

QUT Digital Media Research Centre submission to Review of the National Agreement on Closing the Gap Draft Report

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We are researchers in QUT's Digital Media Research Centre. The DMRC is a global leader in digital humanities and social science research with a focus on communication, media, and the law. Our Digital Inclusion and Participation program actively works with government, industry, non-profit and for-purpose organisations to undertake a range of research on digital inclusion throughout Australia. For more information about this submission, contact Dr Jessa Rogers:

We are pleased to have the opportunity to provide further information on issues raised by the draft report on the Review of the National Agreement on Closing the Gap. This submission is our response to the Productivity Commission's (2023) request for information on *Indigenous data sovereignty* and *Priority Reform 4: Aboriginal and Torres Strait Islander-led data*.

Recent research projects related to improving digital inclusion for Aboriginal and Torres Strait Peoples are:

- [Connecting in the Gulf: Understanding and addressing digital inclusion in low-income Indigenous families living on Mornington Island](#)
- [Improving the Outcomes of Indigenous Boarding School Graduates](#)
- [Advancing digital inclusion in low income Australian families](#)

Based on evidence from this and other research, we submit the following for consideration.

Indigenous data sovereignty and CTG Priority Reform 4

We open by reiterating the ongoing call from Australian Indigenous communities at large that Indigenous voices must be centered at all stages of the design, implementation, monitoring, and evaluation of the National Agreement on Closing the Gap. Further co-design with communities will ensure the effectiveness of governance and policy arrangements, service delivery to Aboriginal community-controlled organisations, and, a comprehensive approach that is informed by both Indigenous data, and digital, sovereignty.

Our research tells us that in order for this to happen, there must be significant improvement in the way data is collected, used, and maintained about Indigenous communities on a variety of areas covered by the National Agreement on Closing the Gap, particularly [Target 17](#): *by 2026, Aboriginal and Torres Strait Islander people have equal levels of digital inclusion*.

Based on our research we suggest:

- Investing in research, led by Aboriginal and Torres Strait Islander peoples, into digital inclusion, digital sovereignty, and data sovereignty, in urban, regional and remote Indigenous communities;
- Being led by principles of both data sovereignty and digital sovereignty, including community-controlled digital inclusion and development;
- Introducing targeted, culturally appropriate programs to improve digital skills in Indigenous communities, centred on the specific needs and wants of each community. These programs could be embedded in or supported by existing social infrastructure, including community organisations, public libraries, and Indigenous Knowledge Centres to ensure communities can have an informed voice regarding digital inclusion;
- Exploring the impact of digital inclusion on Country and long-term effects it will have, to ensure Indigenous rights including free, prior and informed consent are considered when digital infrastructure and services are offered to communities.

We note that the Commission recognises the limited progress in implementing large-scale changes to data systems and practices, and the recognition that this may be due to a lack of shared understanding regarding the aims of Priority Reform 4. We agree that communities see this aim as related to Indigenous data and digital sovereignty, and that the Agreement and related government statements should both be led by the principles of Indigenous data and digital sovereignty and articulate this aim clearly. Without such clarity, Priority Reform 4 is unlikely to be achieved. Our research tells us

- Partnerships with Aboriginal and Torres Strait Islander people based on clear and transparent principles of data and digital sovereignty will improve the collection, management and use of data that relates to Aboriginal and Torres Strait Islander people;
- There have been minimal changes in the way the Federal, State and Territory Governments use and gather Indigenous data, employ Indigenous research (including Indigenous research methods and methodologies), and, a lack of shared ownership of Indigenous data, also marked by a paucity of opportunity for Aboriginal and Torres Strait Islander leadership in Indigenous data governance and data usage agreements.
- Many current measurement and evaluation processes used for measuring the success of digital inclusion programs are not culturally appropriate.

Toward this end, we recommend:

- the Agreement explicitly commit all Governments to working towards achieving *both* Indigenous data, and digital, sovereignty;
- that clear and distinct definitions and principles of data sovereignty, and digital sovereignty, are articulated and adopted in the Agreement;
- that implementation plans articulate how Aboriginal and Torres Strait Islander people's data will be managed across governments according to the above principles, and

- that Governments consider digital and data sovereignty through an Indigenous rights lens, applying principles of co-design and community control to the expansion of digital services and providers, infrastructure, and training and education.

Digital Sovereignty and Data Sovereignty

The concept of data sovereignty is “still blurry and conceptually overlaps with similar terminologies, such as digital and technological sovereignty...delimiting data sovereignty from digital and technological sovereignty is crucial” (Hellmeier & von Scherenberg, 2023, p. 1).

The term “data sovereignty” most often refers to what could be described as data self-determination (Banse, 2021; Hellmeier & von Scherenberg, 2023; Hummel et al., 2018; Jarke et al., 2019) including concepts of control of data, anonymity and confidentiality, data integrity and data availability (Hellmeier & von Scherenberg, 2023; Nugraha & Sastrosubroto, 2015).

The term *digital sovereignty* similarly has a blurry definition and is used flexibly in relation to different communities within the literature (Hallinan et al., 2022). It is accepted however that digital sovereignty in a broad sense refers to restrictions or borders, based on territories, including political and land borders, in relation to information and data flow (Cattaruzza et al., 2016; Hallinan et al., 2022). New Definitions specific to Indigenous data have emerged from the American Indian Policy Institute (AIPI). They are:

- **Indigenous Digital Sovereignty:** Indigenous Digital Sovereignty is an umbrella term that overarches concepts of Indigenous Network Sovereignty and Indigenous Data Sovereignty. Indigenous Digital Sovereignty is both the information and the physical means by which that information transfers, governed by a community’s policies and codes that control the data, infrastructure, and networks.
 - **Indigenous Data Sovereignty:** Indigenous Data Sovereignty is a subset of Indigenous Digital Sovereignty, and the terms should not be conflated. Data sovereignty refers to what flows through the network; it is intangible information. Data sovereignty refers to control over data transmitted on the network.
 - **Network sovereignty** is the physical infrastructure. Network Sovereignty refers to the act of building and deploying networks, which is the process of implementing Tribal self-determination policies (Delmar, 2023).

Sovereignty and self-determination are critical aspects of broadband and telecommunications investments in Tribal communities. Putting in a network is an act of self-determination. It is nation-building...It is exercising sovereignty in the active sense, not the philosophical sense.

*- Dr. Traci Morris, Executive Director, American Indian Policy Institute
(Delmar, 2023)*

Rolan et al. (2020) note that data sovereignty is a significant yet frequently overlooked issue among marginalized and displaced communities. Human rights are well-documented at

international, national, and local levels, but the realization of these rights is heavily reliant on data sovereignty, encompassing control and access rights to data, information, and records. A lack of agency over data affects large groups of individuals in society, but it particularly harms marginalized and displaced groups. For Indigenous communities, particularly remote and regional communities with lower levels of digital inclusion, the issues of digital sovereignty and data sovereignty become more acute (Rogers et al., 2023). Our previous work with a remote community in Far North Queensland showed the impact that a lack of community control and co-design in digital inclusion has on the accessibility, affordability and digital skills of Indigenous communities, often with intersecting challenges (including remoteness, lack of resources and lower incomes) (Marshall et al., 2023).

Internationally, Ngā Toki Whakarururanga (2023) assert Indigenous peoples rights in the digital domain extend to control over Indigenous knowledge, information and data. In the Aotearoa/New Zealand context, this right falls under Te Tiriti o Waitangi/the Treaty of Waitangi. They reiterate that United Nations Rapporteurs on Health and Privacy have emphasised the importance of establishing systems for Indigenous data sovereignty and Indigenous digital governance, in line with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). In a 2017 report on Big Data and the right to privacy, the Special Rapporteur on Privacy urged both governments and corporations to acknowledge the inherent sovereignty of Indigenous peoples concerning data related to them, including data pertaining to their knowledge systems, customs, or territories.

Connection to Country: Digital Considerations

Recent scholarly work has moved beyond defining (and differentiating) Indigenous digital and data sovereignty, to explore how these concepts might actually be applied as principles of practice in line with Indigenous self-determination and toward goals, such as those within Closing the Gap. Caranto Morford and Ansloos (2021) state: “technology scholars have often framed cyberspace as landless. Critical technology and Indigenous new media scholars have critiqued this approach, citing the land-based nature of Internet infrastructure... (we seek) to further develop the conceptual framework of Indigenous land-based relations...elucidating the land-based nature of the Internet” (p.1). Caranto Morford and Ansloos (2021) rightly identify that throughout the history of digital development, predominant conceptions have frequently depicted the “digital” as disconnected from land, most especially Indigenous land. These portrayals illustrate the Internet (and its technologies) as separate entities, existing in isolation from the interconnectedness that form the basis of Indigenous worldviews and land-based relationships. Indigenous communities however are based on these tangible, spiritual, and imaginative bonds that link all beings to place. It is not hard to understand why digital sovereignty, and data sovereignty, are essential considerations from a connectedness or relatedness standpoint: the interactions between materials sourced from land, and how people harness these resources, as well as the complex interplay of politics and ethics on land and in spaces that intersect with usage/ownership/land rights calls for clarity on what digital sovereignty principles underpin Target 17 and digital advancement in Indigenous communities. As Simpson (2017) states, “land-based relationships are the foundation of Indigenous thought” (p. 213), but more importantly, as Duarte (2017) reminds us: it “consider the terms and phrases *information wants to be free... Internet pioneer*. For Native peoples, it is as if the imperial urge to westward expansion moved into the cybersphere” (p. 113). Concepts of ‘virtual colonisation’ are of real concern to Indigenous people as

metaworlds emerge (including digital purchase of land owned by Indigenous nations): “settler colonialism in cyberspace reveals the connections between issues of land, cultural, and digital Indigenous sovereignty” (Caranto Morford & Ansloos, 2021, p. 300). Digital sovereignty is not just a concept to be defined – it is the ambition and aim of Indigenous communities to ensure their rights are upheld in all spheres of life, including the digital, and, that co-design of any development in physical or online spaces, that relates to Indigenous peoples or data in reference to Indigenous peoples, is controlled by Indigenous communities themselves.

Without delving too deeply into the effects of technology on Country including environmental destruction, there are many issues that have received little attention regarding what ‘digital inclusion’ would require for remote communities. For example, in order to address the chronic lack of reliable internet, Starlink has emerged as an affordable and more reliable option for those with the income to access their services. The impact Starlink is having, however, on Indigenous Country, including Sky Country (that is, space and skies) is emerging in the literature. As Noon and de Napoli (2022) state, there are:

...groupings of telecommunications satellites working together to provide internet coverage to the world...each trying to dominate Earth’s outer orbit with megaconstellations and thus the market for internet connectivity...Starlink project has launched approximately 1300 satellites into Earth’s orbit; it hopes to launch another 40,000 over the next ten years...the science is conclusive that increasing the number of satellites will destroy dark skies...devastating not just for Indigenous peoples with cultural connections to the sky but to everyone...As captured by the Bawaka Country group ‘To hurt Sky Country, to try and possess it, is an ongoing colonisation (pp. 114-116).

Adopting the umbrella definition suggested by the American Indian Policy Institute (AIPI), Indigenous data sovereignty is a subset of the overarching key principle of Indigenous Digital Sovereignty. If the Agreement had Indigenous data sovereignty as the explicit objective of Priority Reform 4, the Government would need to undertake significant consultation with a variety of Indigenous communities, to firstly understand the aims and needs of communities in relation to digital inclusion (namely, access, affordability and digital skills or ability, and progress toward these to reach parity with non-Indigenous communities). An Indigenous rights framework, distinct definitions of digital sovereignty, and data sovereignty, and consultation with communities regarding their wants and needs for digital inclusion on their Country is essential, as some communities may not want a greater level of digital inclusion. Some communities are struggling with the internet and the social effects of a rapid update by young people, while Elders are left behind (Rogers et al., 2023) and the progress in such communities toward Target 17 under Digital Sovereignty calls upon the Government to allow communities to lead these processes.

The impact of digital inclusion on Country, including Sky Country, is an urgent and essential consideration for the Government if they are to have Indigenous digital sovereignty as an underlying principle. Data sovereignty, however, calls for a slightly different focus. Again, consultation is required to understand from discrete communities, how they wish to govern and share ownership of data gathered, held, and used about Indigenous peoples. These co-design principles and practices should come before Targets and with such a short time

frame until Target 17 is to be reached, the Government needs to invest in much larger and greater consultation and provide formal avenues for a great deal more voices beyond initiatives such as the [First Nations Digital Inclusion Advisory Group](#). Linking with other existing bodies, such as ACCAN's [Indigenous Steering Committee](#) and investing in Indigenous research regarding how not only Indigenous data sovereignty, but digital sovereignty, can be embedded throughout all digital aspects of Closing the Gap would be essential.

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