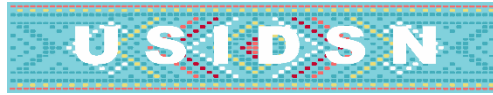




TE MANA
RARAUNGA
Māori Data Sovereignty Network



Maiaam nayri Wingara

Oñati Indigenous Data Sovereignty (ID-SOV) Communique

ID-SOV is a global movement concerned with the rights of Indigenous Peoples to govern the creation, collection, ownership and application of their data. ID-SOV derives from the inherent right of Indigenous Peoples 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).¹

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

Convened by Maggie Walter and Desi Rodriguez-Lonebear, the Oñati Workshop brought together participants from multiple Indigenous nations and tribes in seven nation states, with the representation from Columbia, Sweden, Mexico and the Basque Country supporting ID-SOV ambitions to expand beyond CANZUS countries of Aotearoa New Zealand, Australia, Canada, and the United States.

The Maiaam 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.

¹ UN Declaration on the Rights of Indigenous Peoples articles 3, 4, 5, 15(i), 18, 19, 20(i), 23,31, 32, 33, 38 and 42.

- The international focus on the protection of personal data and privacy rights is inadequate for Indigenous Peoples. There is an urgent need for the development and implementation of collective Indigenous privacy laws, regulations and standards.

In response to the foregoing issues, Workshop participants endorsed the following actions:

- To support the formation of the Global Indigenous Data Alliance (GIDA; GIDA-global.org, [@Gida-global](https://twitter.com/Gida-global))
- To endorse the CARE (Collective Benefit, Authority, Responsibility, Ethics) Principles for Indigenous Data Governance as companion Indigenous data principles to the FAIR (Findable, Accessible, Interoperable, Reusable) data principles
- To endorse ID-SOV content in the United Nations Special Rapporteur on the Right to Privacy's *Recommendation on the Protection and Use of Health-Related Data*

Key Outcomes:

The Oñati Workshop resulted in the formation of the Global Indigenous Data Alliance (GIDA). GIDA and the GIDA website will be launched on the same date, 13 September 2019. The Workshop also endorsed the CARE Principles for Indigenous Data Governance for global release on 13 September 2019. See GIDA-global.org.

Oñati Workshop Participants:

- Stephanie Russo Carroll (University of Arizona, USA)
- Joxerramon Bengoetxea (University of the Basque Country, Spain)
- Desi Rodriguez-Lonebear (University of Arizona, USA; University of Waikato, Aotearoa New Zealand)
- Elizabeth Coombs Chair (Thematic Action Stream Taskforce at United Nations Special Rapporteur on the Right to Privacy)
- Gustavo Rojas (Universidad Libre, Columbia)
- Donna Cormack (University of Otago, Aotearoa New Zealand);
- Michele Suina (Albuquerque Area Tribal Epidemiology Centre, New Mexico, USA)
- Oscar Luis Figuero-Rodriguez (Colegio de Pasgraduados, Mexico)
- Maui Hudson (University of Waikato, Aotearoa New Zealand)
- Maggie Walter (University of Tasmania, Australia)
- Tahu Kukutai (University of Waikato, Aotearoa New Zealand)
- Kiri West (University of Auckland, Aotearoa New Zealand)
- Jameson Lopez (University of Arizona, USA)
- Ray Lovett (Australian National University, Australia)
- Andrew Sporle (University of Auckland, Aotearoa New Zealand)
- Per Axelsson (Umea University, Sweden)
- Bobby Maher (Australian National University, Australia)
- Anelise Shrout (Bates College, Maine, USA)