

Independent Review of Systemic Racism

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PURPOSE: To commission an independent review of systemic racism within InternetNZ.

Introduction

In October 2021, Council considered options for a review of systemic racism in InternetNZ. Council sought more work and this paper seeks Council agreement to the proposed review.

Background

Systemic racism is the concept that the ways things are done in a society or an organisation disadvantages groups of people based on their race. It is a form of discrimination. Council regards it as a basic a priori principle that racism in any form is unacceptable to InternetNZ. Council acknowledges the reality of systemic racism in Aotearoa and the clearly expressed concerns that it exists within our organisation. Systemic racism within our organisation at any level needs to be brought to light, and the systems involved changed so that they protect and promote the human rights of all.

We acknowledge these areas of concern

InternetNZ Council committed to conduct a review to examine claims of systemic racism within InternetNZ going back many years. As a precursor to that review, we have carefully considered the feedback received and issues raised and have identified three key ways in which InternetNZ has inadvertently discriminated against Māori and te ao Māori:

1. Much of the early development of the Internet took place at a time when racism was embedded in NZ society and this resulted in the exclusion of Māori and other indigenous peoples, from free and equal participation in the development of the Internet. This has led to an under-participation of Māori in the development of the Internet.

2. The voting system used by InternetNZ, which followed colonial democratic principles, delivered a result that for many years excluded Māori from being InternetNZ Councillors and no attempt was made to redress that through other means. This has led to an under-representation of Māori in InternetNZ membership and governance.
3. The policy framework used by InternetNZ, which was built around NZ law and colonial consultation principles, for a long time prevented Māori from using te reo in domain name registration, and to this day provides lesser protection of Māori taonga than it does for the colonial concept of intellectual property. This has led to an under-appreciation of te ao Māori, te reo Māori and tikanga in .nz policy and other governance instruments, and in the use of .nz by Māori.

InternetNZ also recognises the need to address these issues to fulfil our strategic goal of becoming a “Te Tiriti o Waitangi centric organisation”.

Commissioning an Independent Review

To examine, and add to if required, these identified issues, we wish to commission an independent review. The goal of the review will be to address the issues outlined above, and any others that the reviewer may identify, with the goal of strengthening our work and our organisation. We propose the following terms of reference for the review.

Terms of Reference for the Independent Review

The Council of InternetNZ have commissioned an independent review with the following Terms of Reference:

1. To review the claims of systemic racism, the areas of concern identified above and any further areas identified by respondents, and to give a view on them.
2. To make recommendations for improvements in policy and practice at InternetNZ in relation to these matters, those recommendations to be consistent with advancing the objects of InternetNZ and the resource constraints under which InternetNZ currently operates.
3. The Reviewer will be provided with full access to any information that they deem necessary, subject only to unavoidable legal, fiduciary and privacy constraints, to complete a rigorous review of the issues raised. The Reviewer may receive written or oral evidence, receive or request documentary evidence in support of submissions and request that individuals or groups meet with them. Members of InternetNZ (current and former) are encouraged to speak with the Reviewer.

4. The Reviewer may find it helpful to consider the report in two parts, with a report on (a) above as soon as practicable and a report on (b) by 31 October 2022.
5. Individual complaints are not formally within the scope of the review but the Reviewer will be provided with full access to information on matters that have sparked the review.
6. The reports authored by the Reviewer will be provided to the President and the Chief Executive of InternetNZ and will be made publicly available. It will be the Council's responsibility to prepare any version of the report that will be made publicly available, but the Reviewer will be consulted about the public release of any versions of the reports.
7. The Reviewer will be supported by the Chief Advisor Māori, the Māori Sector Partnerships team, Legal Counsel, and by other functions as required.

Timing

The review will be completed by a written report to Council by 31 October 2022.

In meeting this completion date, the Reviewer will also need to have:

- met with Council and members of staff suggested by management.
- provided opportunity for members to make a submission to the Reviewer (either in support of or as an alternative to written submissions).

Recommendations

We recommend that Council:

- (a) Agree to commission an independent review of systemic racism in InternetNZ; and
- (b) Ask the Interim Chief Executive to commence the review as soon as practicable.