Māori data sovereignty is too hard

Ko wai ahau?

- Kāi Tahu, Kāti Māmoe, Waitaha
- Nō Moeraki ahau
- One of the original Koha developers
- Kaihuawaere Matihiko at Catalyst IT
- Board member at Tohatoha (previously Creative Commons Aotearoa)
- Former board member National Digital Forum
- Digital technician at Te Kāhui Raraunga
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Disclaimer

Te Mana Raraunga is a network of people advocating for Māori rights and interests in data. I don't represent them but we are people who share a kaupapa.

I am not speaking on behalf of my employers either.

Agenda

- A brief history lesson
- Data Sovereignty
- Te Mana Raraunga
- Te Kāhui Raraunga
- Why it's important
- What can we do?
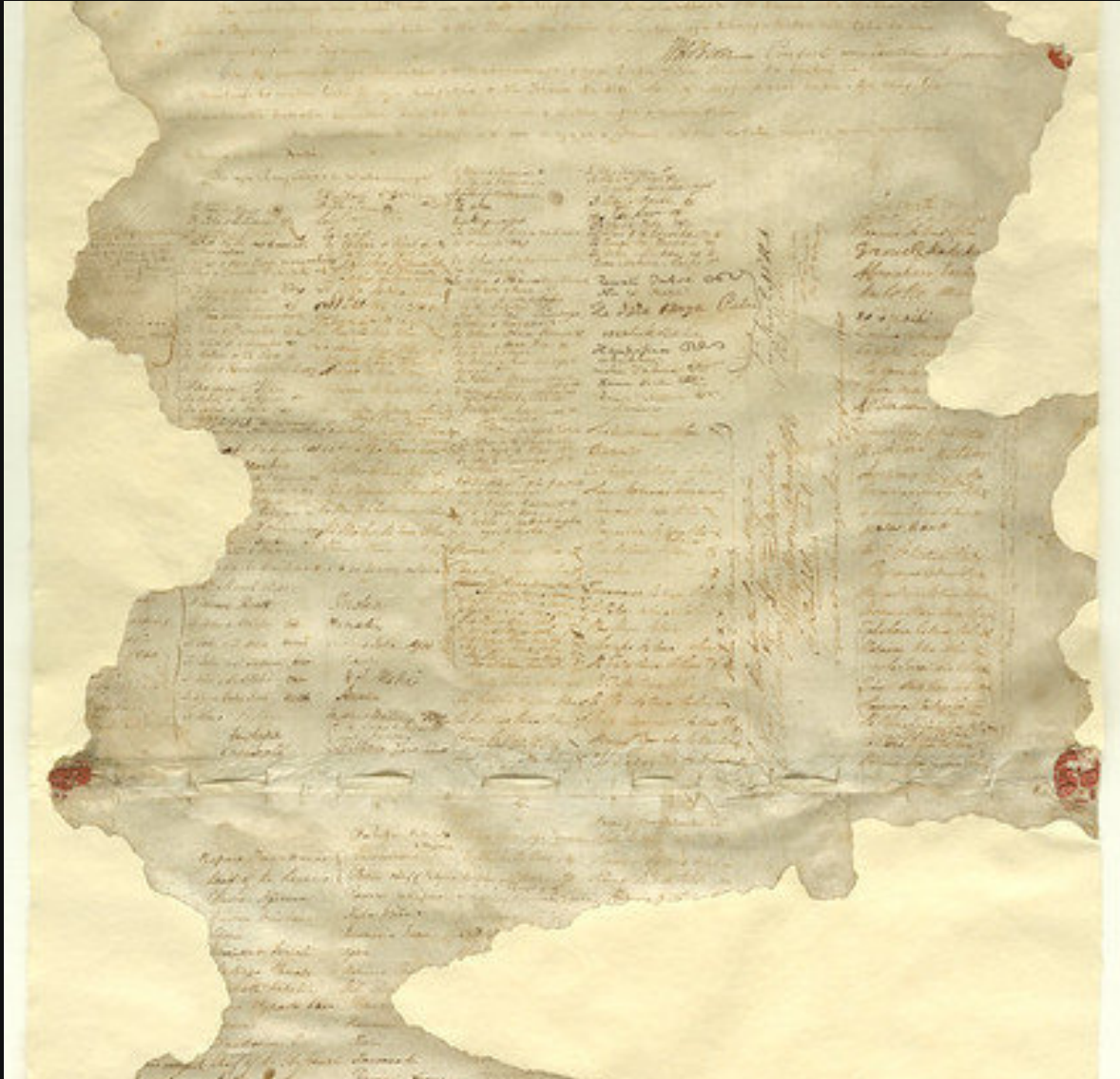
He Whakaputanga

- Signed in 1835
- Declaration of Independence
- Set the scene for Te Tiriti o Waitangi

" *He whakaputanga was - and remains - proof the rangatiratanga and mana of Māori had been clearly articulated. New Zealand had been a sovereign land under the authority of the united tribes before 1840*

Dr Vincent O'Malley
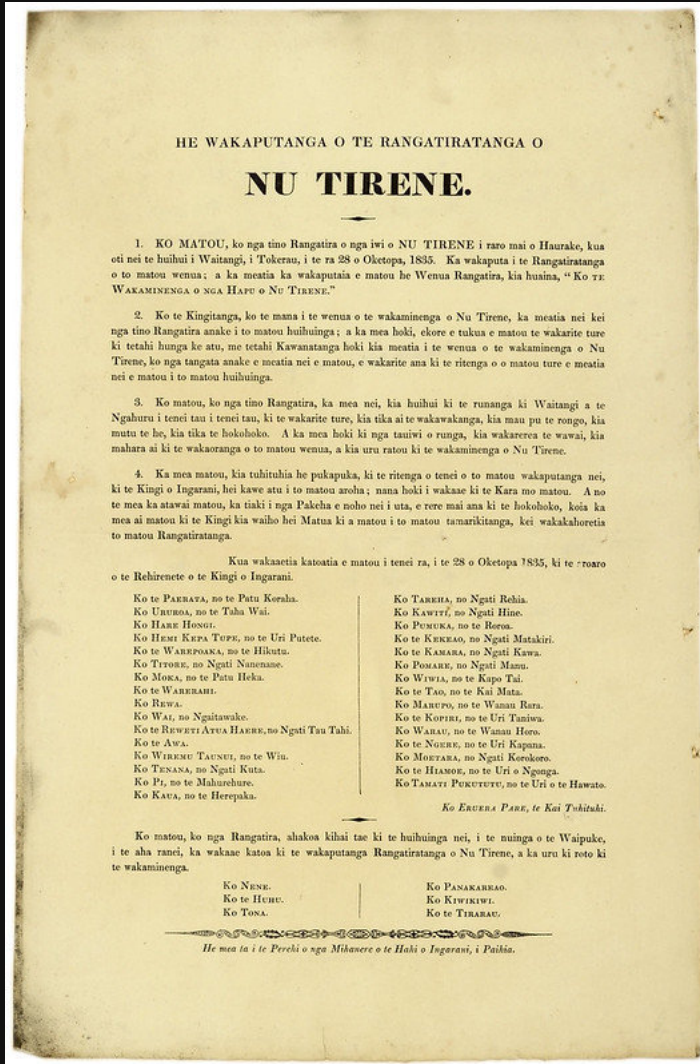
Te Tiriti o Waitangi

- First signed Feb 6 1840
- Given that almost all Māori signatories signed the Māori text, considerable weight should be given to that version.
- The *contra proferentem* rule that in the event of ambiguity such a provision should be construed against the party which drafted or proposed that provision (in this case the Crown) applies.
- Thus kawanatanga not rangatiratanga

Te Tiriti o Waitangi

Wai 1040 report (November 2014) found that Ngā Puhi (and therefore Māori) never ceded sovereignty.

> We have concluded that in February 1840 the rangatira who signed te Tiriti did not cede their sovereignty. That is, they did not cede their authority to make and enforce law over their people or their territories. Rather, they agreed to share power and authority with the Governor. They agreed to a relationship: one in which they and Hobson were to be equal – equal while having different roles and different spheres of influence. In essence, rangatira retained their authority over their hapū and territories, while Hobson was given authority to control Pākehā.

> While some may see our conclusions as radical, they are not. In truth, our report represents continuity rather than dramatic change. Leading scholars – both Māori and Pākehā – have been expressing similar views for a generation or more. When all of the evidence is considered, including the texts as they were explained to rangatira, the debates at Waitangi and Mangungu, and the wider historical context, we cannot see how other conclusions can be reached.

Te Tiriti o Waitangi

- Wai 2522 - The Tribunal found that the crown had breached Te Tiriti in their TPPA/CTTP negotiations.

The Tribunal agreed with Māori claimants and stated that Māori Data is a Taonga, reinforcing to Māori, that Māori have sovereignty over Māori Data.

- Wai 2575 Health Services and Outcomes Kaupapa Inquiry

Māori data sovereignty was again reinforced in this inquiry

Data Sovereignty

Narrow definition

Data sovereignty comes into play when an organisation's data is stored outside of their country and is subject to the laws of the country in which the data resides.

My context

The ability to exert control over where the data is stored, how it is used, and who it is used by.

Indigenous Data Sovereignty

Indigenous Data Sovereignty is concerned with the rights of Indigenous peoples to control data derived from and pertaining to them, and their knowledge systems, customs or territories.

Maggie Walter and Michele Suina, 'Indigenous Data, Indigenous Methodologies and Indigenous Data Sovereignty', International Journal of Social Research Methodology, 22

Māori Data Sovereignty

" *Māori Data Sovereignty supports a collective sovereign refusal that is both a shutting down of data colonialism, and a simultaneous opening up of an alternative relational approach to data and digital technologies that is grounded in tikanga.*

Tahu Kukutai, Donna Cormack, Chris Cormack, 'Not one byte more' Ch 4, Shouting Zeros and Ones , 2020

What is Māori data?

Māori data refers to digital or digitisable information or knowledge that is about or from Māori people, our language, culture, resources or environments.

Te Mana Raraunga

The purpose of Te Mana Raraunga is to enable Māori Data Sovereignty and to advance Māori aspirations for collective and individual wellbeing by:

1. Asserting Māori rights and interests in relation to data
2. Ensuring data for and about Māori can be safeguarded and protected
3. Requiring the quality and integrity of Maori data and its collection
4. Advocating for Māori involvement in the governance of data repositories
5. Supporting the development of Māori data infrastructure and security systems
6. Supporting the development of sustainable Māori digital businesses and innovations

Principles of Māori Data Sovereignty

1. Rangatiratanga   Authority

2. Whakapapa   Relationships

3. Whanaungatanga   Obligations

4. Kotahitanga   Collective benefit

5. Manaakitangi   Reciprocity

6. Kaitiakitanga   Guardianship

Link to the full pdf

Rangatiratanga
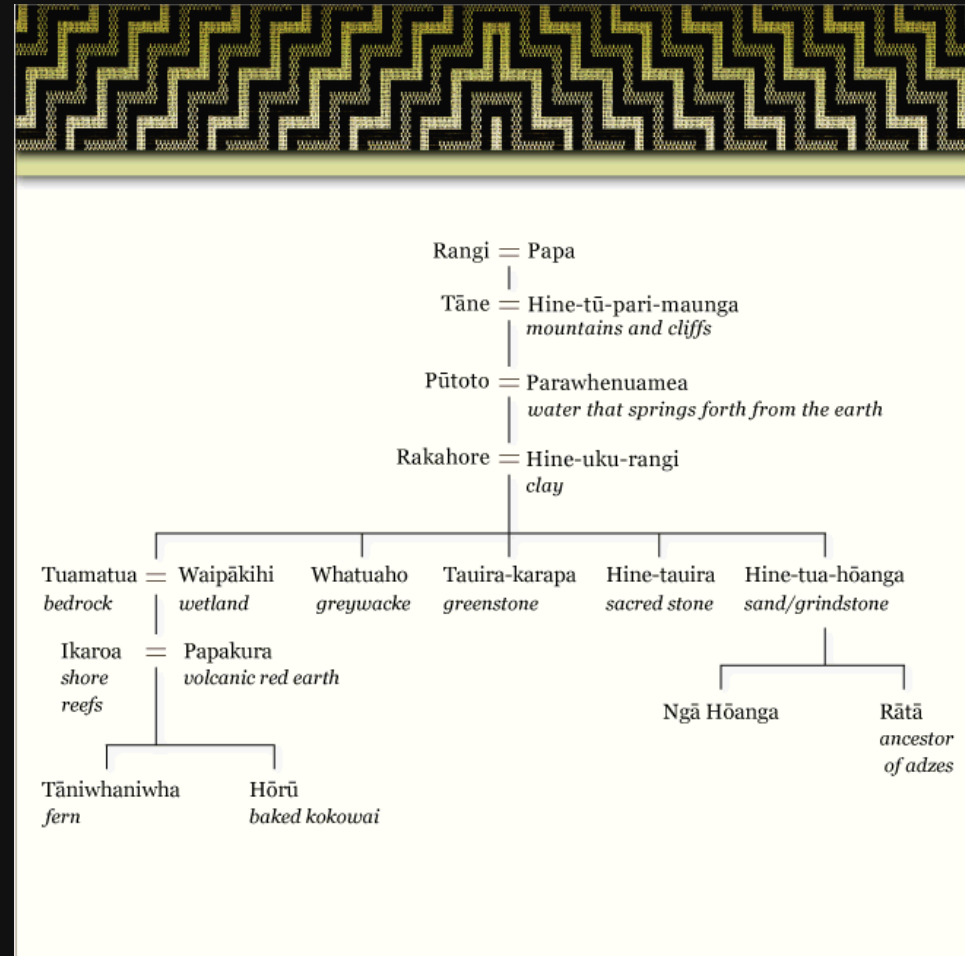
1.1 Control

1.2 Jurisdiction

1.3 Self-determination

Whakapapa

2.1 Context

2.2 Data Disaggregation

2.3 Future use

Te ao turoa: education kit. Auckland: Auckland War Memorial Museum Tamaki Paenga Hira, 2001, p. 15.

Whanaungatanga

3.1 Balancing rights

3.2 Accountabilities

Halswell School

Kotahitanga

4.1 Benefit

4.2 Build Capacity

4.3 Connect

Halswell School

Manaakitanga

Manaakitanga is an old word, but it remains a beautiful way of approaching relationships, whether they be between friends, family, clients or business associates. Living by the principles of manaakitanga means stopping to ask "whose mana am I encouraging?" and "am I elevating others?" – whether that be through words or actions. In uplifting others and giving them respect and aroha, we also hold our own mana in balance.

Kaitiakitanga

6.1 Guardianship

6.2 Ethics

6.3 Restrictions
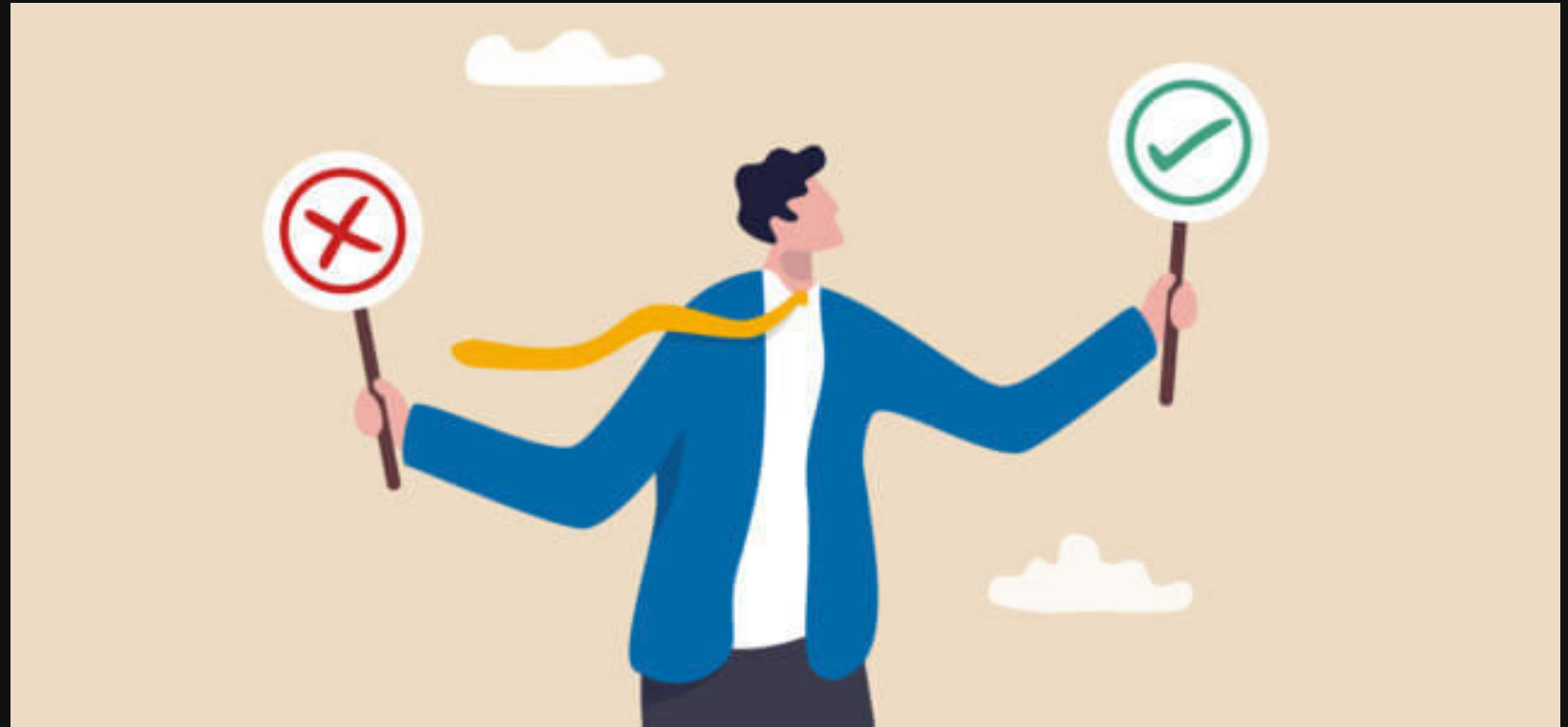
Māori Data Governance Model

https://www.kahuiraraunga.io/tawhitinuku
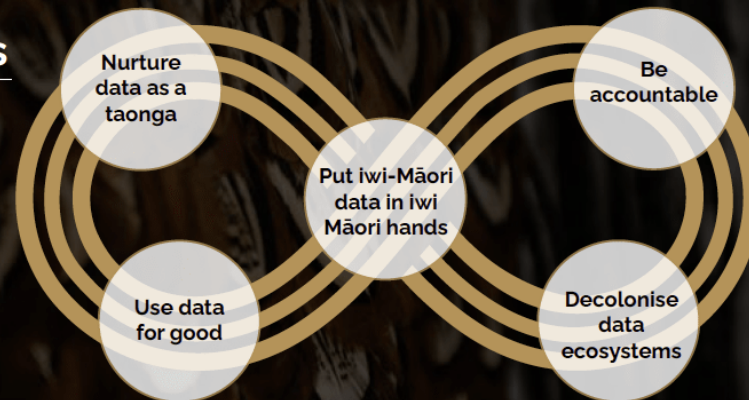
Vision

Tuia te korowai o Hine-Raraunga
- Data for self-determination

This vision enables iwi, hapū and Māori organisations, businesses and communities to pursue their own goals for cultural, social, economic and environmental wellbeing and to address inequities.

Desirable Outcomes:

- The right service, at the right time, in the right way
- Better shared and autonomous decision-making
- A trusted and safe data ecosystem
- Data to drive iwi-Māori economies
- Supporting whānau to flourish
- Reaffirming and strengthening connections to identity, place and te reo Māori

Values

- Nurture data as a taonga
- Be accountable
- Put iwi-Māori data in iwi Māori hands
- Use data for good
- Decolonise data ecosystems

Māori authority over Māori data

Data Pou

1 Data capacities and workforce development

2 Data infrastructure

3 Data collection

4 Data protection

5 Data access, sharing and repatriation

6 Data use and reuse

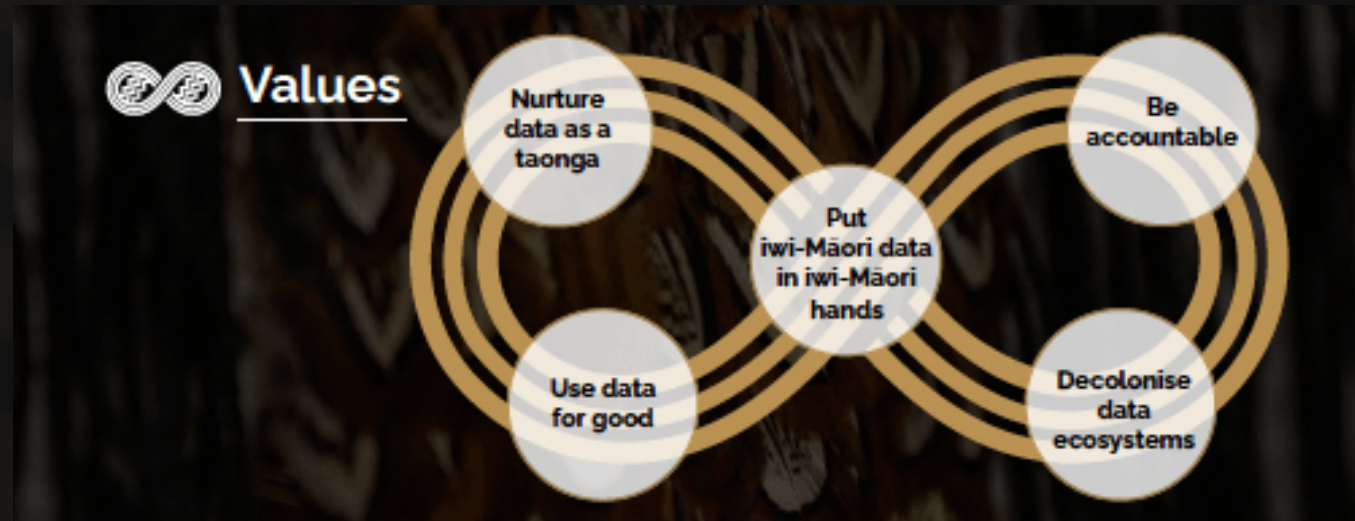**7** Data quality and system integrity

8 Data classification

TE KĀHUI RARAUNGA

Values

- The values are expressed in English to avoid confusion with the uaratanga that guide the Mana Ōrite agreements, and to be readily accessible to target users within the public service.
- Each of the values makes an important contribution to MDGov and are integrated throughout the Model. The values are intended to work together to guide practice to achieve the overarching vision - **'Tuia te korowai o Hine-Raraunga': Data for Self-determination.**

TE KĀHUI RARAUNGA

> *" Many Māori are sceptical that data-driven solutions can work without significant input from people with a Māori worldview at all points in the statistical pipeline, from problem formulation to data collection and analysis.*

Caleb Moses - Shouting Zeros and Ones : Chapter 4 : The intergrated data infrastructure, 2020

He raru ki tai

" *These life-course risk models will be built on the Integrated Data Infrastructure at Statistics NZ. This powerful database hosts a very wide range of anonymised information about all New Zealanders, including records about tax, earnings and employment records, health, education, and welfare receipt. We will use factors such as age, and early CYF involvement, to predict future offending and victimisation for the resident population of New Zealand.*

The Investment Approach to Justice: Taking Integrated Offender Management to Police, Justice and the wider social sector **- Tim Hughes** *Principal Adviser, Ministry of Justice*

Tētahi atu raru ki tai

" *Individuals in general experience the dispossession of their data, but marginalized persons and groups experience additional ways in which their data is "colonized" and used to further discriminate against them.*

(Big) Data and the North-in-South: Australia's Informational Imperialism and Digital Colonialism

- Monique Mann and Angela Daly

> " *Collectors view the world in a particular way. Before the action of collecting begins, the person has designed 'the pretty', 'the object of desire', 'the resource' in their minds; they have composed collections with missing pieces; they have devised the search and the seeking. Their external world becomes a hunt, a trigger of recognition that shapes and manifests their desires. In this world, indigenous peoples live, being the collected, the named, the classified, the commons, the public domain, the protectors of the desired, the obstacles, the remnants, the fascinating, the reviled, the disappointing, the occupiers - a myriad of projections and illusions.*

Cultures of Collecting - Cherryl Smith

How do we combine a kaupapa Māori approach with the rush into the digital/data driven world?

Kaupapa Māori is always mindful of context

So it encourages us to do this in data science

So we must put stuff in context, not see things as isolated data points

We must understand the whakapapa of the data

And we must be attentive to history

This will make all data science better

The Good Data Manifesto

We are used to asking:

- What do we do with all these data?
- How do we catalogue them?
- How should we use them?

Less often we consider the questions:

- Should we collect, aggregate, catalogue and exploit these data?
- If so, how?
- What would be ethical means for doing so?

Good Data -Edited by Angela Daly, S. Kate Devitt and Monique Mann.

http://networkcultures.org/blog/publication/tod-29-good-data/

Organisations working on Data sovereignty

- Te Mana Rarauranga
- US Indigenous Data Sovereignty Network (USIDSN)
- OCAP® (Ownership, Control, Access, Possession)
- Maiam nayri Wingara

Questions?