Alaskan Natives, Pueblo and Kanaka Māoli access to the new digital Terra Nullius: - the Internet; Opportunities and Challenges they face.

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Digital technologies have spread rapidly in much of the world. Digital dividends—that is, the broader development benefits from using these technologies—have lagged behind. In many instances, digital technologies have boosted growth, expanded opportunities, and improved service delivery. Yet their aggregate impact has fallen short and is unevenly distributed. For digital technologies to benefit everyone everywhere requires closing the remaining digital divide, especially in internet access. But greater digital adoption will not be enough. To get the most out of the digital revolution, countries also need to work on the “analog complements”—by strengthening regulations that ensure competition among businesses, by adapting workers’ skills to the demands of the new economy, and by ensuring that institutions are accountable. (World Bank, 2016)

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ALASKAN NATIVES, PUEBLO, KANAKA MĀOLI AND MĀORI ACCESS TO THE NEW DIGITAL TERRA NULLIUS - THE INTERNET; OPPORTUNITIES AND CHALLENGES THEY FACE.

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Introduction

This essay considers observations made during an international tour in 2017 visiting Indigenous Peoples of Alaska, New Mexico and Hawai‘i. Observations show that the Internet is a digital Terra Nullius where colonizers have systemically obstructed access and denied equitable representation to Sovereign nations of: Alaska, New Mexico and the Indigenous Peoples of Hawaii. For example, in 2016, colonizers ignored the United Nations Human Rights Council (UNHRC) non-binding resolution, that condemned intentional disruption of internet access by governments. The UNHRC also reaffirmed that peoples’ rights should be protected both offline and online (Katsikas & Zorkadis, 2017) which were subsequently ignored by colonizers. These penalties have resulted in a modern-day colonial repression that deprives Indigenous Peoples of Alaska, New Mexico, and Hawaii of social, cultural and economic advancements in the digital terra nullius. For example, despite the possible cultural, social and economic benefits to all three Indigenous groups, they are statistically more likely to not have access to the Internet compared to non-indigenous peoples.

Lack of access to the Internet is described as a digital divide (Parker, 2001). Some academics do not believe in the digital divide and suggest that it will no longer be an issue when incomes are raised (Compaine, 2001). While poorer communities wait for incomes to rise, the gap between have and have-nots will widen, as will the digital divide. It is useful to note that the United States of America is the second largest online market worldwide with over 290 million internet users in 2016 totaling 74.5 percent of the U.S. population with Internet access (Statista, 2017). The average American consumer paid between $34.99 and $69.99 per month for internet access, while consumers living in rural areas and reservations, will likely be paying a higher rate. (Russo et al., 2014).

Analysis

Alaskan Natives
Alaskan Natives expressed two primary concerns: the first was a lack of access to appropriate health facilities and the second, was a lack of access to Internet in their rural villages. These outcomes were contributed the result of recent government decisions, that reduced health professional’s physical visits to villages to save money. With no access to in-person professional health advice, communities are left with few options. One of the ways to provide health care professional advise would be through access to the internet, however Alaskan Natives and Native Americans are over represented in the digital divide. Of the 5.4 million Native Americans and Alaska Natives in the United States, 23% live below the poverty level and are unable to afford internet access, let alone a computer (United States Census Bureau, 2015). 63% of residents on tribal lands lack access to fixed broadband, compared to 17% of the entire population in the United States and on rural tribal lands, approximately 85% of resident’s lack fixed broadband services (The Federal Communications Commission, 2015)

Telemedicine risks
Native Alaskan culture places great emphasis on relationships, trust and the value of sharing discussion, energy and physical presence. The decision by the Alaskan state government to remove funding and resources for rural health services has forced Alaskan Natives to use the Internet for telemedicine.
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Telemedicine provides much needed medical services to underserved rural areas in resource poor countries. It allows better utilization of scarce medical personnel and resources.

The Legislature passed a new bill into law on June 21, 2016 called SB 74, expanding the use of telemedicine in Alaska (Alaska Department of Health and Social Services, n.d.). The state government used the new legislation to justify the removal of health care professionals in native villages and to introduce telemedicine where the value of relationships in the Alaskan Native cultural context no longer exist.

Internet access is a problem with many villages due to the cost of access being prohibitive. Of the 226 native villages located in rural and remote areas of Alaska, 165 of these villages have no Internet access (Alaska, 2015). The total number of households without Internet access is 132,000 homes and over 5,000 businesses with no Internet access (Alaska, 2015). Villages without Internet access would then be required to travel great distances to a village where Internet was available. Given this, telemedicine is detrimental to Alaskan Natives while prohibitive practices are in place.

Cyber activism opportunities
Alaskan Natives with access to the internet, are well placed to raise the profile of local issues or causes such as the proposed destruction of their reindeer forests and tribal lands, like the way Native Americans gained international attention with the Dakota Oil Pipeline and Standing Rock protests (Elbein, 2017). Alaskan Natives stated, Dakota Pipeline, Yellow Stone Park and the Arctic Refuge are all spiritual fights. In doing so, they raise the profile of their communities and local challenges to gain international support and influence.

While on tour we were introduced to one group of activists called the Gwich’in Steering Committee. They are direct descendants of the Caribou and rely on the Caribou meat as part of their diet. The committee was formed in response to proposals to drill for oil in the coastal plain of the Arctic Refuge where the Caribou calving grounds reside. The Gwich’in Steering Committee are lobbying the Senate to stop the proposals for oil drilling. The lack of Internet access for the Gwich’in Steering Committee severely restricts their ability to raise awareness at an international level and communicate effectively for the cause.

Internet usage of the Gwich’in Steering Committee is limited to a website and two forms of social media, Facebook and Twitter. Both forms of social media do not require good Internet infrastructure. If there was good Internet access within Alaskan Native villages, the use of the Internet to raise international awareness could be much greater and likely reach the same international attention that the Dakota Pipeline received (Zellmer, 2017).

Pueblo
New Mexico has poor Internet access. They understand and are extremely interested in gaining improved access to support education schemes such as the Native American Community Academy (NACA) and retain the current gambling company success with online diversification. With more Internet access, the Pueblo risk centuries of cultural secrets and customs being exposed to the world and the potential for their sacred knowledge to be exploited as experienced by so many other Indigenous Peoples.

Native Americans living on reservations lack access to both basic and advanced technologies, primarily due to poor infrastructure. Pueblo are among the least Internet connected Indigenous Peoples in
America. New Mexico lags behind other states in the rate of home internet adoption, and specifically broadband subscription (University of New Mexico, Bureau of Business & Economic Research, 2013).

Preservation of Culture risks
Cultural misappropriation of indigenous people’s culture, language, traditional knowledge and customs has been intensified by access to the Internet. There are no laws to protect traditional knowledge and customs (Rogers, 2006). Copyright, Patent and Trademarks do not recognize Indigenous or collective ownership, but only individual ownership.

Pueblo have retained much of their traditional knowledge, by implementing protective measures such as restricted access to many of their intergenerational cultural practices, from three different groups of colonizers: Spanish (1539-1821), Mexico (1821-1848) and the United States of America (1848-Present) (Brown, 2013). For example, in the mid 1920’s when information was not quickly and easily shared, Taos Pueblo preferred not to use their cultural ceremonies at their sacred Blue Lake in case non-Indigenous People saw them (Gordon-McCutchan & Waters, 1995). Online exploitation via access to the Internet is of grave concern, which would signal a new wave of colonization, this time a digital colonization that will revolutionize their traditions.

It is likely that the lack of Internet access for Pueblo is assisting the retention and accurate preservation of their rituals and culture, though the government believe the opposite. A report by the Federal Communication Commission’s Office of Native Affairs and Policy stated, “[t]he lack of robust communications services presents serious impediments to tribal nations’ efforts to preserve their cultures and build their internal structures.” (The Navajo Times, 2013). This highlights that there is a great risk of further colonization of Pueblo traditions with greater Internet access and the misguided opinion of the government.

Opportunities for Native American Community Academy
Internet access would assist the Native American Community Academy (NACA) to populate a wider part of their community who presently cannot be reached, and realise the NACA vision statement to empower their community for college, to become leaders. Lucinda Hughes-Juan, a member of the Tohono O’odham tribe stated in a USA Today article that, “although the tribe has been slow to adopt the internet, more broadband access could increase college enrollment...[b]y having access to online classes, lack of transportation would no longer be an issue.” (USA Today, 2011).

The more students NACA could attract with better Internet, would assist more indigenous peoples to better health care, cultural resources, employment and education. There is a direct connection to greater societal problems and concerns facing Native Americans who live on reservations, such as poverty and high unemployment rates (Donnellan, 2017).

Commercial opportunities via nation owned Casinos
The Pueblo Nation owned casinos stated that physical gambling establishments were at saturation point within their communities. Their proposed solution was to invest in online gaming. Legalized casino gambling has revenues surpassing $137 billion in 2017 and Indian casinos accounting for what is approximately 50% of this (American Gaming Association). For Pueblo it is not currently possible to be a part of this commercial growth due to the lack of Internet infrastructure.
Kanaka Maoli:
Unlike other Indigenous Peoples we visited, Kanaka Maoli already have established Internet access and they use it to their advantage. Kanaka Maoli are also the only Indigenous Peoples of America who are not entitled to their own cyber identity with a domain name.

Hawai’i have at least 12 different providers to choose from removing the monopoly in the market that Alaska and New Mexico have. Statistics show that Hawaiians are amongst the best Internet connected of the 52 states of America with Internet access to wired broadband 25mbps or faster reaching 96% of the population of 1,427,538 (Department of Business, Economic Development & Tourism Census, 2017). 21% of the population of Hawai’i, or just over 300,000 have native Hawaiian ancestry (Pew Research Centre, 2015). Kanaka Maoli in the Wainae district that our cohort stayed in has a high Internet connection rate. Wainae district has an Internet connection rate of 99.5% (Decision Data Dot Org, 2017). The total population of Wainae is 13,177 people with over 68% having native Hawaiian ancestry (Suburban Stats, 2017).

Organic Gardens and food sovereignty opportunities
The organic farms Ma’o and Kahumana use the Internet to raise awareness of food sovereignty issues, seek volunteers from the mainland to work on the organic farms, raise food sovereignty issues, trade and business awareness.

Ma’o Farms and Kahumana Farms both utilize the Internet with a cross of traditional web sites, Facebook and a range of other social media. Such use of the Internet allows both a national and international audience. Ma’o Farms advertises their fresh organic produce and youth opportunities. Kahumana Farms use the Internet to seek volunteers from the mainland to assist with on the farm. Without the Internet, both farms would be limited about how they sell produce, advertise their initiatives and raise food sovereignty issues.

Oahu university opportunities
Oahu University utilize the Internet to be more marketable to potential students by raising their rankings from the lowest ranked Hawai’i University of the six Hawaiian universities (Uni Rank, 2017). A number of promotions and online advertising are viewable from Aotearoa on their website.

University of Hawai’i is using Internet technologies to assist development of a University village on adjacent vacant land. The use of Geographic Information systems (GIS) and drones will allow the University to map out previously landlocked land. The village will see employment opportunities being created with a suite of retail shops, childcare, accommodation and other services that will make the University village self-sufficient. The state government of Hawai’i has agreed to build more infrastructure into the village which will being further financial benefits to the Hawai’i economy and increase the capability of the University. The village and increased infrastructure is expected to allow the University of Hawaii grow and obtain higher University rankings.
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A domain name is generally a series of alphanumeric characters or strings that forms part of a corresponding address for a computer network. Although a user reads a domain name from left to right, the underlying technology of the Internet reads names from right to left (Wass, 2003). From an Indigenous perspective, a domain name is the digital equivalent of a Māori pepeha, a mark identifying lineage to a tribe, a ta moko, a land mark or an ancestor name (Taiuru, 2017). Without the identifying mark, a person or a group has no identity on the Internet, unless they assume another culture or corporates identity that offer free email and web hosting.

Every country and non Indigenous sovereign nations in the world is automatically assigned their own Domain name by the global Internet Assigned Numbers Authority (IANA, n.d.). IANA designate new ccTLDs based on a preexisting list of country codes provided by the International Organization for Standardization (ISO) ISO and is published in their publication ISO 3166 (Standardization, n.d.)

For a sovereign nation or Indigenous People to be listed in the ISO list, it must be registered in either the United Nations Terminology Bulletin Country Names or Standard Country or Area Codes for Statistical Use (U.N. Statistics Division, n.d.) Those in Country Names were either U.N. member countries, U.N. members of one of its specialized agencies, or a party to the Statute of the International Court of Justice (IANA, n.d.). If the country’s name is not on either of the U.N. lists, it will not be incorporated into the ISO 3166-1 (ISO, 2011). Native sovereign nations of America, including Pueblo and Alaskan Natives are not on the ISO list despite being recognized sovereign nations by the American government as they are not internationally recognized as sovereign nations. IANA then ignored requests by Native Indian representatives to include them on the list. As Professor Fletcher noted, covert colonialism of the federal bureaucracy is not easily discoverable, nor can it easily be prevented by amendment of relevant statutes (Fletcher, 2005). Through the systematic structuring of domain name assignments, international entities—with the United States having a large voice in the process—now exercise covert colonialism in the globalized and technical world, that tribes are dealing with the “the paradox of colonialism: the efficiency of the conqueror versus the inefficiency of the occupier (Fletcher, 2005).

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly on Thursday, 13 September 2007, by a majority of 144 states in favor, 4 votes against (Australia, Canada, New Zealand and the United States) (UN, 2011). Though 3 years later in 2010, New Zealand signed it. If the US voted in favor of the deceleration, then Native Sovereign Nations and Kanaka Maoli could all have used the declaration for recognition in the domain name system.

American sovereign nations were offered, without consultation a colonized identifier with the ability to be recognized with the domain suffix nsn.gov which represents a Native Sovereign Nation of the US government. There is also a newly introduced formation nsn-us domain which does not meet any international domain structure, but appears to represent that the United States and Native Sovereign Nations are as one.

Kanaka Maoli have no recognition in the domain name system. Māori have had to lobby for 10 years for their identity to be recognized with .iwi.nz, .maori.nz, .māori.nz and the ability to use macrons in domain names.
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The failure to assign country codes to American recognized sovereign states of America and Indigenous Peoples of New Zealand and Hawai‘i, have deprived sovereign nations and Indigenous Peoples of economic opportunities and intellectual property rights and protections associated with Country Code Top Level domain assignments and administration.

Analysis of the organizations visited and their non usage of Indigenous domain names.

Sovereign Nations of America and were given their own Indigenous identifiers nsn.gov and nsn.us in 1997 by the government (US Department of the interior Indian Affairs. (n.d.) Of the 18 primary organizations I visited while on the tour, only one organization Pueblo of Sandia uses an Indigenous identifier (-nsn) for their internet presence. This is evidence of the lack of trust Indigenous Peoples of America have with their government. The United States Supreme Court recognized the undisputed existence of a general trust relationship between the United States and the Indian peoples (Donnellan, 2017).

Alaska indigenous organizations have a preference for the internationally recognized identifier .org which represents a Not For Profit Organization. Of the 260 Alaskan tribes listed in the directory at http://www.ncai.org 64 tribes have web sites and only 3 use the Indigenous identifier. 9 use .com and 52 use .org the two most popular American suffixes for corporations and Not for Profits.

Of the 21 Pueblo tribes listed in the directory at http://www.ncai.org only one uses the nsn identifier. 7 use Org and 3 use .com.

Hawai‘i have no options other than to use internationally or nationally recognized identifiers. The popular choice in Hawaii is also .org, with the University following international best practices and using an educational identifier. Hawai‘i Investment Ready use .net which is an anomaly.
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Conclusion

Despite the fact that the United Nations have declared the Internet is a human right and the fact that sovereign nations have treaties with the American government. Alaskan Natives, Native Americans and Kanaka Māoli continue to be systematically colonized in the technological era of the Internet by the American government. Excessive commercial restrictions and lack of infrastructure developments have seen Indigenous Peoples marginalized and a part of the digital divide. The colonization of the Internet naming system and the prevention of Indigenous Peoples to be able to represent themselves and to make a digital home on the Internet makes the Internet less appealing for Indigenous Peoples to represent themselves. This leads to a number of social, educational, social and economical disadvantages for Indigenous Peoples of America. Only Kakana Maoli are enjoying the social and economic benefits of access to the Internet.

The lack of Internet has some cultural benefits to Indigenous traditional knowledge being protected and kept intact without colonial ambiguity while there are no laws to protect traditional knowledge. The introduction of Internet access should be planned for by Indigenous Peoples to protect their cultures and knowledge.
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Appendix 1

New Mexico

1. Americans for Indian Opportunity  aio.org
2. Isleta Resort & Casino  www.isleta.com/
4. Feast Days - Indian Pueblo  https://www.indianpueblo.org
6. Pueblo of Sandia  https://www.sandiapueblo.nsn.us
7. Indian Pueblo Cultural Center  https://www.indianpueblo.org
8. Native American Community Academy  nacaschool.org

Alaska

1. Indigenous Language Project  Fairbanks.org
2. Tanana Chiefs Conference  tananachiefs.org
3. First Alaskans Institute  firstalaskans.org
4. Wwich'in Steering Committee  ourarticrefugee.org
5. Alaska Area | Indian Health Service (IHS)  https://www.ihs.gov

Hawai'i

1. University of Hawai'i West Oahu  uhwo.hawaii.edu
2. Hawai'i Investment Ready  hiready.net
3. Ma'o Organic Farms  maoorganicfarms.org/