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INDIGENOUS DATA SOVEREIGNTY IN THE MEKONG REGION

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Abstract

The Mekong region is home to over 100 indigenous and ethnically distinct communities who have struggled to retain their autonomy. While each group of indigenous and ethnic minorities (IEM) have unique struggles, a general theme emerges: access to land and natural resources. Despite global recognition of the rights of indigenous peoples in the United Nations Declaration of the Rights of Indigenous Peoples (UN General Assembly, 2007), IEM rights have in some cases been rendered meaningless because of the colonization and repatriation of IEM. IEM claims to land and livelihoods based on the related natural resources have suffered, in part because IEM-produced data and knowledge have usually been delegitimized by governing powers.

This paper discusses how open data policies focused on Indigenous Data Sovereignty, applied to create a coordinated network, has contributed to the public provision of data and its use in land claims in Cambodia, Laos, and Vietnam.

Key Words: Indigenous data sovereignty, open data, Mekong, Sustainable Development Goals.



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Introduction

The Mekong region is home to over 100 indigenous and ethnically distinct communities who have struggled to retain their autonomy in representation. While specific struggles are unique to each group of indigenous and ethnic minorities (IEM), a general theme emerges: access to land and natural resources. In the last decade, global recognition of the rights of indigenous peoples has improved, evidenced by the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) adopted in 2007. However, the right to a unique culture and identity, recognized in UNDRIP, has in some cases been rendered meaningless because of the colonization and repatriation of IEM. IEM claims to land and livelihoods based on the related natural resources have suffered, in part because IEM-produced data and knowledge have usually been delegitimized by governing powers. As such, truly recognizing and putting into practice the rights of IEM is a slow, complex, and continuing project.

This paper discusses how open data policies based on a foundation of Indigenous Data Sovereignty (IDS), applied to create a coordinated and connected network, has contributed to the public provision of data and its use in land claims in Cambodia, Laos, and Vietnam (CLV). We start with an introduction to the Open Development Mekong (ODM) platform and its work with the Cambodia, Laos and Vietnamese Open Development platforms, especially in IDS. IDS in the context of the Mekong region is defined, followed by an analysis of its implementation both globally and regionally. Then, we look at the pilot initiative that ODM conducted between October 2017 and September 2018, revealing some of the scoping that was performed, progress that was made, and lessons learnt along the way. Finally, we offer some recommendations for future expansion.

ODM and the Indigenous Data Sovereignty (IDS) Project

The ODM platform is coordinated by the East-West Management Institute's (EWMI) Open Development Initiative (ODI), which represents a coalition of civil society organizations that manage open data platforms. ODM has a broad mission to make data and objective information easily accessible in order to advance basic human rights for all people in the Lower Mekong countries of Cambodia, Laos, Myanmar, Thailand, and Vietnam. This is implemented through the use of open data and international standards on national and regional web platforms for sharing data. The initiative's target groups include IEM, LGBTQI, and those affected by climate change and unsustainable development.

The network of ODI organizations has developed partnerships with non-profits, government, private sector and academia. As part of these partnerships, the organizations have collaborated on related projects such as Information and Communications Technology for Development (ICT4D), justice and environmental initiatives, and training for data journalism.



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The roots of ODI start in the 1990s, with data collection and statistical work undertaken by EWMI. Recognizing a need to work towards transparent provision of data in regions where transparency is low, the Open Development Initiative was conceived, in consultation with local partners and stakeholders in Cambodia. In 2011, Open Development Cambodia (ODC) was formed and proved to be a successful model of increasing transparency and accountability using open data. ODC was followed by ODT (Thailand), ODL (Laos), ODV (Vietnam), OD Myanmar (ODMm), and Open Development Mekong (ODM) a regional umbrella for all the national platforms.

ODM, ODC, ODL, and ODV's work on IDS is based on the fact that Cambodia, Laos and Vietnam share borders across which known ethnic groups reside. The data collection infrastructure and the data landscape varies between each of these countries. Data on IEM, if available, is inconsistent, often of poor quality, and inaccurate. Policy decisions on and resource allocations for IEM are being made with inadequate data, if using data at all. Thus, the focus of the IDS project is to coordinate a transboundary effort for indigenous data with indigenous stewardship.

The objectives of the IDS project are:

- 1) To increase data availability on IEM groups;
- 2) To ensure the right of IEM to govern the collection, ownership, and application of the data critical to their ability to control policy decisions and establish fairer allocation of natural resources in the Mekong region;
- 3) To provide a tool for IEM to regain their fundamental rights to their lands as sovereign peoples; and
- 4) To promote responsible data usage.

This will be accomplished by developing a network of IEM groups and supporting them towards adopting IDS principles. These principles broadly outline:

- 1) An integrated and culturally relevant approach to data collection, assembly and display;
- 2) Access to a venue for discussion of pertinent development issues by IEM groups; and
- 3) Skills training and hands-on experience in data management and issue advocacy.

Snapshot of the Indigenous People of the Mekong

The Mekong region is a subregion of the ten countries that make up ASEAN, which is home to many indigenous people. The indigenous peoples of the Mekong represent about 12 percent of the 642.1 million people living in ASEAN in 2017, or approximately 77.1 million people (ASEAN, 2018).

While helpful, these numbers are only one possible count of indigenous populations in the region. This is because the existence of ethnicity itself continues to be a sensitive political matter. This



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existential quarrel fundamentally impacts demographic counts, causing there to be a distinction between the official and unofficial numbers given.

The number, more or less, of officially recognized indigenous and ethnic minority (IEM) groups is as follows:

Table 1: IEM Groups by Country (AIPP, 2010)

Country	# of IEM groups	Population	% of Total Population
Cambodia	24	197,000	1.34%
Laos	49 (officially recognised)	2.4 – 4.8 million	35 – 70%
Vietnam	53 (54 including Kinh)	10 million	13.8%
Thailand	34	1.1 million	1.5%
Myanmar	135	14.4 – 19.2 million	30 – 40%

While at first glance these simple statistics provide some clarity, deeper complications quickly arise. For example, IEM groups developed before a world primarily organized into nation-states, and before the term “indigenous” came about (Erni, 2014). As such, they tend to be transnational with culturally-contiguous enclaves straddled across country borders. Although often referred to as “minorities” in a national context, this concept seems questionable for some groups. For instance, the Hmong people number roughly five million, which is equal to the population of Laos. In addition, numbers presenting “highland minorities” or “indigenous people” as one lump sum suggest social cohesion and unity within groups, which may not exist in reality. History, language, ecology, urbanization, economic livelihoods, and adaptation to Western cultural values all vary between groups.

The nuances of indigenous groups are poorly reflected in current conventional datasets. Yet, distinct IEM groups do exist, and can be defined as those that preserve “a cultural core of language, beliefs, rituals, world vision, economic practices, and other features” (Michaud, 2012).



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The more difficult definition to establish is the baseline of indigeneity. The UNDRIP definition focuses on first colonial contact.¹ In regions other than the Americas, Australia, and New Zealand, where colonisers were not settlers and a greater flow of cultures occurred, “first contact” can be a little more difficult to determine. The present understanding of the term “indigenous” has evolved to encompass all variety of ethnically diverse peoples including “tribes” (Scott, 2009). Especially in the context of the Mekong region, it remains useful to discuss the term “tribes”. Aboriginal groups in mountainous regions in the Mekong were originally referred to as “savages” (Moi in Vietnamese, Kha in Laotian, or Phnong in Khmer), as well as the still used “Montagnards” (mountain dwellers) and “hill tribes”. While some of these peoples originally lived in the hills, other so-called hill tribes were ethnically diverse peoples who were driven toward the hills, seeking refuge from domineering state-based cultures that often were also colonizers (Scott, 2009). Rather than being originally grouped into “tribes”, which was a colonial term used as part of an exercise Scott (2009) calls a “political project”, these peoples eventually coalesced into a consolidation of ethnic identities along tribal lines both by choice and by happenstance. The common element between those who migrated and those who were originally from mountainous regions was a strong desire to maintain autonomy. An additional layer is that some groups that migrated into the Mekong region were, and continue to find themselves a minority population and face similar discriminations as those who might be considered indigenous. We try to preserve these complexities here by including the term “ethnic minority” along with “indigenous”. We note that we use the term “minority” despite its erstwhile inaccuracy, an example of which we see above in the Hmong people.

The possibility for indigenous peoples’ autonomy largely evaporated in the 20th Century, due to the growth of the reach of the state. In post-WWII socialist Mekong countries, early promises to the IEM of respect and distinct treatment disappeared. They did receive national citizenship, but in exchange for a big brother/little brother relationship in which IEM were expected to “progress” towards being model socialist citizens. Religious, cultural, economic and particularly political differences would be tolerated, but only if they did not impede the national plan. Branded “culture” and “traditional villages” became features of internal as well as external tourism. As land became more directly the domain of the state, it became clear that the claims IEM had made to what they considered their traditional lands, once largely unnoticed, came to be considered moot.

The struggle for economic control of land grew fierce. Governments judged indigenous agricultural practices like swiddening to be “harmful” and migratory and subsistence farming to be of “low productivity”. IEM were blamed for deforestation, erosion, and chemical poisoning, despite low

¹ See also, https://indigenousfoundations.arts.ubc.ca/un_declaration_on_the_rights_of_indigenous_peoples/ for a political explanation of UNDRIP as opposed to legal analysis.



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numbers in actuality. The policies of relocation, permanent settlements, and indentured labour to commercial agriculture became commonplace. Ironically, the depopulation of forest areas was justified by the need to create environmental protection zones.

Government-instituted education programs, promoted as a tool of emancipation but insensitive to IEM culture and cultural practices, are perhaps better characterized as evidence of the bias toward the dominant lowland and official state culture. Efforts of development agencies to promote environmental and social awareness, while paying lip service to local practices, has indirectly bolstered the national governments' plans to integrate IEM peoples.

At present, the legal frameworks in CLV appear to provide some very limited protections to IEM. All CLV countries are signatory to UNDRIP and the International Convention on the Elimination of all forms of Racial Discrimination. However, there has been no systematic review of existing legislation, as recommended, in order to make specific mention of Indigenous rights. On the issue of self-identification of indigenous status, only Cambodia allows for its limited use. This is a critical concern, as the assignment of indigenous status lies at the heart of Indigenous Data Sovereignty.

Defining Indigenous Data Sovereignty

Indigenous data sovereignty refers to “Indigenous peoples’ possession of the locus of authority over the management of data about their communities, their territories, and their ways of life” (Kakutai & Taylor, 2016). In other words, it means indigenous peoples having control over the data about themselves and their lives: how it is collected, manipulated, managed, and used by themselves as well as governments, corporations, and development agencies. Data ranges from locations of sacred places and medicinal plants, to agricultural practices and patterns, to prevalence of spiritual beliefs and patterns of equality within families.

It is worth breaking down IDS into its component parts to consider the terms in more complexity. As discussed above, defining **indigeneity** is a multifaceted issue. **Data** has a stock definition, but defining what is considered data and for whom is at the heart of IDS. Finally, **sovereignty** is easily understood in the context of a country, but to consider what it means for data is novel.

As discussed above, the UNDRIP definition of **indigeneity** focuses on first colonial contact.² Although useful, this definition is inherently biased in that it still prioritizes the reality of the colonizer to determine indigeneity. More practically, it was usually the colonizer collecting statistics,

² See also, https://indigenousfoundations.arts.ubc.ca/un_declaration_on_the_rights_of_indigenous_peoples/ for a political explanation of UNDRIP as opposed to legal analysis.



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and therefore defining the indicators for indigeneity for the historical record on which indigenous populations are defined. This perpetuated misrepresentation of IEM in “narratives of inequality, creating a dominant portrait of Indigenous peoples as defined by their statistically measured disparity, deprivation, disadvantage, dysfunction, and difference” (Walter, 2016). These “5 D’s” have yet to be effectively challenged to this day (Walter, 2016). Using an alternative definition, as we have above, is a step in the right direction, although we note that the definition we have used still lacks indigenous self-representation.

There is a standard, binary definition of what **data** is: discrete-continuous, qualitative-quantitative, binominal-nominal-ordinal, counted-measured, and Indigenous data can be found in all categories. Conventional methods of data collection are based on this binary understanding. Indicators derived using these methods are then used to gather data that subsequently informs policy decisions. Of course, these methods are not necessarily always used with malevolent intent. For instance, in an effort to help IEM populations, the choice of indicators has a persistent tendency to highlight social and economic problems rather than positive trends. For example, data will be collected on numbers of families living under the poverty line, but not families with post-secondary graduates. The result is a skewed picture of IEM communities, which may lead to further marginalization along with one-sided policy approaches.

Another issue arises as regards official census data. Collected and provided by National Statistical Offices (NSO) in each country, this data forms the evidence that directs state planning, from the number of schools and hospitals and where to put them, to the types of services required to be provided, to the number of legislative representatives and the constituencies they represent. However, indigenous identifiers are often poorly defined or not included at all, this renders indigenous populations invisible within national statistics. Additionally, national data collection processes are innately biased due to limited inputs from indigenous communities to collect indicators that would progress them towards self-determination, make informed policy decisions, and strengthen indigenous aspirations for healthy, sustainable communities (Rainie, Kakutai, et al, 2018). As a consequence of poor methodologies for data collection by researchers and governments alike, decisions that are drawn upon this data lack “robustness and data-driven research [that undermines] the validity of policy decisions” (Rainie, Kakutai, et al, 2018).

Data can also be considered “open”, which is defined as “data and content [that] can be freely used, modified, and shared by anyone for any purpose” (Open Knowledge Foundation). Smith (2016) posits that data “in the context of indigenous peoples is a double-edged sword” as IDS questions “current approaches to data ownership, licensing and use in ways that resonate beyond indigenous contexts, and that draw attention to the power and post-colonial dynamics within many data agendas.” The



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foundational principle of “open data is in direct tension with the rights of indigenous people to govern their data” (Smith, 2016), and reflects international processes that are exclusive of indigenous voices, circumventing free, prior, and informed consent (FPIC) principles outlined in UNDRIP.

Finally, what does **sovereignty** mean in a data context? UNDRIP enshrines the rights of IEM nations. In particular, Article 18, is relevant to indigenous data rights, stating that “indigenous peoples have the right to participate in decision-making in matters which would affect their rights in accordance with their own procedures” (UN General Assembly, 2007). It is also important to note in the context of indigenous data that UNDRIP specifically addresses the collective rights of indigenous peoples. FPIC, also enshrined in UNDRIP, becomes relevant here as it ensures that IEM understand what data is being collected, what it will be used for, how it will affect them, and how they can use it.

IDS allows for a broadly defined set of ownership principles, for both data for governance and Indigenous data governance (Smith, 2016; Rainie, Rodriguez-Lonebear, & Martinez, 2017b). This ensures that the paradigm shift around the narratives on IEM mirrors the projection of their values and beliefs, which is often not the case when IEM knowledge and information is disseminated.³ For example, indigenous knowledge collected for monetary value, such as for traditional medicines or environment and land practices for climate change mitigation and adaptation, should be recognized as a form of intellectual property for which the IEM communities have a claim to enforce exclusivity, as enshrined in the World Trade Organization’s Trade-Related Aspect of Intellectual Property Rights. IDS would ensure that IEM have control and compensation over the use of their intellectual property.

Implementing IDS Globally

Implementation of IDS anywhere starts by including indigenous peoples, with their informed consent at the forefront, in the design, collection and processing of data. Data storage and management must be considered in relation to IDS principles of sovereign ownership rights. Data use by IEM must be part of this as well. Digital infrastructures necessitate popular considerations of open data, usually defined solely based on quantitative understandings of data. However, IDS challenges this concept of pure quantitative data to broaden inclusiveness of “qualitative information on the lived experience” (Rainie, Kakutai, et al, 2018). This is a concept that is still poorly understood, and exploited by

³ We see this in particular around climate change issues where “climate change is constructed as a problem *for* society as opposed to a problem *of* society” and placing indigenous peoples and traditional knowledge in a frame to either corroborate scientific knowledge or dismissed from scientific purview as sociocultural. Much media reporting also lacks to reflect colonialism or marginalization of IEM in context of their vulnerability to climate change. (Belfer, Ford & Maillet, 2017)



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researchers who digitize and publish on traditional knowledge. Thus, IDS as a human rights effort remains relevant.

However, measuring and evaluating the quality of human rights efforts is a difficult undertaking (Sen, 2009). It is inherently subjective, not as easily quantifiable as other development concerns (e.g. Tuberculosis rates), and does not reveal the “Most Significant Change” indicators in a short time frame, unlike measures like income levels.

Measuring progress in IDS has its own particular challenges as well. As an idea, it is relatively novel; it challenges the capacity of civil society champions; and pushes comfort levels given the concealed nature of informal knowledge. Of course, measuring progress in IDS necessarily draws attention to the challenges encountered in the process, and these must be taken into account when considering successes. For instance, conventional sources of data are often missing or difficult to interpret. Security concerns for indigenous peoples remain even when adequate information exists. Thus, given these factors, a degree of innovation is necessary to track progress. In this case, we historicize IDS to understand how far it has come in the global context.

The global effort to establish and improve IDS arose out of the UNDRIP adoption process in 2007. The next major step was the adoption of the Sustainable Development Goals (SDGs) in 2015. Attention and effort went into developing a useful monitoring and evaluation system for the SDGs, including a call for greater disaggregation of data, by indigenous status on indigenous peoples’ terms (Indigenous Peoples Major Group). In another example, in the *Outcome document of the World Conference on Indigenous Peoples*, adopted by the UN General Assembly on 22 September 2014, member states were called on to

‘commit themselves to working with indigenous peoples to disaggregate data, as appropriate, or conduct surveys and to utilizing holistic indicators of indigenous peoples’ well-being to address the situation and needs of indigenous peoples and individuals, in particular older persons, women, youth, children and persons with disabilities.’

Additional work has been put into presenting data applicable to indigenous peoples separately. Disaggregation, both for general population data as well as for IEM data, is recognized by the international development community as a tool for ensuring the development of targeted, pro-poor policies that actually serve the communities they purport to serve. IEM communities, more than most, suffer from broad overgeneralizations and misrepresentation based on a lack of data and understanding of cultural nuances. Treated as mere “stakeholders” in data ecosystems, indigenous peoples should be considered more as political entities. Paraphrasing Rainie, Kakutai, et al (2018), indigenous peoples and nations have the right to control data about their peoples, lands, and resources.



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As such, the calls for greater disaggregation shows progress in approaching the need for increased representation of IEM.

Despite these calls, to date, few efforts have been undertaken to collect data of IEM robust enough to address the situation and needs of IEM. Indeed, even the UN does not collect data for the SDGs disaggregated by ethnicity. The UN states, “Ethnicity is multidimensional and is more a process than a static concept, and so ethnic classification should be treated with movable boundaries” (UN Stats, 2018). If, as IEM assert, IEM already occupy a defined ethnic identity, then who exactly is moving the boundaries here? The statement of the UN reflects the importance of defining indigeneity, and highlights the need for self-identification as a way of defining the indicators.

Implementing IDS in the Mekong Region

Implementing IDS in the Mekong region requires an understanding of the regional development context. In particular, the Mekong countries have experienced rapid economic growth. This has come at the cost of economic, social, and environmental exploitation of their most vulnerable populations, through massive deforestation, water and food insecurity, land tenure insecurity, and widening inequality.

The most vulnerable populations in the region include IEM. They have lacked access to data which supports the acknowledgement of their rights to land, and cultural practices connected to the land. They lack not only the data, but also the capacity to employ its use to influence policy and decision-making processes as collective nations at national state levels. What data is available is also politically and culturally biased, and does not reflect the multiplicity of indigenous contexts in the region.

Measuring the progress of IDS in the Mekong region remains challenging, not least of which is the fact that the movement is in its nascent stages here, at best. In addition, the community context is socially, ethnically and geographically fractured. Finally, security risks remain a major concern in the Mekong region. Any work being done to collect and share IEM data could have impacts, both positive and negative. This requires a balancing of freedoms – transparency versus personal security.

Measurement of progress regionally must include a consideration of these factors, as well as all the difficulties discussed above.

One example of an effort to represent IEM in data is the establishment of the Indigenous Navigator (IN). An online data platform, the purpose of the IN is to track international progress of the legal and regulatory frameworks of National Statistical Organizations (NSOs). This internationally-driven resource has been piloted in a few areas, including Cambodia. However, in terms of progress toward



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IDS, globally and especially in the Mekong region, the IN cannot be considered a success case, yet. Notably, statistics taken by NSOs still lack consideration for IEM self-identification indicators, especially across the Mekong countries. It has also suffered from insufficient local buy-in. It perpetuates conventional, extractive data collection models which make its broad uptake limited.

A number of local level initiatives exist in the Mekong region that are better examples of IDS. Lao Women is a Laotian project which has developed a series of nine films to document the lives of rural women in the uplands of Laos. The aim of the project is to learn more about how rural women live in order to develop new approaches to rural development and provide women with the advisory services that they need. The Pha Khao Lao Agrobiodiversity Resource Platform aims to consolidate the wealth of written and oral knowledge on food, farming, and agriculture in Laos so it can be readily accessed and used. The product is a web platform that hosts openly accessible profiles on plants and foods, as well as publications. CIRUM, which stands for Culture Identity and Resources Use Management is an initiative working with IEM living in mountainous provinces in Vietnam. The organization has conducted and published indigenous-focused research, built capacity and developed a network to forward the goal of securing IEM rights to access, control and benefit from their forest and land resources in a way that is sustainable and in line with their own values, needs, knowledge and customs. In Cambodia, the Prey Lang Community Network is a network of local community members using smartphone technology to save the Prey Lang forest from illegal logging and industrial agriculture. Website URLs for these initiatives are provided in Appendix 1.

Each of these initiatives help to promote IEM traditions and knowledge by collecting, collating, and publishing both qualitative and quantitative data by IEM for their communities. Yet each of these initiatives does discrete work, with little coordination and cooperation between them. These disparate efforts can be made stronger through the creation of a secure, coordinated network designed to strengthen indigenous data governance.

This is where ODM's IDS project fits in. The IDS project builds upon this existing work and aids in local approaches to capacity development for understanding data processing chains in order to empower IEM to regain ownership over sovereign data.

In particular, IEM wanting to claim and exercise their rights to land, and cultural practices connected to the land have been thwarted in their attempts. Core testimony crucial to IEM land claims have frequently been perceived as biased, and subsequently undermined. To counter that perception, the IDS project offers individual IEM groups training, assistance, and support necessary to produce and wield content that is considered to have credibility because it is non-partisan and upholds international



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standards of accuracy and verification. ODI's delivery of capacity-building works by engaging local, regional, and international partners.

A Network of IDS Champions in the Mekong Region

ODM and its country-based organizations work with a network of formal and informal IEM groups throughout the Mekong region, concentrated in Cambodia, Laos, and Vietnam. For example, ODC has worked with indigenous organizations to collect data related to communal land titling. ODV is working with a human rights organization to share and upload datasets of indigenous population on health, livelihoods, land, religion and education statistics. In Laos, ODL is working with individual organisations specifically to raise awareness of IDS and responsible data principles. ODC, ODV and ODL have worked with a total of 12 organizations, whose names have been withheld to preserve anonymity.

Partner activities have included:⁴

- National-level data literacy training, as well as training on open data principles and responsible data best practices in CLV;
- Aligning SDG indicators to priority issues affecting indigenous people;
- Disaggregated data collection on self-identification, health & sanitation, education, and land, disaggregated by gender where possible; and
- Production of data visualizations and data products for dissemination.

ODM also draws strength from the support of its regional partner Asian Indigenous Peoples Pact. The mandate of AIPP is broad yet focused: “[I]t is imperative to strengthen and broaden the lobby and advocacy of civil society organizations and indigenous peoples to pressure ASEAN to abide by the UN Charter and international human rights instruments...” (AIPP, 2015).

Our intention is for AIPP to take a lead on the promotion of local datasets as they become available. AIPP could engage existing and new networks to contribute data collections to a centralized repository. They would also participate in basic data literacy skills training and capacity development in data collection, management, and presentation in order to aid partner development.

Data and information, collected, processed and published by IEM would then be fed through ODC, ODV and ODL's national sites to the ODM regional platform and the AIPP platform. Then, if appropriate, this data and information would be migrated onto global web platforms such as the IN

⁴ Partners are beginning to undertake these activities, and work is ongoing.



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and LandMark, a web platform of data on IEM lands. This is to ensure the appropriate checks and balances for the data and information, along with legitimizing it. Successful implementation would mean that IEM groups within CLV would be able to use the generated datasets in evidence-based decision making on issues affecting IEM groups. It would also mean that IEM groups could look to examples from other IEM groups to move toward better services and greater equality in the Mekong region.

ODM's Pilot Initiative on IDS

Scoping

The pilot phase of ODM's work on the IDS project in the Mekong region took place between October 2017 and September 2018. ODM worked to coordinate a regional network of organizations grouped around open access to IEM relevant data. The pilot phase culminated in a regional meeting that was held in Phnom Penh in August 2018, with participation from ODM, ODC, ODL, ODV, and representatives from partner organisations in Cambodia, Laos and Vietnam. The objectives were to (i) share successes; (ii) identify potential partners to join the ODM platform; (iii) determine common indicators for IEM development; and (iv) identify and agree on responsible data stewardship especially with regard to privacy, data aggregation and ownership.

An important result of the meeting was the development of a matrix assessing rates of available data versus the risk of obtaining data for each of several pressing issues including land, natural resources, education, health, sanitation, migration, human trafficking, identity, and culture. The exercise identified significant differences between each country's perception of data availability and associated risk. See the charts in Appendix 2.

This underscores the necessity of the development of a responsible data policy as a ground-level step to support IDS in the Mekong region. ODM is aware that the work it does to collect and share data could have impacts, both positive and negative. As an organization guided by the principle of using data responsibly to support IEM groups, it also has a responsibility to develop a relevant policy, including compliance and enforcement protocols, around IEM considerations. ODM and its national platforms are currently developing such a policy, which at its heart will have a mandate to 'do no harm'. This requires some consideration on what data may be considered potentially harmful, and measuring this varies with each stakeholder's perspective. Yet caution is also required, as heavy



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handed censorship hinders progress toward the promotion of fundamental freedoms, human rights and openness.⁵

Progress

Work completed during the pilot phase of the IDS project showed promise. We describe some areas in which we saw positive movement in support of IDS.

ODC has been using a national approach of in-country IEM constituency building. This has been based on their pre-existing model of open disclosure of government investment contracts for large scale land acquisitions. Work during the pilot phase has ranged from working with an indigenous organization to collect data for digital mapping, to working on collecting data for land claims. The former resulted in a paper and presentation at a 2018 World Bank conference. On the latter, the platform hosts digitalized legal documentation of tenure that has been allocated. However, from discussions with IP groups it seems that these documents are not necessarily reflective of an entire claim to land, and in some cases is the cause of dispute. Continued progress in this arena would perhaps be seeing the use of data collected on self-identified traditional land boundaries being used in this government process and related reviews.

ODV's work has facilitated access to previously unreleased datasets on issues relating to land. ODV has worked with an organization to collect data on maternal health access for indigenous women from the central committee of ethnic affairs, the stewards of this data. This data remains contentious with some IEM, however: a long history of distrust of the state, coupled by perpetual marginalization and non-recognition means that in their view, this data is not representative of all IEM. Despite these potential issues, it remains the intent of ODV to disseminate this data and information. This is because making this data publicly available will still be a first in a country where data traditionally is heavily controlled by the State and not made openly available. When this information is made accessible on the ODV open access web platform, it will extend the reach of the data to communities and offer an opportunity for discussions around its appropriateness.

ODL has sourced data from the 2015 national census on ethnic communities. While useful, this data potentially under-represents IEM in Laos for a number of reasons. Self-identification is limited in

⁵ The aim of such a document is to amplify the positive effects of our activities while attempting to reduce possible negative effects. Success in this domain is more easily characterized, as a policy is a discrete document that can be published. We expect to release the RDP in September 2019.



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Laos, and the census has collected data only on the ability to speak an ethnic dialect, which is not in line with UNDRIP requirements for self-identification. Indigenous-focused groups are fractured and few, so working on IEM issues is challenging. Thus, a measure of progress here might be the eventual establishment of a consolidated national approach to understanding IDS, which would be the first in many steps to bolstering census data and shifting majority mindsets of pity towards IEM.

ODM has made significant strides in establishing a network of CLV IEMs. A notable accomplishment in this arena was the establishment of a Regional Advisory Group to help guide the process from data creation to dissemination. We see this as a positive step because it means that future advocacy for data rights and sovereignty can be done with the strength and knowledge of individual groups united under a common purpose. This network needs to be strengthened to proactively contribute towards indigenous data sovereignty within their communities, and if they chose to do so, to share this data more broadly.

ODM has worked with regional stakeholders, including the Asia Indigenous People's Pact (AIPP), to identify the availability of data in the Mekong region, then discern gaps that could be turned into opportunities. In addition, ODM has supported action-based research by partners for the development, outreach, and reflective study of their work in opening the space for and using open data in constrained environments. Given the current political climate and a general trend towards constraining freedoms in each of the CLV countries, the continued active existence of each of the country and regional platforms is evidence of success.

Furthermore, the open infrastructure of each of the Open Development web platforms allows user groups to control data dissemination and publication, as long as what is provided adheres to responsible data principles and open data standards. In this way, the Open Development Initiative provides the infrastructure for IEM to take control of indigenous data governance, fulfilling one component of IDS principles of governance.

These, and other initiatives, can easily be followed on our online platforms. Website URLs are provided in Appendix 1. Each of the websites contain descriptions of their projects with pictures and related datasets. A comprehensive plan for 2019-2020 is under review. ODM is currently consulting broadly to determine the best and most feasible priorities in the upcoming Phase One.



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Lessons Learnt Along the Way

During the process of developing networks across trans-boundary landscapes to achieve a consolidated vision of indigenous data sovereignty, we have encountered challenges alongside the gains. A primary issue impacting our work is the political climate, which renders the work being done both necessary as well as controversial. IEM agendas are sensitive: the land and natural resources to which they lay claim are exactly what governments in the region want unhindered access to. While it might be tempting to try to expose the issues and advocate with IEM as loudly as possible, such action could compromise the security of those we wish to work with, and may not recognize the multiplicity of IEM concerns. Given this context, the work that has been conducted by ODM, ODC, ODL and ODV has also been a valuable learning experience. The following are some reflections upon lessons learnt from this process.

National contexts shape IEM realities

National differences in the legislations and policies surrounding indigenous and ethnic minority groups influence not only the IEM ability to engage in public processes, but divests them of a right and venue to speak out about their concerns.

Furthermore, large gaps in data availability mean that IEM are poorly represented, perhaps with difference impacts for the same indigenous group living across country borders. Laos and Vietnam do not permit self-identification, which adds an additional layer of disenfranchisement. Cambodia recognises customary land tenure rights, even if IEM are not afforded protection across all laws and policies which affect human rights, including self-determination (Ironsides, 2017). This lack of visibility results in under counting populations in different ways depending on the country. Regardless, the resulting policies perpetuate stereotypes and compound discrimination against IEM groups.

In addition, national contexts have a palpable impact on the ability of IEM groups to exercise their human rights. Cambodian constituents, which inhabit a relatively more open civic space, are more organized than groups within Laos and Vietnam, where regimes more actively hinder civic space and the penalties for dissidence is greater.

Community fragmentation adds complexity to providing relevant services

As we noted in the beginning of our paper – IEM are not a monolith. The groups we worked with had huge variability between them, even within the same national context. Different groups had different



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standing and identities - some were more established than others which were fledgling groups. Availability of resources varied widely. Capacity to contribute, even within organizations, ranged broadly. This uneven distribution of establishment and capacities meant that there was dominance in discussions by larger groups and an inability of smaller groups to conceptualise beyond their immediate needs. Extended lobbying, community organising and awareness-raising activities need to be delivered to ensure that discussions can be had on an even playing field.

As a corollary, it was difficult to obtain commitments from groups to proactively engage in a participatory approach. This was despite IEM groups having expressed a willingness to engage in a process that would help them to identify and amplify data and information about their communities that was more reflective of their values, customs and development needs. Ultimately, different groups interpreted the formulation of a community network differently; some saw more benefit than others. While local languages were used to determine how to formalize the structure and agreement to participate was documented, suspicion remained. Thus, greater work needs to be done to ensure community buy-in and trust building, as the initiative has the potential to strengthen the efficacy of our partners' work by securely coordinating disparate data processing chains.

Varied awareness and capacity

Basic open data skills, such as data literacy and responsibly managing data, was extremely low. Understanding open data and IDS, both higher-level concepts, proved challenging as a result. Despite the represented communities noting that they were used to participating in surveys and interviews with researchers, NGOs, and media, many IEM groups were not aware of what the information collected would be used for. Unsurprisingly, they clearly noted that did not feel heard or represented in ways that they felt would help to redress the issues they face. At the same time, discussions with IEM groups indicated that they have large gaps in knowledge about how to access, collect, and process available data and information about their communities. It seems that there is a disconnect between the objective values of why IEM groups provide information, the intent of the data collectors, and how this information can be utilized. Introductions to all of these concepts need to be targeted and provided in local languages where possible. The OD network platforms can be used as an application to facilitate this learning.

The proliferation of digital mediums (i.e. social media tools) has added to the challenge, putting IEM into an arena in which they are disadvantaged due to rural-urban divides as well as overall digital divides. Along with basic skills training, changing these narratives will require effective campaigning that recognizes IEM as collective nations with rights for self-governance.



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This lesson highlights a deeper issue, which is that data - open or not - does not automatically promote change from the status quo. It is simply a tool that can be used to develop greater transparency and accountability. It cannot address the deeper issues of marginalization through colonialism or discrimination, nor can it even out the power imbalances inherent in government-led negotiations and consultative processes.

Data privacy and protection is as important as data production

As alluded to earlier, IEM issues are sensitive. Sharing information may put IEM groups at risk of persecution from the state. The information shared may reveal sensitive and protected information, even if anonymizing protocols are used. After all, if for example a community's geography covers only a small area and there is only one location with those particular characteristics, deduction of that location is easy. Here lies a difficulty: as much as it is important to have transparent and accessible data, the subjects of that data also have a right to privacy.

This is where consultation should come in: IEM have the right to participate in free, prior, and informed consent processes to determine how much can be reasonably revealed about them, their vital records, and their social and economic conditions. This is especially the case given that many issues faced by IEM are inherently tied to land and natural resources.

However, as mentioned, transparent and accessible data as well as data on the processing of that data is necessary. Data privacy and protection requires the state to reveal the protocols of data acquisition, collation, organization, analysis, and dissemination, and how they will be enforced.

This remains a work in progress for the ODI. Training to IEM on these issues will continue to be provided, and is a necessary step to build capacity. The platforms follow open data protocols and the organisations are currently working on developing a responsible data policy.

Conclusion: Future Expansion

It is our hope that IEM will eventually feel capable in the production of data about and for themselves so as to be able to participate in public processes to preserve their land access and usage rights. To get there, at the least, more assessments on how data and information is accessed and used in CLV countries are needed to ensure that messaging from IEM data is not misunderstood. Greater IEM data literacy and digital skills will help to produce and disseminate IEM data. Undertaking IEM data work with sensitivity to the impacts on IEM lives, as well as following responsible data protocols, helps to ensure that no harm has been done.



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IDS is important for IEM groups for many reasons, only the basics of which are enumerated here. It supports self-identification, which ensures that IEM are not under-counted and thus properly served. It returns control of information and knowledge to the indigenous producers. It helps to shift stereotyped and biased views of IEM communities. Finally, it gives IEM agency and a voice to participate fully.

Ultimately, shifting the main data paradigm to one inclusive of IDS is a small but mighty component of empowering IEM groups to regain control of land and livelihoods. While a long road remains ahead of us, the possibilities in open data for IEM remain great.



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References:

- Asia Indigenous Peoples' Pact (AIPP), the International Work Group for Indigenous Affairs (IWGIA), & Asian Forum for Human Rights and Development (FORUM-ASIA). (2010). *ASEANs indigenous people*. Chiang Mai, Thailand: St. Film and Plate. Retrieved from https://www.iwgia.org/images/publications//0511_ASEAN_BRIEFING_PAPER_eb.pdf.
- AIPP. (2015). *Victims of development aggression: Indigenous peoples in ASEAN*. Chiang Mai, Thailand: AIPP. Retrieved from <https://www.business-humanrights.org/sites/default/files/documents/Victims%20of%20development%20aggression.pdf>.
- ASEAN. (2018). *ASEAN Key Figures 2018*. Jakarta: ASEAN Secretariat. Retrieved from <https://www.aseanstats.org/publication/asean-key-figures-2018/>.
- Belfer, E., Ford, J.D., & Maillet, M. (2017). Representation of indigenous people in climate change reporting. *Climatic Change*, 145(1), 57-70. Retrieved from https://www.researchgate.net/publication/320198005_Representation_of_Indigenous_peoples_in_climate_change_reporting.
- Erni, C. (2014). *Tribes states and colonialism: The evolution of the concept of indigenous peoples and its application in Asia*. Copenhagen, Denmark: IWGIA. Retrieved from https://www.iwgia.org/images/publications/0680_IP_CONCEPT_2014NE.pdf.
- Indigenous Peoples Major Group. *Position paper on proposed SDG indicators*. Retrieved from https://www.iwgia.org/images/publications/0724_SDG_Indicators_Final_eb.pdf.
- Ironside, J. (2017). *The recognition of customary tenure in Cambodia*. Vientiane: Mekong Region Land Governance.
- Kakutai, T., & Taylor J. (2016). Data sovereignty for indigenous peoples: current practice and future needs. In T. Kakutai & J. Taylor (Eds.), *Indigenous data sovereignty: Toward an agenda* (pp. 1-24). Acton, Australia: ANU Press.
- Michaud, J. (2012). Hmong infrapolitics: A view from Vietnam. *Ethnic and Racial Studies* 35(11), 1853-73.
- Open Knowledge Foundation. *Open data charter definition*. Retrieved from <https://opendefinition.org/od/2.1/en/>.
- Rainie, Kakutai, et. al. (2018). "Public draft: Open data & indigenous data sovereignty" in Davies, Walker, et. al. (Eds.), *The state of open data* (forthcoming in 2019). State of Open Data: <http://stateofopendata.od4d.net>. Retrieved from <https://docs.google.com/document/d/1fG8NNqCZQpA9asstw9cmMrxcbZumL52SydKz0PRDDJw/edit#>.
- Rainie, S.C., Rodriguez-Lonebear, D., et al. (2017b). *Policy brief: data governance for native nation rebuilding (Version 2)*. Tucson: Native Nations Institute, University of Arizona. Retrieved from



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http://nni.arizona.edu/application/les/8415/0007/5708/Policy_Brief_Data_Governance_for_Native_Nation_Rebuilding_Version_2.pdf.

Scott, J. C. (2009). *The art of not being governed: An anarchist history of upland Southeast Asia*. New Haven & London: Yale University Press.

Sen, A. (2000). *The idea of justice*. London: Allen Lane.

Smith, D. (2016). Governing data and data for governance: the everyday practice of Indigenous sovereignty. In T. Kukutai & J. Taylor (Eds.), *Indigenous data sovereignty: Toward an agenda* (pp. 117-135). Acton, Australia: ANU Press.

UN General Assembly. (2007). United Nations declaration on the rights of indigenous peoples. Retrieved from https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

UN General Assembly. (2014). Outcome document of the World Conference on Indigenous Peoples. Retrieved from <https://undocs.org/en/A/RES/69/2>.

UN General Assembly. (2015). *UN resolution: Transforming our world: the 2030 Agenda for Sustainable Development*. Retrieved from http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1.

UN Stats. (2018). *Overview of standards for data disaggregation*. Retrieved from https://unstats.un.org/sdgs/files/meetings/iaeg-sdgs-meeting-07/20180404_Update_Overview%20of%20standards%20after%20consultation%20mechanism.pdf.

Walter, M. (2016). "Data politics and indigenous representation in Australian statistics." In T. Kukutai & J. Taylor (Eds.), *Indigenous data sovereignty: Toward an agenda* (pp. 79-98). Acton, Australia: ANU Press.



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Appendix 1

Initiative Website URLs

Lao Women

<https://laowomen.org/2017/08/14/about/>

Pha Khao Lao

https://www.phakhaolao.la/en?fbclid=IwAR3bqgWN-__sbJPoczwM71d_-p3YAmbsWBZEYBkae5DLcKwHHPO5iuUCSIk

CIRUM

<http://cirum.org/about-cirum.html>

Prey Lang Community Network

<https://preylang.net/about/plcn/>

Landmark Map

<http://www.landmarkmap.org/>

Indigenous Navigator

<http://nav.indigenousnavigator.com/index.php/en/>

Open Development Website URLs

Open Development Mekong

<https://opendevelopmentmekong.net/>

Open Development Cambodia

<https://opendevelopmentcambodia.net/>

Open Development Laos

<https://opendevelopmentlaos.net/>

Open Development Vietnam

<https://opendevelopmentvietnam.net/>



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Appendix 2

Data Availability and Risk Exercise Results: August 2018.

People from each country were asked to come up with figures 1–6, where 1 meant little or no data/no risk and 6 meant a lot of data/a lot of risk. (1 was the minimum – if they felt there was no data available whatsoever, the score given would be 1.)

Issue	Laos responses		Vietnam responses		Cambodia responses	
	Avail.	Risk	Avail.	Risk	Avail.	Risk
Land	3	2	2	6	4	6
Natural resources	3	2	2	6	2	5
Education	4	1	5	1	1	1
Health/sanitation	4	1	5	2	1	1
Migration	1	1	2	3	1	2
Human Trafficking	1	1	2	4	1	2
Identify and culture	2	3	2	4	3	2
Gender (incl sexual violence)	3	3	4	2	1	4