal and Torres Strait Islander peoples, territories, lifeways and natural resources must:

- *Prioritise Indigenous data needs*
- *Protect Indigenous data integrity*

- *Support Indigenous leadership and governance in data decision making*
- *Be accountable to Indigenous people/nations on decisions around data collection and use*
- *Recognise Indigenous interests, including collective interests, in relation to data*

This is more than a political exercise. Now that Australia has endorsed the UNDRIP the Australian Law Reform Commission needs to reconsider the data implications of collective rights. The technical and operational branches of government that create and hold Indigenous data will also need to adjust their activities in order to comply with Article 38 of the UNDRIP. We need to lead the decision making on how these imperatives are achieved.

Questions for Discussion

1. **How do ID-Sov concepts inform/support your governance structure and processes?
and
What capacity building measures do you need to facilitate Indigenous data governance?**
2. **How do we move the ID-Sov and ID-Gov agenda forward from here?**
3. **What are the right Data Governance Protocols for Aboriginal and Torres Strait Islander peoples and communities and how do we develop them/agree on them?**
4. **How do we engage with statistical agencies/ government entities and at what point?**

The outcomes of this summit will be disseminated through a Summit Communiqué

References:

Chapters from:

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

- Davis, M. (2016) 'Data and the United Nations Declarations on the Rights of Indigenous Peoples': 25-38.
- 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 Disadvantage' *First Things First, Griffith Review*, (60).

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