



Indigenous Peoples, Data, and the Coloniality of Surveillance

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INTRODUCTION

We tend to associate practices of population surveillance with Western modernity and the intensification of security routines with the last decade defined by the “Global War on Terror”. I suggest, however, that proliferation of methods to monitor and control populations are legacies of the practices that were developed in the colonies to manage civilian populations. (Berda, 2013: 627)

Surveillance is an enduring characteristic of colonialism for Indigenous peoples (Smith, 2009; Smith, 2012). In Aotearoa NZ, as in other settler colonial societies, Māori have long been subject to surveillance by state institutions and agents. While the colonial gaze often makes claims to

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neutrality and objectivity (Smith, 2012), state representations have centred on constructions of difference and deviance, on understandings of Indigenous peoples as dangerous, and on the management of Indigenous resistance to colonialism.

This chapter considers how surveillance functions to regulate and manage Māori peoples within the context of the racialised social divisions fundamental to coloniality. In line with the work of decolonial scholars (e.g. Grosfoguel, 2004, 2016; Maldonado-Torres, 2007; Mignolo, 2007; Quijano, 2007), coloniality is understood as the colonial beliefs, systems, practices, hierarchies, and power relations that persist beyond formal structures and institutions of colonialism (Grosfoguel, 2004). Through this lens, we can interrogate the continuities that current surveillance approaches to Indigenous peoples have with the racialised logics and social orders set in place as part of global systems of imperialism and colonialism. We recognise the diverse histories and experiences of Indigenous peoples globally, while also acknowledging shared experiences of colonial oppression, dispossession, and extraction and how these play out through contemporary forms of data colonialism.

Surveillance practices and techniques have shifted with changing data environments and relations such that algorithmic and biometric surveillance are now commonplace (Kak, 2020; Murphy, 2017). In an era of big data and datafication (Couldry & Yu, 2018), there are myriad possibilities for monitoring individuals and groups in ways that deepen power asymmetries and perpetuate harm. Many kinds of data are generated, captured, and used without consent and sometimes without the knowledge of those from whom the data originated. The secondary use of data often extends far beyond its original purpose (Martin-Sanchez et al., 2017), and data are accumulated and stored in massive data warehouses across the world. A key feature of contemporary state surveillance practices in Aotearoa NZ is the extensive use of big data and linked government datasets for varied purposes, including attempts to predict future behaviours and outcomes (Kukutai & Cormack, 2019). As a member of the Digital Nations “network of the world’s most digitally advanced nations”,¹ Aotearoa NZ is considered at the leading edge of data innovation. It thus makes for an instructive case study in which to consider the potential implications of data practices for Indigenous peoples more broadly.

¹ digital.govt.nz/digital-government/international-partnerships/digitalnations/

Recognising that resistance has always been a part of Indigenous responses to colonialism, this chapter also explores how Māori are asserting rights to Māori Data Sovereignty to counter and disrupt prevailing data relations, as part of broader Indigenous Data Sovereignty movements. Simultaneously an Indigenous social movement, and a burgeoning field of Indigenous-led research² (Carroll et al., 2019; Kukutai & Taylor, 2016; Walter et al., 2021; Walter & Suina, 2019), Māori Data Sovereignty is fundamentally about Māori control of Māori data to advance Māori self-determination (Kukutai & Cormack, 2019). The concept of self-determination is closely connected to the articulation of Indigenous Peoples' rights in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and domestic treaties.³ A central tenet of Indigenous self-determination is that Indigenous peoples have an inherent right to be in control of their destinies and to create their own political and legal organisations (Toki, 2017). Seen in this light, Indigenous sovereignty over Indigenous data is an extension of Indigenous peoples' fundamental right to self-determination. This (re)orientation allows us to explore contemporary data colonialism from within Indigenous frameworks of collective self-determination and collective rights. It also encourages alternatives grounded within the knowledges and lived experiences of those peoples who are most impacted negatively by ongoing coloniality, and data colonialism more particularly, and to envision data relations and data practices that are anti-colonial, relational, and collective.

COLONIALISM AND THE RACIALISED SURVEILLANCE OF INDIGENOUS PEOPLES

Surveillance was critical to establishing control and managing Indigenous peoples as part of colonisation (Sa'di, 2012). Decolonial scholar Ramón Grosfoguel calls us to be attentive to the centrality of race in colonialism,

² Māori Data Sovereignty is a recognised field of research in the Australia New Zealand Standard Research Classification that was revised in 2020. Accessed here: <https://www.mbie.govt.nz/science-and-technology/science-and-innovation/research-and-data/anzsrc/>

³ In Aotearoa NZ, two crucial treaties are He Whakaputanga (1835 Declaration of Independence) and Te Tiriti o Waitangi (1840 Treaty of Waitangi). Signed between representatives of Queen Victoria and more than 500 rangatira (chiefs), the Treaty of Waitangi is a broad statement of principles on which the British and Māori made a political compact to found a nation-state and build a government in New Zealand. Today the Treaty is widely accepted to be a constitutional document.

noting that within the “imperial/capitalist/colonial world-system, race constitutes the transversal dividing line that cuts across multiple power relations such as class, sexual and gender relations at a global scale” (2016: 11). For Indigenous peoples, race became the central distinction between coloniser and colonised (Quijano, 2005), separating the “zone of being” from the “zone of nonbeing” (Fanon, 1986; Grosfoguel et al., 2015), the *watched* from the *watchers*.

Ideas about racial difference were used to legitimise European dominance—in some instances this equated with outright extermination—and to disqualify the full participation of Indigenous populations in economic and political life (Ittmann et al., 2010). Over time, racial hierarchies became naturalised and embedded through ideological structures, institutional arrangements (including institutional forms of racial discrimination), and state classifying practices. The latter are instructive in so far as they reveal the deeper ways in which racial structures (Omi & Winant, 1986) prescribed differential access to rights, social goods, and opportunities.

In Aotearoa NZ, as in other settler colonial societies, racial classification practices not only created divisions between coloniser and colonised, but also created hierarchies of difference among native peoples based on perceived racial and cultural proximity to Europeans. Until as late as the 1950s, New Zealand census reports included lengthy commentaries about the imagined Aryan and Asiatic origins of Māori (Kukutai, 2012). The number and growth of the ‘Maori-European half-caste’ population was closely monitored as their proportion relative to Maori ‘full-bloods’ was seen as an important indicator of the rate of ‘racial amalgamation’ (Ward, 1974). Unsurprisingly, many tribes viewed census-taking with suspicion, perceiving it to be linked with taxation, conscription, and land alienation. Tribes aligned with the Kingitanga—a Māori political movement established to preserve Māori autonomy over Māori lands—were especially uncooperative (Kukutai, 2012).

The power to define the boundaries of Māori identity was firmly under settler control and pursued largely for the benefit of the nation-state. State categorisations of race were also at odds with complex and nuanced Māori ways of defining and describing collective belonging that emphasise connections and relations with kin—past, present, and future—and with the natural world (Burgess & Painting, 2020; Mahuika, 2019). However, these racial classifications became the primary categories around which the surveillance of Māori was organised as a state activity in order to measure

progress with goals of assimilation and to control or disrupt connections to land. In his analysis of race and colonial land law, Meredith argues that “persuading Maori to embrace European habits, customs, and English language was one measure of getting them to accept the law” and through that persuasive action, access to Māori land (Meredith, 2006: 106). The explicit effect of being declared a European under Section 17 of the Native Land Amendment Act was the Europeanisation of the applicant’s land—in effect, the removal of protective mechanisms extended to Māori land.

In tandem with the categorisation of Indigenous peoples into racial categories, the coloniser was constructed as a knowing subject and Indigenous peoples as knowable objects (Quijano, 2007; Smith, 2012). As Linda Tuhiwai Smith (2012) notes, much of the early knowledge about Indigenous peoples was through practices of observing, documenting, and collecting. These practices were not neutral or benign (Smith, 2009), but, rather, represented a colonial proclivity to “‘listen in’ on the subaltern, whether through surveillance, bio-piracy or reified forms of consumption” (Byrd & Rothberg, 2011: 6). They formed the framework for later forms of more systematic and mass surveillance, including those that rely on supposedly neutral datasets. Over time they created hierarchies of ‘epistemic credibility’ (Alcoff, 1999) in terms of who could know and who could be known. In this way, the white colonial became the reliable knower and, in relation to surveillance, the credible watcher. Surveillance then is linked to *hierarchies of knowledge* in colonial societies and represents another form of the epistemic violence (Smith, 2012) that is enacted as part of colonial projects.

SURVEILLING AND MANAGING INDIGENOUS DEVIANCE AND THREAT

In the colonial common sense story about Māori, Māori difference is often constituted as deviance (Barnes et al., 2012), a narrative evident elsewhere as a common trope of colonisers about those whose lands they invade (de Leeuw et al., 2010). Surveillance was integral to this production of the discourse of surrounding Indigenous compliance with, or deviation from, newly imposed Westernised and capitalist norms (Smith, 2009). While particular manifestations of this discourse varied over time and context, a persistently repeated construction was that of deviance as dangerous. At times, the danger was framed as a biological threat from

diseased or unsanitary bodies (Dow, 1999; Wanhalla, 2006), at other times as a moral threat. In dominant elite discourses, Māori were also represented as a physical threat to (non-Māori) property and life, thereby justifying the dispossession and violence that occurred.

In this narrative of danger, the threat of violence or “rebellion” was produced as constant (Smith, 2009). Scholars have suggested that ‘anxiety, fear and *angst*’ amongst colonisers were central elements of colonisation, manifesting as a “colonial panic” (Fischer-Tiné & Whyte, 2016: 2). Moana Jackson notes that Māori have been constructed as a threat “whenever they have questioned their dispossession or whenever the colonisers wanted to keep them in a position of political powerlessness and economic inequality” (Jackson, 2016: 2). Like all settler colonies, land acquisition was paramount in Aotearoa NZ along with the suppression of Indigenous political and economic autonomy. For at least two decades following the Treaty of Waitangi (Orange, 1987), Māori dominated the produce trade, with one newspaper reporting that the Māori market share in some main centres “was so large indeed as to as to nearly monopolize the market and to exclude the Europeans from competition” (Belich, 1996: 215). The level of Māori control over trade and land was viewed as a distinct threat to the economic ambitions of the rapidly growing settler colonial population and was an important factor in the invasion of the Waikato region and confiscation of more than one million acres from tribes. Labelling Māori as “rebels” was a key part of the process of justifying ongoing dispossession, facilitated through the *Suppression of Rebellion Act 1863* that was “passed to enable the ‘legal’ suppression of actual and often armed Māori resistance to the depredations of the Crown, and led ultimately to the raupatu or confiscation of thousands of acres of our land” (Jackson, 2016: 7).

Observation, measurement, monitoring, and surveillance were thus linked not only to discursive practices of categorisation but to material incursions into the lives of Indigenous communities. As the focus turned from the security of the land to the management of peoples, “colonial regimes developed sophisticated forms of control through documentation and surveillance” (Berda, 2013: 628) that allowed the state to determine where it needed to intervene:

The underlying impetus of all this observation and intelligence gathering was to provide a portrait of the progress of colonial rule. It identified

individuals and groups that were adhering to state policies, and singled out those who were not for further remedial discipline. (Smith, 2009: 17)

This “remedial discipline” took many forms for Indigenous communities already subjected to the violent dispossession of lands. Colonial state institutions and agencies, such as the Native Schools, child ‘welfare’, and policing systems, were instrumental in the ongoing surveillance and enforcement of compliance with state goals of assimilation. While changes in technological capabilities have allowed for the surveillance of Indigenous peoples to occur in new and more sophisticated ways, the underpinning racial and colonial beliefs endure. Although often framed in relation to concepts of safety and security, contemporary state surveillance practices have a primary interest in maintaining state power and control. O’Connell, drawing on Genel (2006), notes that

the paradox of biopolitics is that protection for some is fully tied to harm for others; others who must be positioned as intolerable, outside of humanity. Colonial and imperial logics are built on knowledge practices designed to define and manage populations, and establish the right to rule. (O’Connell 2016: 79)

In Aotearoa NZ, this positioning of some groups as worthy of protection, and others as risky or potentially dangerous, continues to be a fundamental part of the mindset of contemporary surveillant practices that often involve states and corporations ignoring, undermining, or explicitly breaching human rights. Since the early 2000s, state surveillance powers in Aotearoa NZ have increased considerably (Keenan, 2016). The 2002 *Terrorism Suppression Act* significantly expanded state powers of surveillance (Wakeham, 2012) and within five years was invoked to justify state paramilitary raids across the country (Wakeham, 2012). Most of those people arrested in the October 2007 raids were Māori (12 out of 17 people). The ‘Tuhoē raids’ that took place in Te Urewera were the most violent and included barricading off whole communities, which did not happen in other areas where raids took place (Jackson, 2016; Keenan, 2016). The *Terrorism Suppression Act* was used by the police to carry out intrusive covert surveillance of a number of people prior to the raids; however, no charges were eventually brought under the Act. Wakeham (2012) suggests that the subsequent framing of the raids by the government and the police perpetuated fear, even in the absence of evidence to support any

terrorism activity having occurred. The raids also highlighted the contingent nature of citizenship for Indigenous peoples in colonial settler states, whereby Indigenous membership is sufficient to justify state interventions or actions that fundamentally violate individual human rights. The same point can be made of the notorious Northern Territory National Emergency Response in Australia, which also raised serious human rights concerns (Australian Human Rights Commission, 2008).

According to Lloyd and Wolfe (2016), the expanded investment in, and use of, surveillance within nation-states as part of the ostensible ‘war on terror’ has happened alongside reductions to state investment in social services and the increased involvement of the private sector. The ‘paramilitarization of the police’ is seen as part of a broader response to the domestic threat of “disaffected, unincorporable masses” (Lloyd & Wolfe, 2016: 109). In fact, the close relationship between the police and the military has been a feature of policing in Aotearoa NZ since colonisation (Hill, 2016). Similar parallels were drawn in a letter to the New Zealand Government from the Special Rapporteurs on the promotion and protection of human rights and the Secretary-General’s Special Representative on Human Rights Defenders. In it they “expressed concern at the extent of surveillance, the interception of telephone calls, and the monitoring of computer accounts since 2005. Concern was expressed that the arrest of Māori might be connected to their historic struggle for land and political rights” (Keenan, 2016: 26–27).

In this sense the over-surveillance of Māori in relation to the October 2007 raids was not particularly novel, nor was the use of disproportionate and excessive force (Jackson, 2016). Rather, this was a continuation of a grim history of excessive state force including armed raids on the Māori pacifist community at Parihaka in 1881 (Buchanan, 2018) and on Maungapōhatu in 1916 to arrest the Tuhoe prophet Rua Kenana on concocted charges of sedition (Binney et al., 1979). Māori continue to be policed and incarcerated at significantly higher rates than non-Indigenous New Zealanders and to be treated harshly by the legal system (Human Rights Commission, 2012). Like other Indigenous children in colonial settler states (SCRGSP, 2018; de Leeuw et al., 2010), Māori children also continue to be much more likely to be taken into state ‘care’, that is, removed from their homes by the state (Office of the Children’s Commissioner, 2016), with Māori making up over 60 per cent of all children in foster care in 2017 (Keddell & Hyslop, 2019).

COLONIAL SURVEILLANCE IN AN ERA OF BIG DATA IN AOTEAROA NZ

Surveillance has taken a dramatic turn in the digitally enhanced era of big data with myriad possibilities for monitoring individuals and groups, including algorithmic surveillance (Murphy, 2017), biometric and facial recognition technologies (Gates, 2011), licence plate readers, CCTV (Waiton, 2010), cell phone data (Gellman & Soltani, 2013), and the monitoring of social media use (Owen, 2017). The secondary use of data often extends far beyond its original purpose and without explicit consent. In Aotearoa NZ, successive governments have enthusiastically embraced the use of large, linked datasets to identify social liabilities and risks and to direct social funding to try and realise greater returns on investment (NZIER, 2016). One of the data innovations at the centre of this data-driven investment approach is the Integrated Data Infrastructure or IDI (Stats NZ, 2018a). The IDI links census data for the whole population with a number of key administrative and survey datasets from a range of sectors and government agencies, including tax, education, health, child welfare, justice and corrections, and police data, including the NZ Police ‘gang registry’. The data in the IDI are de-identified once linkage has occurred, and a number of technical safety mechanisms are in place for use of the dataset (Stats NZ, 2018a). However, concerns have been raised about the IDI (Jonas, 2018; Kukutai & Cormack, 2019). Although data are de-identified before being made available to researchers, the linking of multiple data sources enables new forms of surveillance that exist outside of ethics and other privacy or consent mechanisms (O’Connell, 2016). Linkage is generally not based on individuals’ informed consent for their data to be included in the IDI, shared between agencies, or linked to other datasets, and there are few mechanisms for opting out. Most data are collected as part of other routine or survey collections, so people may be unaware that the data they provide will be able to be linked to multiple other data sources in a way that allows for them to be tracked over time and across social services.

The Young Parent Payment (YPP) is an example of the construction of social liabilities and the use of data sharing to monitor perceived risk. The programme, which provides financial support for 16–19-year-old parents who meet the eligibility requirements, uses “information and technology to monitor outcomes and financial sanctions to enforce new compulsory social obligations for both parent and child” (Ware et al., 2017: 503).

These obligations include attending budgeting and parenting skills courses and enrolling in a Teen Parent Unit after the baby has reached the age of one. Recipients are subjected to levels of monitoring and surveillance that other beneficiaries are largely exempt from (Ware et al., 2017). As Māori women account for more than half of teenage pregnancies (Stats NZ, 2020a, 2020b), these surveillance practices have a disparate impact on Māori communities.

In the era of big data and extensive data linkage, state surveillance now involves predicting future potential risk (Capatosto, 2017), through the use of predictive risk and actuarial modelling approaches. Governments are increasingly using algorithms to supplement or replace human decision-making, motivated by a desire to reduce costs while meeting targets for service delivery. Cognitive and other sorts of bias can penetrate machine learning and algorithms in various ways. As Capatosto notes, “human beings encode our values, beliefs, and biases into these analytic tools by determining what data is used and for what purpose” (Capatosto, 2017: 3).

Innovations in data linking technologies in Aotearoa NZ have made it possible to identify and track individuals and, to a lesser extent, families, over time, and across their interactions with government-funded institutions. Predictive analytical approaches have been developed in a number of sectors, using historical case data to predict the risk of an ‘event’ occurring in the future. The rationale is often that early detection enables early intervention and prevention. Internationally, researchers and scholars have identified how these approaches target specific social groups, often entrenching already oppressive social hierarchies (e.g. Benjamin, 2019a, 2019b; Eubanks, 2018). In Aotearoa NZ, predictive tools have been used in the area of youth unemployment (NEET), family violence (SAFVR), and reconviction and reimprisonment (RoC*RoI) (Stats NZ, 2018b). There are major issues to this practice for Māori (Blank et al., 2015; Keddell, 2015, 2016). Over-surveillance of Māori historically, in particular by police, corrections, and other punitive and disciplinary institutions, means that data about Māori are more likely to be included in government datasets. In the context of child protection, one of the main issues affecting the accuracy of predictive risk approaches is that it relies on substantiation data as the outcome variable. As Keddell (2014) notes, “‘visibility bias’ affects initial notifications to child protection services ... and tend to over-identify those who are poor and those overrepresented within the poor—Maori, Pasifika and women”.

An example of this predictive risk approach in Aotearoa NZ was the stated intent by the Department of Corrections in 2016 to use the IDI to create actuarial risk models for the entire population which could, in the future, be used as part of decision-making at the frontline of corrections decisions (Hughes, 2016). In 2020, 52 per cent of people in prison were Māori (Department of Corrections, 2020); for women in prison, it was 63 per cent. The risks associated with the pre-emptive risk approach will clearly be disproportionately borne by Māori, particularly when criminal justice reform in Aotearoa NZ has favoured “retributive” rather than “transformative justice” (Te Uepū Hāpai i te Ora, 2019).

The era of increased data sharing and data linkage between government agencies creates new platforms for state surveillance of Indigenous peoples that extend and reify existing colonial, racialised biases (Carroll et al., 2021). In this sense, they facilitate even greater surveillance of people who are constructed as a potential future risk or liability, representing a new form of colonial angst. Increased mechanisation does not disrupt the racial logics built into the datasets or embedded within the institutions involved in surveillance. What it can do, however, is obfuscate the role of non-Indigenous decision-makers, including the state, in the lives of Indigenous peoples. The colonial white gaze is built into new modes of monitoring such that the state remains the watcher and never the watched. Simultaneously, it perpetuates conditions whereby Indigenous peoples are always known, never able to be unknown, and never the knower. Aligning with Foucault’s discussion of the Panopticon and power “based on a system of permanent registration” (Foucault, 1979: 196), current modes of surveillance through the use of ‘big data’ reinscribe neoliberal individualism in ideas of the pre-eminence of the individualised knowable subject, who now exists as a series of linked data points, potentially indefinitely.

MĀORI DATA SOVEREIGNTY: RESISTANCE AND SELF-DETERMINATION

Just as surveillance has been a constant feature of colonialism in Aotearoa NZ, so too has Māori resistance (Walker, 1990). This includes resistance to the racial logics and classificatory systems that underpinned state surveillance (Kukutai, 2012). In *Dark Matters: On the Surveillance of Blackness*, Browne (2015) proposes “dark sousveillance” as a way of

conceptualising opposition to surveillance and “complicating” the notion of the Panopticon:

As a way of knowing, dark sousveillance speaks not only to observing those in authority (the slave patroller or the plantation overseer, for instance) but also to the use of a keen and experiential insight of plantation surveillance in order to resist it. (2015: 21)

The notion of the ‘watched’ deploying their own forms of intelligence and agency to look and speak back (Browne, 2015) at the ‘watchers’ resonates. Māori have long repurposed data collected by the state as a form of counter-surveillance. For at least four decades, Māori health researchers have assembled and analysed data about Māori health inequities to monitor the impact of state actions, policies, and programmes on Māori (Robson & Harris, 2007; Pomare, 1980; Pomare & de Boer, 1988). Their efforts have served to both witness the repeated breaches of Māori rights under the Treaty of Waitangi and the UNDRIP, and provide evidence for claims against the Crown for its failures to protect Māori health (Ministry of Health, 2019).⁴ In other areas, such as environmental and natural resource management, Māori researchers, organisations, and communities have developed their own Māori values-based indicators to monitor changes over time in ways that are culturally meaningful (Harmsworth & Tipa, 2006; Morgan, 2011) and to hold authorities to account⁵ (Independent Māori Statutory Board, 2019).

More recently, Māori Data Sovereignty has provided a mechanism through which to articulate, and advocate for, a wider set of Māori rights and interests in Māori data—that is, any data that is about or from Māori people, Māori language, culture, resources, or environments (Te Mana Raraunga, 2018). As an approach to data, Māori Data Sovereignty requires a fundamental rethinking of how data should be collected, cared for, used, stored, shared, or restricted. Māori Data Sovereignty principles and

⁴As of June 2020, there were more than 200 claims seeking to participate in what is known as the Health Services and Outcomes Kaupapa Inquiry (Wai 2575). The claims are historical and contemporary and cover a range of issues relating to the health system, specific health services and outcomes, including health equity; primary health care; disability services; mental health; and alcohol, tobacco, and substance abuse. See: <https://www.health.govt.nz/our-work/populations/maori-health/wai-2575-health-services-and-outcomes-kaupapa-inquiry>

⁵In particular, see the five ‘Māori Values’ reports published by the Independent Māori Statutory Board at: <https://www.imsb.maori.nz/value-reports/introduction/>

frameworks also provide a way of thinking through surveillance, and through data practices and relations that are harmful, and to imagine alternative futures that exist beyond a colonial surveilling data system (Cormack et al., 2020; Kukutai & Cormack, 2019).

To that end Māori Data Sovereignty, and Indigenous Data Sovereignty more broadly, complicates prevailing notions of personal data and individual privacy and consent. Issues relating to personal data protection and individual privacy are well defined internationally, with some governments moving to implement stricter regulatory controls around the collection, storage, and use of personal data (e.g. EU GDPR). However, the risks of big data extend far beyond the individual, and personal data is now at “one end of a long spectrum of targets” in need of protection (Taylor et al., 2017). Many of the ways in which data surveillance occurs currently relate not only to individuals but to collectives, whether they are constructed prior to data collection or in analytical and output processes. While there is some recognition that group privacy cannot be reduced to the aggregate privacies of its members (Vis-Dunbar et al., 2011), there are few practical and operational examples of group privacy protection to counter group surveillance. One exception is in Canada, where First Nations communities that have adopted the First Nations Information Governance Centre OCAP® principles have passed their own privacy laws (First Nations Information Governance Centre, n.d.).

Māori have collective data rights—that includes a collective right to not be known by the state and to not be placed into a constructed group, particularly where those groups are manifestations of racialised colonial imaginaries. However, as ‘data subjects’ Māori are included in a diverse range of data aggregations, from self-defined political and social groupings (e.g. tribes) to clusters of interest defined by data analysts and controllers (e.g. children of incarcerated parents). Current regulatory approaches fail to acknowledge, let alone address, the privacy implications of these collective designations. Indigenous Data Sovereignty allows for the consideration of data rights outside of neoliberal conceptualisations of the individual, pushing us to incorporate collective rights and interests and relational understandings of data into contemporary data practices.

Since its establishment in 2015, the Māori Data Sovereignty Network, Te Mana Raraunga (TMR), has taken to task various government agencies over a range of issues including a lack of social and cultural licence to use government administrative data for census purposes, the need for Treaty-based Māori data governance over government-held Māori data, and the

procurement of a facial recognition system by the Department of Internal Affairs (see: <https://www.temanararaunga.maori.nz/nga-panui>). A range of government initiatives has been developed to try to respond to Māori Data Sovereignty (Sporle et al., 2020), but ongoing structural inequities mean there are significant barriers to achieving the sort of transformational change needed (Kukutai & Cormack, 2020). At the international level, the Global Indigenous Data Alliance and Research Data Alliance Indigenous Data Sovereignty Interest Group have led a number of projects to try to influence government and private sector data practices. These include the development of the CARE Principles of Indigenous Data Governance (Carroll et al., 2020a) and guidelines for the use of COVID-19 data with respect to Indigenous Data Sovereignty (Carroll et al., 2021; Research Data Alliance COVID-19 Indigenous Data Working Group, 2020). The latter has been particularly important given the heightened risks that the pandemic has provided for data harms and racist surveillance (Carroll et al., 2020b, 2021).

CONCLUSION

In recent years, discourses of ‘reconciliation’ with Indigenous peoples have gained increasing prominence. However, as Pauline Wakeham (2012) discusses, at the same time as settler colonial states have been making more public calls for ‘reconciliation’, Indigenous peoples have been simultaneously impacted by increased state powers of surveillance. In this sense, Indigenous resistance to colonialism remains a threat to state power that needs to be managed, and surveillance continues to be a mechanism to police and manage Indigenous peoples, albeit with new and expanded technologies at play.

The expansion of state powers and reduction of civil liberties, in combination with the construction of Indigenous resistance as an ongoing threat to the safety and security of the nation-state, undermines Indigenous self-determination. In addition, surveillance reinforces colonial hierarchies of power and reinscribes dangerousness and deviance onto Indigenous peoples. While colonial logics and structures remain in place, it is not possible to have surveillance practices that operate outside of this racialised imaginary. Indigenous Data Sovereignty is enmeshed with broader anti-colonial and sovereignty movements in seeking to unsettle current harmful data practices, including surveillance, and restore social relations and practices that are relational, collective, and bounded in place.

Indigenous Data Sovereignty offers a critical approach to data and surveillance that is situated in the knowledges and lived experiences of those who are located in the “zone of non-being”. In line with Simone Browne’s conceptualisation of “dark sousveillance”, Indigenous communities have “keen and experiential insight” (Browne, 2015: 21) into practices and relations of surveillance that illuminate potential spaces for resistance and disruption that may be unseen or unfelt by others. This (re)orientation is important to ensure that the increasing scholarly attention being paid to data colonialism does not reify the knowledge hierarchies that characterise colonial knowledge production or produce paternalistic responses misaligned with Indigenous goals of self-determination.

As Moana Jackson importantly reminds, “[N]o reality is immutable or beyond change and the centuries of indigenous resistance have always brought change in what seemed unchangeable situations. That history is part of our reality” (Jackson, 2018: 109). Indigenous Data Sovereignty is a part of this intergenerational resistance.

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