

## CMAC Intervention at CRTC Hearing 2017-1

2153 MS. LUDSKI: Good day, Chairman Blais, Commissioners Vennard and MacDonald, Madam Secretary and CRTC staff. Greetings to all those who participated yesterday and today.

2154 Let us acknowledge that we are speaking today on Algonquin territory. It is our collective responsibility as media producers and regulators to acknowledge the history, and for the ongoing struggles of Indigenous peoples to be heard.

2155 (Speaking in Native language). Hello. My name is Zoe Ludski. I've traveled from the territory of the Tla'Amin Nation on the sunshine coast of British Columbia to speak with you today. I am the Vice-President and a founding member of the Community Media Advocacy Centre or CMAC, which prioritizes the perspectives, voices and lived experiences of Indigenous Peoples, people of colour, third language and disabilities communities in media.

2156 MR. MAROUF: My name is Laith Marouf and I'm an award winning producer in both radio and television. I'm also a Senior Consultant with CMAC, which is a non-profit organization that is uniquely comprised of academics, lawyers, policy consultants and experienced community media practitioners. We promote community access and offer advocacy and support to Indigenous and community owned multimedia.

2157 Our intervention on the public record recommends the CRTC awards the licenses to the three regional broadcasters, Indigenous broadcasters -- Wawatay, AMMSA and NNB -- and reject the applications made by FPR and VMS. On that basis, we are here today to reinforce CMAC's original recommendations to the Commission: award the licenses to the three regional Indigenous broadcasters.

2158 The public record supports this recommendation, and we have reviewed all relevant laws and policies, including the Native Broadcasting Public Policy Notice CRTC 1990-89, sections of the 1991 Broadcasting Act, BNC CRTC 2015-399, and all of the applications under Broadcasting Notice of Consultation, and all the public interventions and the replies by the applicants on record. We come in-person today to reinforce CMAC's original recommendation to the Commission.

2159 MS. LUDSKI: More specifically, our presentation today will focus on four key areas in which the applications of Wawatay, AMMSA, and NNB clearly surpass those of FPR and VMS in meeting a variety of critical policy objectives, both in broadcasting law and with respect to Indigenous peoples in Canada. They concern first, sovereignty and the duty to consult; second, station board structure; third, news and language programming; and fourth, education and employment opportunities.

**MANDATE:** self-determination in Indigenous and community media through research, relationship-building, advocacy, and learning

**MISSION:** To disrupt settler colonialism and oppression in the media

**VISION:** Decolonized, participatory, representative, non-profit, sustainable community and Indigenous media

**VALUES:** Decolonization \* Anti-oppression \* Empowerment

2160 We would like to make the Commission aware that there will be an addendum to our main presentation today that addresses these proceedings as a whole in context of the Indigenous broadcasting sector across Canada.

2161 We will begin with sovereignty and the duty to consult. According to the Minister of the Department of Aboriginal Affairs and Northern Development Canada, "The duty to consult is an important part of the federal government's activities, including for regulatory project approvals, licensing and authorization of permits, operational decisions, policy development, negotiations and more." The updated Guidelines for Aboriginal Consultation and Accommodation reiterate the "common law duty" to consult Indigenous nations. Such consultation is the only way to ensure valid consent from Indigenous nations, and is even more essential today in context of the Canadian government's ostensible efforts at "reconciliation".

2162 Here, the CRTC did not consult Indigenous nations and representative organizations when it called for license applications, and so the duty to consult was placed on license applicants. Only certain applicants fulfilled this duty, and the Commission's licensing determinations should reflect that.

2163 According to the Policy, the primary factor that determines the legitimacy of an Indigenous broadcaster is consulting with and obtaining the consent of the Indigenous communities in the service zones. The license applications and interventions on record reveal which applicants have received support from Indigenous nations and representative organizations in the service zones and obtained their consent.

2164 MR. MAROUF: CMAC has compiled a table of all interventions on the record in support of the applicants and it is attached at the end of this presentation as Table 1. This table reveals the degree of consultation and consent obtained by each of the applicants in the proceeding.

2165 Wawatay obtained six letters of support from Indigenous political bodies, including all the major organizations in Ontario: the Union of Ontario Indian Grand Council Chief, Chief of Ontario, Ontario Regional Grand Chief, the Grand Council Treaty 3, Nishnawbe Aski Nation Grand Chief and Shibogama First Nation Council. Wawatay's applications demonstrate a consultation and consent among Indigenous nations and representative organizations in their proposed service zones.

2166 AMMSA obtained three letters of support from Indigenous political bodies including Stoney Tribal Administration and the AFN National Chief for their proposed service in Calgary and Edmonton.

**MANDATE:** self-determination in Indigenous and community media through research, relationship-building, advocacy, and learning

**MISSION:** To disrupt settler colonialism and oppression in the media

**VISION:** Decolonized, participatory, representative, non-profit, sustainable community and Indigenous media

**VALUES:** Decolonization \* Anti-oppression \* Empowerment

2167 NNB has supporting interventions from eight Indigenous political bodies, including three Indigenous reserves within the proposed broadcasting zone: Musqueam Indian Band, Squamish Nation and Tsleil-Waututh Nation.

2168 FPR did not receive letters of support from any Indigenous political bodies in the proposed service zones. The sole exception was that from the Metis Settlement General Council, a national organization. And this Council submitted a letter of general support for all of the applicants, including Wawatay, AMMSA, NNB and VMS.

2169 As evident by the interventions from Indigenous political bodies, the regional Indigenous broadcasters -- Wawatay, AMMSA and NNB -- have consulted with and received the consent of their Nations and representative Indigenous organizations while FPR did neither. Thus, if the Commission is to uphold the right of Indigenous peoples to meaningful consultation, the applications of Wawatay, AMMSA, and NNB must prevail.

2170 MS. LUDSKI: After mandating consultation and consent, the *Native Broadcasting Policy* sets markers that define what constitutes a Native Undertaking. We quote the Commission in their recent Decision *CRTC 2017-787* to license Gimaa Giigidoowin Communications:

2171 “According to the Native Policy, a Native undertaking must be owned and controlled by a not-for-profit organization whose structure provides for board membership by the Native population of the region served...[T]he Commission also takes into account a wide set of factors reflected in the Act, including the nature of programming and service to the communities involved, as well as regional, social, cultural, economic, and financial considerations.”

2172 This decision prioritizes governance practices that are accessible to the Indigenous communities served in the licence zones, and therefore so must the Commission’s licensing decisions in this proceeding.

2173 Among the Indigenous Applicants on file under CRTC 2017-1, all are owned or controlled by not-for-profits. Where they differ is on board representation of Indigenous populations in the proposed licence zones.

2174 Wawatay has an accessible board structure with representation from the communities they currently serve in northern Ontario. Their application proposes to add two seats to represent Ottawa and Toronto if granted licenses for these zones.

2175 MR. MAROUF: Both AMMSA and NNB are promising to add seats to represent the Indigenous communities in their proposed licence zones. However, both organizations have closed, less accessible boards. For example, CMAC reviewed one licence application that stated the terms of the board of directors as “permanent” appointments. It is incumbent

**MANDATE:** self-determination in Indigenous and community media through research, relationship-building, advocacy, and learning

**MISSION:** To disrupt settler colonialism and oppression in the media

**VISION:** Decolonized, participatory, representative, non-profit, sustainable community and Indigenous media

**VALUES:** Decolonization \* Anti-oppression \* Empowerment

upon the Commission to explore more deeply in this hearing the different governance structures proposed by the Applicants.

2176 CMAC recommends that the Commission condition any licence issued to AMMSA or NNB to require changes to the bylaws and board structures that guarantee more representative and accessible governance for the Indigenous Nations in the licence zones, including how programming advisory committees will relate to the governance.

2177 CMAC finds the proposed board structure of FPR fails to achieve the minimum standards outlined in the Policy. The proposed FPR Board would reserve three seats for station senior APTN staff and four seats for APTN members. However, only those who sit on the APTN Board of Directors are considered APTN members.

2178 MS. LUDSKI: Three problems arise from this governance structure.

2179 First, FPR proposes to serve five zones. However, they only designate four seats to possibly represent Indigenous communities. One city will always be left out of representation on the board of FPR.

2180 Second, only APTN Board members can be appointed to the FPR board, and some proposed service zones such as Ottawa lack APTN Board members. Moreover, given that the APTN Board member from Edmonton is Bert Crowfoot, the CEO of AMMSA, the current competition might hinder FPR's ability to appoint a representative for that zone.

2181 The third problem with FPR's proposed structure is how removed the Board is from the Indigenous community members they purport to serve. CMAC believes that sustainable organizations involve engaged community members who see themselves as key stakeholders in a community asset. As proposed, FPR board members are appointed by the APTN Board, whose members in turn are appointed by regional Indigenous broadcasting societies. Here the only chance an Indigenous community member has to participate in the governance of FPR is at the Annual General Assemblies of their regional Indigenous broadcaster.

2182 MR. MAROUF: Section 2 of the *Native Broadcasting Policy* affirms that broadcasters have a "distinct role" in promoting the development of Indigenous cultures and preserving Indigenous languages. This follows the 1991 *Broadcasting Act*, which prioritizes reflecting Indigenous peoples in programming and employment, while mandating for them a "special place" in the broadcasting system. To reiterate the *Gimaa Giigidoowin Communications* decision above, the Commission must take into account factors such as, in particular, the nature of programming and service to the communities involved.

2183 In applying the Policy and the Act, this recent ruling prioritizes the nature of programming and services provided to the community when judging the merits of the proposed Native Undertaking. Assessing each of the Applicant's commitment to Indigenous

**MANDATE:** self-determination in Indigenous and community media through research, relationship-building, advocacy, and learning

**MISSION:** To disrupt settler colonialism and oppression in the media

**VISION:** Decolonized, participatory, representative, non-profit, sustainable community and Indigenous media

**VALUES:** Decolonization \* Anti-oppression \* Empowerment

programming and languages demonstrates that, in keeping with this policy, the Commission should grant a licence to Wawatay and conditionally grant licences to AMMSA and NNB.

2184 CMAC has categorized the programming proposed by the four Indigenous Applicants, appended as Table 2 at the end of our presentation. This table shows that Wawatay is committing to the highest percentage of programming in Indigenous languages, or 33 percent of programming broadcast weekly, and news programming at 24.6 percent.

2185 AMMSA is also committing to a high percentage of programming in Indigenous languages, 18.25 percent, but offers a very low commitment to news, around 3 percent.

2186 Given AMMSA currently operates a predominantly music station in Edmonton and is seeking to hold a second licence in the market, CMAC recommends any licences issued to AMMSA include a condition of higher quotas of news programming.

2187 NNB offers the lowest amount of programming in the Indigenous language, 2 percent Indigenous languages, and a low commitment to news programming, 5.4 percent.

2188 CMAC recommends that the Commission condition any licences issued to NNB with higher Indigenous language and news programming quotas.

2189 MS. LUDSKI: FPR commits to only 7 percent Indigenous language programming after three years and 4.8 percent news programming, despite the fact that a market study commissioned by FPR/APTN -- submitted in their Appendices to their Supplementary Brief -- indicates 83 percent of Indigenous audiences prefer news programming.

2190 In its application, FPR also merges the programming categories for news and spoken word, as pointed out yesterday, to project a higher quota of news. This is problematic.

2191 In fact, a closer look at Table 2 below shows that FPR, of all the Applicants, is committing to the lowest percentages for both spoken word and news programming. Furthermore, when the numbers are actually calculated, FPR's commitment to Indigenous music works out to a 35 percent commitment to CanCon, 25 percent of that percentage which would be designated for Indigenous music, which totals a commitment to only 7 percent of broadcast hours for Indigenous music.

2192 As stated above, the *Broadcasting Act* provides for reflection of Indigenous peoples in both programming and employment in the broadcasting system.

2193 For Indigenous communities, many barriers exist beyond mere availability of jobs. Added barriers include obtaining the training and certification to qualify, frequently requiring moving to the urban centre.

2194 Wawatay addresses the needs of Indigenous communities to access training and certification that lead to employment. Five Ontario universities have committed to Wawatay

**MANDATE:** self-determination in Indigenous and community media through research, relationship-building, advocacy, and learning

**MISSION:** To disrupt settler colonialism and oppression in the media

**VISION:** Decolonized, participatory, representative, non-profit, sustainable community and Indigenous media

**VALUES:** Decolonization \* Anti-oppression \* Empowerment

in writing to design media training programs for Indigenous students: the University of Ottawa, Carleton, York, Ryerson, and Queen's.

2195 CMAC believes Wawatay's proposal for media education significantly advances its merits for licensing. Furthermore, once Wawatay is in operation, its training model might be emulated by the other Indigenous broadcasters who are awarded licences under *CRTC 2017-1*.

2196 MR. MAROUF: To conclude our main presentation today, we remind the Commission of the obligations determined by the common law duty to consult, the Act, and the Policy. The regional Indigenous networks, Wawatay, AMMSA and NNB, have consulted with their Nations and presented the CRTC with letters supporting their applications for the licences.

2197 The Commission must issue the licences to applicants that have consulted and therefore represent the consent of the Indigenous peoples in the proposed licence zones.

2198 Additionally, the Commission is obliged to guarantee these Native Undertakings comply with the objectives of the *Native Broadcasting Policy*, which mandates accessible governing structures for Indigenous community members in the service zones. We support Wawatay's application as well as licensing the new stations proposed by AMMSA and NNB.

2199 However, CMAC recommends the Commission require, as conditions of licensing, that AMMSA and NNB amend their proposed bylaws and board structures to make them more reflective, more accessible to the Indigenous peoples in their service zones. Further, we recommend conditions for increased levels of Indigenous language and news programming for both AMMSA and NNB.

2200 MS. LUDSKI: The Policy also calls upon the Commission to guarantee that the programming is reflective of the interests and needs of Indigenous communities. Given that the proposed licences are located in the political and economic capitals of English Canada, CMAC believes the needs and interests of local Indigenous communities will not be reflected through predominantly music stations. The Commission must set conditions for the licences under *CRTC 2017-1* with a minimum 20 percent commitment to Indigenous languages and news programming.

2201 CMAC organized the information provided by the applications into prioritized categories as determined by the obligations under CRTC policies, the *Broadcasting Act*, and the Calls to Action by the Truth and Reconciliation Commission. This information is attached at the end of our oral remarks as Table 3.

2202 CMAC believes this hearing is an opportunity for the Commission to apply the TRC's Call to Action through a meaningful and tangible act of reconciliation in the public interest.

**MANDATE:** self-determination in Indigenous and community media through research, relationship-building, advocacy, and learning

**MISSION:** To disrupt settler colonialism and oppression in the media

**VISION:** Decolonized, participatory, representative, non-profit, sustainable community and Indigenous media

**VALUES:** Decolonization \* Anti-oppression \* Empowerment

2203 Table 3 and Section 16 of our intervention provide greater details on these recommendations and their relevance in guiding the outcomes of *CRTC 2017-1*.

2204 MR. MAROUF: That concludes our main presentation. At this point, CMAC would like to respectfully address the process we are engaging in today. The Commission decided to post the call for licenses without consulting with Indigenous nations and representative organizations in the proposed service areas. Because of this, the responsibility to consult was delegated to the potential license applicants. As a result, competing license applications pitted the regional Indigenous broadcasters, Wawatay, AMMSA and NNB, against an organization they helped found, as a means to serve their nations' national public television needs, APTN.

2205 The current CRTC process has pushed a harmonious Indigenous broadcasting sector, previously working towards the same goals, to compete over the consent of their nations for access to the airwaves, a public good. As we have been reminded by this hearing, Indigenous Peoples never gave up their right and sovereignty to make use of the electromagnetic spectrum.

2206 MS. LUDSKI: With respect, the competitive license process imposed by the CRTC inherently creates conflict against Indigenous broadcasters across this land. This conflict is compounded by a 27-year-old Native Broadcasting Policy, too old to address standards and goals set by things like the Truth and Reconciliation Commission. This highlights the obvious need to review the Native Broadcasting Policy, which we look forward to the Commission doing later this year.

2207 Going forward, CMAC believes the CRTC has the legal responsibility to consult Indigenous nations and representative organizations on the shape of the Policy's review process. This will ensure that the review process does not create further conflict within the complex Indigenous broadcasting sphere.

2208 Thank you for listening to and for your work examining our intervention. We look forward to your questions and to continuing this conversation today.

2209 THE CHAIRMAN: So, thank you very much. I just have a few questions for you. How did you become aware of this proceeding?

2210 MR. MAROUF: Well, this is out of the priority of our work as CMAC and we ---

2211 MS. LUDSKI: The CRTC website.

2212 MR. MAROUF: --- watch and monitor the CRTC website constantly. We've been following up -- following the AVR file since inception.

**MANDATE:** self-determination in Indigenous and community media through research, relationship-building, advocacy, and learning

**MISSION:** To disrupt settler colonialism and oppression in the media

**VISION:** Decolonized, participatory, representative, non-profit, sustainable community and Indigenous media

**VALUES:** Decolonization \* Anti-oppression \* Empowerment

2213 THE CHAIRMAN: You would agree with me, I take it, that our public notices are widely distributed and available?

2214 MR. MAROUF: For people that know how to search the website of the CRTC. And obviously, this is -- I'm kind of reading into your question. You're wondering if this was a consultation. Is that was your question? You were trying to ---

2215 THE CHAIRMAN: I'm asking questions about what your -- how you became aware of this process because I see you coming and making all kinds of statements here so I'm trying to get the factual basis of your perspective.

2216 MR. MAROUF: Yeah, so, CMAC's work is to, as we explained and you can read it from our website, is to help, you know, the Indian Indigenous community and ethnic communities needs to -- in licensing and engagement at the CRTC and the governance of Broadcasting Canada.

2217 THE CHAIRMAN: Would you describe CMAC as an Indigenous organization?

2218 MR. MAROUF: It's actually half Indigenous, half ethnic. Our board of directors is split in between, and that's our priorities.

2219 THE CHAIRMAN: Right. And do you represent all the Indigenous peoples of Canada through your board governance?

2220 MR. MAROUF: We're an advocacy group and that's what we are so.

2221 THE CHAIRMAN: I think that's quite clear you're an advocacy group.

2222 MR. MAROUF: Yes.

2223 THE CHAIRMAN: Yes, thank you.

2224 MR. MAROUF: Yeah.

2225 MS. LUDSKI: No.

2226 MR. MAROUF: So, we're not an Indigenous nation, no. We're not ---

2227 THE CHAIRMAN: No? Okay.

2228 MR. MAROUF: --- an Indigenous political body, no. We are an advocacy group ---

2229 THE CHAIRMAN: So, how did you seek the views of the very wide and complex Indigenous population of Canada before coming to make your positions known today?

2230 MS. LUDSIK: I think our research and research of our consultants, our knowledge and experience within the broadcasting sector of Canada from myself, the community radio perspective and the work within the community radio sector to further break barriers and

**MANDATE:** self-determination in Indigenous and community media through research, relationship-building, advocacy, and learning

**MISSION:** To disrupt settler colonialism and oppression in the media

**VISION:** Decolonized, participatory, representative, non-profit, sustainable community and Indigenous media

**VALUES:** Decolonization \* Anti-oppression \* Empowerment



unite people who have the common goal of broadcasting voices that are underrepresented and, in particular, maybe non-commercial models.

2231 THE CHAIRMAN: Right.

2232 MR. MAROUF: I may add that actually, we have been ---

2233 THE CHAIRMAN: Did you reach out to any ---

2234 MR. MAROUF: Yes, we worked with all the applicants ---

2235 THE CHAIRMAN: So, could you tell me exactly which communities ---

2236 MR. MAROUF: Yes.

2237 THE CHAIRMAN: --- you reached out? You can do it by undertaking.

2238 MR. MAROUF: So, we have actually worked for the last two years with Wawatay and ---

2239 THE CHAIRMAN: Okay.

2240 MR. MAROUF: --- Anishnawbe Nation. We had met with AMMSA and we have attempted to meet with NNB. We have actually -- we were present at the APTN board of directors meeting. We tried to -- attempted -- this is part of our work. We are part of trying to attempt to negotiate a harmonious way with -- between these Indigenous broadcasters when a conflict arose around these licenses to try to figure out how can they merge their efforts and not end up in this situation that we have here.

2241 So, we were involved directly with all the Indigenous broadcasters appearing in front of you. That included our presence at the board of directors of APTN when the decision was made to license -- to apply for FPR.

2242 THE CHAIRMAN: Right. But I take it from that that your outreach was mostly to the applicants that we're hearing from today. I'm asking you, did you go beyond those people? Let's say, land claim societies in the territories or beyond that?

2243 MS. LUDSKI: One moment, please.

2244 I think actually, Commissioner, this question leads us to something that we feel was really missing, that the duty of the consultation of the nations is that of the Commission. And that by putting that duty back to groups who are interested or advocacy groups, the nations are replicating work of consulting, consulting, consulting with different members. Whereas, had the CRTC approached the regions and spoken to see what is it that you would like from the broadcasting sector, then everybody could have come from a place of

**MANDATE:** self-determination in Indigenous and community media through research, relationship-building, advocacy, and learning

**MISSION:** To disrupt settler colonialism and oppression in the media

**VISION:** Decolonized, participatory, representative, non-profit, sustainable community and Indigenous media

**VALUES:** Decolonization \* Anti-oppression \* Empowerment

what are the wants and needs of the communities. Instead, that duty was put to the process that we have now.

2245 THE CHAIRMAN: Right. I'm not engaging in a legal discussion with you. I'm just trying to get some facts about what you did because you claim to have done and speak about on behalf of people and I'm just trying to say exactly ---

2246 MR. MAROUF: I'm actually ---

2247 THE CHAIRMAN: --- what you're saying.

2248 MR. MAROUF: We are not speaking on behalf of anybody.

2249 MS. LUDSKI: No.

2250 MR. MAROUF: So, I would like to object to that characterization. We are not speaking on behalf of anybody. We clearly said we're coming here speaking on behalf of CMAC, an advocacy group that works on these issues and has the expertise in these fields. And now what we have been very respectful is that even if, let's say, there is critiques of NNB or AMMSA in our thing, they have the sovereign consultancy, a consultation and consent of their nation. So, there is a difference in how we are approaching this. We look at them. They have the consent; therefore, they are representative.

2251 THE CHAIRMAN: So, yet -- if I understand your position is notwithstanding the fact that some various applications have gotten the support and consent of various group, you come in afterwards and come to this hearing and ask for amendments above and beyond what those groups propose. I find that a bit surprising and, in fact, completely contrary to what you're saying we should be doing.

2252 MR. MAROUF: You have actually a policy. You have a policy called -- a native broadcasting policy and it has actual parameters and we are standing by that. We're not coming and saying this is what we think ---

2253 THE CHAIRMAN: So, you're of the view that the Commission in its public proceeding in this proceeding has said that we would only issue licenses consistent with the native broadcasting policy?

2254 MR. MAROUF: That's what it actually the posting said.

2255 THE CHAIRMAN: I think we asked for innovative and not necessarily policies that were consistent with the native policy. You didn't even read the public notice correctly.

2256 MR. MAROUF: I'm not sure if you can -- anybody can apply to any license that doesn't follow the policies or acts.

2257 THE CHAIRMAN: Right.

**MANDATE:** self-determination in Indigenous and community media through research, relationship-building, advocacy, and learning

**MISSION:** To disrupt settler colonialism and oppression in the media

**VISION:** Decolonized, participatory, representative, non-profit, sustainable community and Indigenous media

**VALUES:** Decolonization \* Anti-oppression \* Empowerment

2258 MR. MAROUF: This is where -- I'm kind of ---

2259 THE CHAIRMAN: Do you have access to legal counsel in terms of regulatory policy?

2260 MR. MAROUF: Yes, we do.

2261 THE CHAIRMAN: Has legal counsel explained to you the principle of Article 6 of the *Canadian Broadcasting Act*, which says that a policy -- the Commission can because it was recognized by Chief Justice Laskin in the Supreme Court that the Commission can adopt policies, but it's just the Commission speaking out loud. They're not binding. They are -- we can always make exceptions to them. So, you can't come here and say well -- first of all, it's erroneous on your part to suggest that we said that we would license only pursuant to that policy. That was an option but not necessarily. But even if it was, the Commission can make exceptions to its policies. And, in fact, it would be a jurisdictional error to be bound by its policies.

2262 MS. LUDSKI: I think that we have -- looking at the -- if it's a native B license that's out there, there would be an understanding that through the policies that exist that it would be a native undertaking. I don't think that we're imposing new ---

2263 THE CHAIRMAN: Policies aren't regulations. They're not statutes.

2264 MS. LUDSKI: I understand. But they are what we as citizens have to go by to see what's there.

2265 THE CHAIRMAN: Fair enough. But parties ---

2266 MS. LUDSKI: So, if you change your idea ---

2267 THE CHAIRMAN: --- can seek to have exceptions to that.

2268 MS. LUDSKI: --- you have an exception that's absolutely fair, but it also makes a -- creates a distance and a lack of trust between -- and a lack of communication between the Commission and the people in the communities. Because, if your exception comes out of nowhere for no reason, then ---

2269 THE CHAIRMAN: It comes from a long public process where parties put positions forward, including your participation in this proceeding. That's when exceptions come forth.

2270 MS. LUDSKI: This is a ---

2271 THE CHAIRMAN: I don't know of any other institution in the federal government that does its work more transparently than the CRTC.

2272 MR. MAROUF: Maybe we should have started our presentation with saying, "Please don't take this personal. This is not a critique of your -- or the Commission."

**MANDATE:** self-determination in Indigenous and community media through research, relationship-building, advocacy, and learning

**MISSION:** To disrupt settler colonialism and oppression in the media

**VISION:** Decolonized, participatory, representative, non-profit, sustainable community and Indigenous media

**VALUES:** Decolonization \* Anti-oppression \* Empowerment

2273 MS. LUDSKI: So adversarial.

2274 MR. MAROUF: Or this is not adversarial. This was actually what the presentation should be when an advocacy group from the community comes that has spent time reading the laws and the policies that a lot of the community members don't have time to, has to be. So I don't know if you actually -- like, I mean, I don't feel that we came here or we spoke in ways that undermine your authority, so I don't know why you are questioning this way to speak to undermine ours or our representation or our presence in this room.

2275 MS. LUDSKI: I think also, as a public hearing and as engaged citizens of Turtle Island, we speak because this experience and my personal history -- I could speak to you of my personal history, why this is so important to me. But I don't presume to take up the time of everyone here at this moment to do so, unless you'd like me to.

2276 THE CHAIRMAN: Well, it's your intervention, so the -- you can choose to put whatever case or position you want forward. I'm not going to force you to do any of that. But the point is that you've come here, you've asked -- you've made positions known, and I was testing your position. That's what the Commission does.

2277 MS. LUDSKI: Thank you.

2278 THE CHAIRMAN: And I think the tone of my questioning was exactly in keeping with the tone of your intervention. Do you have anything to add?

2279 MR. MAROUF: Maybe actually addressing some of the things that were missed, and they could have been asked instead of talking about people's legitimacy.

2280 So we have -- there's many things that ---

2281 THE CHAIRMAN: I don't think I used the word "legitimacy" once.

2282 MR. MAROUF: I understand. I understand. It's okay.

2283 THE CHAIRMAN: Do you have anything to add?

2284 MR. MAROUF: Yes, I do have some things to add, actually.

2285 THE CHAIRMAN: Go ahead.

2286 MR. MAROUF: So one of the main things, the problems, that we noticed also in proposals like FPR's is the issue of -- you know, we have had AVR licences yanked because of the -- they were not able to reach their goals. But part of what ended up happening after AVR leaving is that there was no legacy infrastructure, anything left for the community. So the model of building -- having centralized programming coming out of Winnipeg with rented studio spaces from Corus Media, according to the application of FPR, again, leaves the Indigenous community with no legacy infrastructure, with no legacy

**MANDATE:** self-determination in Indigenous and community media through research, relationship-building, advocacy, and learning

**MISSION:** To disrupt settler colonialism and oppression in the media

**VISION:** Decolonized, participatory, representative, non-profit, sustainable community and Indigenous media

**VALUES:** Decolonization \* Anti-oppression \* Empowerment

technologies to be left for them over the decades, no matter what happens to FPR or whatever licence it's up against.

2287 Part of the main problems that any community that is marginalized faces is having institutions, faces long-term resolutions to their problems.

2288 So if -- and another thing that is very important right now is that for the issue of, you know, looking at the programming that is being proposed by FPR or other licences that are choosing to fill their air with music instead of news or with current affairs programming, is that that is normal to do if you already have at least one Indigenous national broadcaster, Indigenous broadcaster in the zone that is doing the service of providing the news and the public affairs that is needed.

2289 So it is yes. It's the same way we look at the CRTC and CBC. If CBC has the ability to have a news so on, they can go ahead and do more music, but first and foremost, there is a duty to actually deliver on those basic things, and then we can fill the market with as many music -- Indigenous music stations we want to. But first, there is this service.

2290 And the belittling of the use of Indigenous languages on air was shocking at some times. We know, as -- myself, as an ethnic person, a person coming from a third-language community -- and many other communities like me -- we know -- and even here in Canada for language, for English, we know public programming, language programming, directed to children, directed to illiterate people, is one of the most important literacy tools anywhere. Public broadcasters in the world everywhere went around and used language programming to spread literacy where education and schooling was not able to do its job.

2291 And here we have regional or national broadcasters that are supposed to be Indigenous claiming that is not a service that is viable or needed.

2292 MS. LUDSKI: That's terrible.

2293 MR. MAROUF: Literacy programming for the language to save and maintain the language is not needed.

2294 MS. LUDSKI: Also, it was referred to several times that a multitude of languages was a curse. Coming from British Columbia, where the -- as I again mentioned today, 50 plus languages -- I feel that this is a blessing in the wealth of and the depth of resources available to the stations. There are years and years and years of recordings and research that would supply airwaves with language and music.

2295 Indigenous -- the peoples have survived centuries of policies designed to destroy culture, and one of the reasons for that survival is the misconception that -- the misconception of the Canadian government for years that the Indigenous nations could be treated as a homogenous culture.

**MANDATE:** self-determination in Indigenous and community media through research, relationship-building, advocacy, and learning

**MISSION:** To disrupt settler colonialism and oppression in the media

**VISION:** Decolonized, participatory, representative, non-profit, sustainable community and Indigenous media

**VALUES:** Decolonization \* Anti-oppression \* Empowerment

2296 THE CHAIRMAN: Yet, the communities -- Indigenous communities have supported those applications, and you're saying that's not good enough?

2297 MS. LUDSKI: I speak -- we talk of the term "dialectic", two statements being opposite and both be true at once. You can be doing the best you can and you can do better. And today, we speak of yes, there's great things going on, but we are hoping and envisioning and dreaming of future.

2298 THE CHAIRMAN: Okay, I understand. Anything else? You're okay? Had your say? Yes?

2299 MR. MAROUF: Thank you very much.

2300 THE CHAIRMAN: Thank you very much.

2301 Madame la Secrétaire.

**MANDATE:** self-determination in Indigenous and community media through research, relationship-building, advocacy, and learning

**MISSION:** To disrupt settler colonialism and oppression in the media

**VISION:** Decolonized, participatory, representative, non-profit, sustainable community and Indigenous media

**VALUES:** Decolonization \* Anti-oppression \* Empowerment