

# NGĀ TOKI WHAKARURURANGA

## #1. DIGITAL COLONISATION AND FREE TRADE AGREEMENTS - PART 2 (July 2024)

*Ngā Toki Whakarururanga's commitment to a Tiriti-based Kaupapa aims to ensure that international free trade agreements preserve the rangatiratanga of Māori within a digital world.*

Peter-Lucas Jones (Te Aupōuri, Ngāi Takoto, Ngāti Kahu) of Te Hiku Media, and a Kaihautū of Ngā Toki Whakarururanga, [warned Māori](#) of a second era of colonisation that could plunder, disrespect and distort the taonga Māori, “the greatest of which, in a data sense, are our reo and our whakapapa.” That’s already happening at a rapid pace on many fronts. Here are just two examples.

### Recolonisation of te reo Māori

Ever used Chat GPT? Are you worried that it is speaking te reo Māori, composing waiata Māori and even writing karakia but no one has responsibility as kaitiaki for the integrity and protection of those taonga? There is no context, no tribal dialects, no hapū variations on the creation stories. Often what is generated is wrong in ways that are disrespectful and positively harmful to the taonga. This is not some random computer programme developed by technology alone that no-one controls. CPT (“generative pre-training”) is powered by artificial intelligence that is “pre-trained” by humans, who bring their cultural ignorance and [biases](#) to their task. The company’s owners have no regard for protecting our taonga. This is big business: [OpenAI LP](#) is a private corporation, with a powerful board, and Microsoft as a \$13 billion “strategic investor”.

### Recolonisation of whakapapa

Whakapapa records our collective identity. One individual does not have the authority to hand over their whakapapa to others without the consent of their collective, let alone to cede all control over its use. In the digital world, this tikanga is being undermined all the time.

At the most basic level, the information you put on facebook or Instagram about you and your whānau isn’t just yours. Nor is the data in your health records, or in insurance claims for flood damage to kaumatua housing, the marae or the urupa. All that data will be collected by those who run the relevant digital sites to build algorithms that are used as profiles that affect your rohe or Māori generally. Those companies may sell it to one or more third parties who will also do the same.

More direct threats to whakapapa come from genealogy companies like Ancestry.com and 23AndMe. Ancestry.com’s “Ethnicity update” in 2022 encourages people to share DNA and “family tree” information so they can give users more precise estimates of ethnicity, including Māori heritage. These companies are not kaitiaki of whakapapa. They want [to make money](#) from your DNA data. Ancestry.com started as a deal with the Mormon church to digitise their massive genealogy records. US investment group Blackstone bought it in 2020 for USD4.7 billion – that shows the value of the data for Blackstone’s investments, including insurers, pharma companies and research labs. 23AndMe has a partnership with Big Pharma giant GlaxoSmithKline for it to use its genetic data.

Do you know who in your whānau has done such a search, where that DNA data is now, and what uses this investment company can make of it? How can you get it back?

### **International resistance to digital recolonisation**

Resistance to recolonisation of cultural taonga began in Aotearoa 30 years ago, when the [Mataatua Declaration](#) on Cultural and Intellectual Property Rights of Indigenous Peoples was adopted by the first international Indigenous Peoples Conference on Cultural and Intellectual Property Rights in Whakatāne. Its reassertion of cultural sovereignty, and the colonial states' failure to recognise that authority, remains as relevant today:

*Indigenous Peoples of the world have the right to self determination and in exercising that right must be recognised as the exclusive owners of their cultural and intellectual property [and] all forms of discrimination and exploitation of indigenous peoples, indigenous knowledge and indigenous cultural and intellectual property rights must cease.*

The [UN Declaration on the Rights of Indigenous Peoples](#) followed 13 years later after a tortuous battle with colonial states, including the New Zealand Crown. Nganeko Minhinnick, Moana Jackson, Aroha Mead among others led Aotearoa in securing hard-fought promises that include:

#### Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

#### Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights

### **Free trade agreements override these commitments**

Free trade agreements make Western capitalist interests and priorities binding and enforceable in Aotearoa, including the right to control data. So the profits of corporations like ChatGTP, ancestry.com, Microsoft and others, trump Tiriti rights and responsibilities of Māori and international treaty rights of Indigenous Peoples. The Waitangi Tribunal in the Wai 262 Inquiry on traditional knowledge and the [Wai 2522 claim](#) on TPPA identified these agreements as threats to mātauranga Māori. But they are still happening. Resistance requires awareness, collective action, and the creation of alternative ways forward.

**Join us in the resistance. Learn more at [ngatoki.nz/kaupapa/digital/](https://ngatoki.nz/kaupapa/digital/)**