

MCGILL UNIVERSITY

FINAL PROJECT

CMAC – POLICY PROPOSAL

WRITTEN BY

LAYAL AWADA, ARVAA BALSARA, KLEA BOGDANI, ANNIE CHARON,
JULIANNA DELCHOP, ANDREA DOBREA, OLIVIA FARLEY, PASCALE
GENEST, MICHELLE GUO, RAGHDA HINDIEH, SASHA HUEBENER, EILIS
MCCANN, SAMANTHA PEETS, CAMILLE POINT, INÈS THIOLAT, ALEXA VAN
ABBEMA, MICHAYLA WOLFE

DEPARTMENT OF ART HISTORY AND COMMUNICATION STUDIES

FACULTY OF ARTS

POLICY PRESENTED TO PROFESSOR LENTZ AND DR KING

COMS355

MEDIA GOVERNANCE

DECEMBER 2017

CMAC – POLICY PROPOSAL

Methodology	4
Terms of Reference	5
The preservation and revitalization of Indigenous culture and language	5
Sustainable and Sufficient Funding	5
Indigenous Methodologies, Epistemologies, Codes of Practice for Journalism & Storytelling..	6
CBC and APTN.....	7
Training	8
The Truth and Reconciliation Commission (TRC)	8
Indigenous Peoples	9
Action Agenda.....	10
Indigenous Radio Broadcasting.....	10
Indigenous Communities.....	11
Northern Native Broadcasting Fund.....	11
United Nations Declaration of Rights of Indigenous Peoples (UNDRIP)	12
Representation in the CRTC.....	13
Indigenous sovereignty.....	13
Right of Refusal.....	14
Official Language Benefits for Indigenous Language	14
Content Quotas	15
Principles	16
Access to Programming and Policy Making	16
Direct Role in Determining Programming	16
Access to Broadcasting and Technology.....	16
Accessible Training	16
Indigenous Council.....	16
Self-Representation	17
Sustainable and Sufficient Funding	17
Autonomy of Refusal	17
Policy.....	18
1. Objectives, role, mandate, definitions	18
2. Funding.....	22

3. Licensing	25
4. Training	29
5. Content Quotas	31
6. Digital Access.....	34
7. Other: Indigenous Council, Representation, and Codes of Best Practice.....	37

Methodology

In drafting the below policy proposals, CMAC team members reviewed literature and policies surrounding Indigenous media and history in Canada. In result of this, we drafted a 300-word research report with suggested Terms of Reference and Policy headings. Following this, we wrote principles to address the epistemological frames missing from the CRTC that would best determine the needs of Indigenous network actors, then we proceeded to peer-review the assigned drafts. Producing a final draft of each section of the policy, we focused specifically on claims to Indigenous sovereignty and cultural continuity which would be best determined by Indigenous communities themselves.

Terms of Reference

The preservation and revitalization of Indigenous culture and language

The preservation and revitalization of Indigenous culture and language is one of the main goals of Indigenous communities. It is the conservation of Indigenous legacy through the respect of their customs, arts, achievements as a people and the stimulation of their culture with the possibility for them to organize events, communicate freely, and express themselves according to their own terms.

This goal could be attained with the necessary means: funding, training, and fair access to technology and Indigenous-language programming. It is a “pathway towards empowering Indigenous peoples” (Ryan McMahon).

There are no act that protects Indigenous language contrary to French and English that are protected by the federal government and actively promoted. According to the Northern Native Broadcasting (CRTC 1985-274), Canada must provide opportunity for its Indigenous peoples to preserve the use of their language and maintain their cultures through broadcasting. State media like CBC (Canadian Broadcasting Corporation) should provide coverage of Indigenous perspectives, since it is an obligation for Canada to help the Indigenous people (Report of the Committee on Extension of Service to Northern and Remote Communities), but it is not yet totally fulfilled.

A special status (autonomous and permanent with an annual financing indexed to inflation) would allow them to be managed by community elected and ensure annual government funding for their cultural survival (SOCAM Report).

Sustainable and Sufficient Funding

Indigenous radio broadcasters will have access to funding from the Canadian government that is both renewable, and suitable in its monetary value. Funding will be of a quantity

that will allow Indigenous radio not only to exist, but to thrive within the telecommunications sphere. Funding criteria will go beyond the current needs of Indigenous radio, and will also include any potential needs that may arise in the future. Funding criteria will be intentionally vague to ensure that it will be applicable to the prospective issues that arise in this media sector, and so that it can enable the long-term development of Indigenous radio. Funding will additionally be allocated to a variety of radio projects of different geographies, cultures, and aims, to maintain a diversity of content that is representative of many Indigenous communities.

Indigenous Methodologies, Epistemologies, Codes of Practice for Journalism & Storytelling

Indigenous Methodologies, Epistemologies, Codes of Practice for Journalism & Storytelling is a process towards decolonizing knowledge production in Canada's contemporary media landscape. It is the right of refusal to the limitations of Western ontological frameworks which run counter to Indigenous ways of knowing in media dissemination.

Indigenous actors and networks engage with interrelated themes such as cultural survival, self-determination, and restoration through storytelling. In addition, storytelling is located in a reciprocal relationship with the land and claims to Indigenous sovereignty. Stories connected to place are both about collectivist tribal orientation, and they are oriented within their personal knowing and conceptual framework of the world.

In Jo-Ann Archibald's text *Indigenous Storywork* (2008), Archibald is concerned with revitalizing the oral tradition of storytelling, extending this process in the context of one's family, band, community, and nation. Rather than imposing a Western approach to research methodology, she forms a link between the eradication of worldview in oral traditions and its detrimental effects on *wholistic* well-being.

These methodologies and epistemologies are inextricably bound up with emerging media practices. As Ryan McMahon's keynote "iPhones, Bush Tea & Dibajimowinan - Reflections on the Intersection between Indigenous Knowledge, Technology & Storytelling" emphasizes, emerging media allow Indigenous knowledge transmission to reach global audiences: marking a continuation of Indigenous interrelated epistemologies. Given the multi-mediated nature of this practice, these technologies are particularly apt for Indigenous storytelling.

CBC and APTN

The Aboriginal Peoples Television Network (APTN), aims to produce content for and by Indigenous people, particularly for northern communities that have historically been neglected from the content produced by the Canadian Broadcasting Corporation (CBC), the national radio and television broadcaster.

Under the Broadcasting Act, both the CBC and the APTN are required to broadcast in the English and French (S.C. 1991, c.11). The APTN is crucial to the Canadian media landscape because it is one of the few licensed broadcasters, with financial support from the Canadian government, that also broadcasts in Indigenous languages.

There is currently no act that protects or promotes Indigenous language in public broadcast. Canada has an obligation to provide opportunities to Indigenous communities to promote the use of their languages and preserve their cultures through broadcasting (CRTC 1985-274). Despite this obligation to Indigenous communities, the Canadian government has not yet fulfilled its role in assisting to support Indigenous content that promulgates Indigenous cultures, rather the current broadcasting policy (CRTC 1990-89) notes that funding for Indigenous broadcasters had been significantly reduced.

A new policy must reaffirm the government's commitment to the preservation of culture and language as well as renegotiate the funding allocated to Indigenous broadcasters.

Training

This refers to the act of implementing education and training systems that develops current and future journalists for the demands of a fast-changing multimedia industry.

The goal is to provide strategic direction and leadership to ensure the process of establishing sufficient and adequate journalism education programs that would train prospective journalists to not only be culturally sensitive, but also more politically critical when seeking out Indigenous stories. The outcome of opportunities like these is to provide Indigenous people with a basic understanding of how to produce media – websites, documentaries, seeing as the development of Indigenous media plays an active role in the sovereignty and capacity of a nation to govern itself and to maintain itself. Beyond the community-based media training, it will be ensured that investments will be made in building the professional skills of, Canadian Indigenous reporters by providing scholarships to journalism students and coordinating paid internships for emerging reporters. It is crucial to create any form of advocacy for equitable opportunities by creating training and relationship-building workshops for Indigenous community groups and media practitioners, to improve reporting about Indigenous issues in Canada.

The Truth and Reconciliation Commission (TRC)

The Truth and Reconciliation Commission (TRC) was created to recognize Canada's complicit history and ongoing legacy of residential schools in order to further a process of reconciliation between the government and Indigenous communities. However, to some, reconciliation implies the establishment of a conciliatory state that has never existed between the government and Indigenous communities (TRC 237). In terms of Indigenous media, the TRC calls for the government to increase funding to support Indigenous culture, language, and perspectives by increasing opportunities through leadership and development positions as well as increasing coverage concerning Indigenous people. The federal government needs to ensure proper coverage of Indigenous programming and perspectives by including Indigenous language speakers in state media (i.e. the CBC) (TRC Calls to Action 9). This also includes calling upon the

Aboriginal Peoples Television Network to promote Indigenous people in leadership roles and usage of Indigenous languages in their programming (TRC Calls to Action 10). Lastly, the TRC calls upon Canadian journalism and media schools to educate their students on the history of Indigenous people including the legacy of residential schools, the UN Declaration on the Rights of Indigenous People, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-crown relations (TRC Calls to Action 10).

Indigenous Peoples

The Canadian Constitution Act of 1982, Section 35, uses the term “Aboriginal Peoples” and defines them as follows: “In this Act, ‘aboriginal peoples of Canada’ includes the Indian, Inuit and Métis peoples of Canada” (Hanson). Since then, the term *aboriginal* has been deemed politically incorrect (Joseph). Section 2 of the Native Broadcasting Policy defines “native” as equal to the Canadian Constitution’s definition of “aboriginal”. The United Nations uses the term *Indigenous*, defined as follows:

Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live (UN).

Furthermore, the Canadian government utilizes the term “First Nations”, defined as “descendants of the original inhabitants of Canada who lived here for many thousands of years before explorers arrived from Europe”. The government requires that Indigenous peoples register under an official record called the Indian Register, referring to registered individuals as Status Indians. As of the 2011 national survey, Indigenous peoples represent 5.6% of the national population, and there are 617 registered First Nations communities in Canada. The terms Indigenous, Inuit, Métis, and Native are politically correct and generally appropriate for discourse.

Action Agenda

The term “Action Agenda” signifies a feasible and realistic plan of action determined by representatives involved in order to provide resources to Indigenous communities with the goal of improving healthcare, education, and the provision of natural resources.

Pertaining to radio broadcasting, this includes incorporating Indigenous communities in discussion surrounding media policies. In doing so, this allows for the acknowledgment of the current deficits of existing policies - such as when no actions were taken until 1998 to implement recommendations as outlined in the Report of the Royal Commission of Aboriginal Peoples. The Action Agenda would have served as a way of ensuring the above objective would be met, and as a tool to reassess the progress of such policies in the future. Some changes moving forward may require including in the Broadcasting Act specific location and time specification to ensure claims are upheld in the future.

Indigenous Radio Broadcasting

This refers to radio broadcasting that will provide Indigenous communities with the means to broadcast content relevant to their culture and in languages of their choosing. It provides an accessible medium for Aboriginal peoples to preserve their language and maintain culture through radio broadcasting. It includes radio broadcasting that is specific to the various needs of Indigenous peoples and communities regardless of location across Canada. The *Northern Native Broadcasting* Public Notice CRTC 1985-274 informs this concept. It is also relevant to the *United Nations Declaration on the Rights of Indigenous People’s* which declares that indigenous people have the right to establish their own media in their own languages (article 16). Furthermore, Indigenous Radio Broadcasting will include components that allow for Aboriginal peoples to own and manage the broadcasting content. Indigenous Radio Broadcasting should be produced for northern and urban broadcasting – wherever Indigenous people form a significant portion of the population.

Indigenous Communities

This term, as defined by the Canadian Constitution Act of 1982, refers to Indigenous peoples in Canada who come together and identify as First Nations, Inuit or Metis.

The Report of the Royal Commission on Aboriginal Peoples (RCAP) proposed a 20 year agenda aimed at implementing changes, such as rebuilding Indigenous communities, creating new legislation, and providing additional resources while recognizing that community development is essential to self-government. The Commission also proposed a \$2 billion budget to be spent over 15 years in order to fund the previously mentioned changes. In 1998, Gathering Strength: Canada's Aboriginal Action Plan drafted a policy framework based on objectives aiming to help connect Indigenous communities among each other and the rest of the country.

Northern Native Broadcasting Fund

The Northern Native Broadcasting Fund stems from the 1979 committee on the Extension of Service to Northern and Remote Communities. It recommends, so that Canada fulfills its duty towards its Indigenous people, that the federal government provide funding to develop Indigenous broadcasting networks which enable Indigenous people with the opportunity to preserve languages and cultures.

In 1983, upon its creation, the Northern Native Broadcast Access Program (NNBAP) was appointed with the responsibility and the goal to offer funding and assistance to Indigenous communication societies. This was to secure Indigenous broadcasters' access to adequate broadcasting time, as well as ensure their access to the Canadian Broadcasting system. It assists these communication societies in the production and the distribution of Indigenous programming, for Indigenous audiences, that reflects current community issues and aims at preserving languages and cultures. It currently supplies 13 communication societies, serving 400 communities, above the 55th latitude mark, with funding and programming and distribution assistance. To qualify, the communications societies must also be non-profit, democratically controlled by the communities they

serve, and mustn't have a political or religious agenda. Any communication society that does not have these characteristics and is not above the 55th latitude mark, does not qualify for funding from the NNBF.

Funding is controlled by the Department of Canadian Heritage, and the \$9 million annual budget is distributed on a priority basis, with unserved communities being the main concern.

United Nations Declaration of Rights of Indigenous Peoples (UNDRIP)

The United Nations Declaration of Rights of Indigenous Peoples (UNDRIP) is a declaration adopted by the General Assembly in September 2007 that states the rights constituting the minimum standards for the survival, dignity, and well-being of the Indigenous peoples of the world and elaborates on existing human rights as they apply to the specific situations of Indigenous peoples. Because it is a declaration, it is, by nature, not legally binding.

The UNDRIP outlines the right of Indigenous people to self-determination, self-government, control of their lands and resources, and protection and preservation of their culture and languages, among other things. Of particular interest is Article 16, which states the right of Indigenous peoples to establish their own media in their own languages, and the responsibility of the State to ensure that State-owned media reflect indigenous cultural diversity. Indigenous peoples also have the right to the revitalization, use, development, and transmission of their languages and histories, and to the aid of the State in ensuring that this right is met, as stated in Article 13. Article 39 affirms that indigenous people have the right to access financial and technical assistance from the State.

Though Canada originally voted against adoption of the UNDRIP, it officially removed its objector status in 2016. In order to comply with the UNDRIP, the CRTC must modify its broadcasting policy to enable Indigenous communities to create their own relevant content with sufficient funding and support.

Representation in the CRTC

The Canadian Radio-Telecommunications Commission (CRTC) is a federal regulatory body in charge of achieving policy objectives outlined in the Broadcasting Act, which ensures a broadcasting system that provides content that meets the need and interests of Canadians – thereby also supporting Indigenous peoples. The CRTC oversees (1) regulating broadcasting waves, (2) delegating and (3) supervising different broadcasting bodies according to their compliance to regulatory laws, (4) issuing licenses to applicants, (5) approving tariffs, (6) informing, (7) encouraging a competitive broadcasting market; it is important that the commission is made up of a diverse selection of individuals with divergent backgrounds of experience in order to ensure that no specific biases are deliberated or implied once its roles are acted upon. The CRTC must also include members of different Indigenous communities to discontinue the misrepresentation of Indigenous communities. The different broadcasting agents of Canada should engage in a healthy relationship with the CRTC, it is important for the CRTC to be equipped with the proper tools, resources, experiences and representatives for dealing with Metis and Indigenous communities that are often not part of the mainstream.

Indigenous sovereignty

Refers to radio broadcasting policy's recognition of Indigenous nations' sovereignty in accordance to the Canadian Constitution and the UNDRIP. By recognizing their sovereignty, radio broadcasting policy respects Indigenous nations' right for autonomy and self-governance. As such, this entails consulting and seeking Indigenous broadcasters' consent as well as recognizing licensing from Indigenous governance structures. Furthermore, this implies a guaranteed access and control of an Indigenous sovereign spectrum, the expansion of forums alternative to the CRTC for Indigenous broadcasters to shape policy, the halted need to register for an Industry Canada exemption, and the Parliament shaping of policy with Indigenous broadcasters.

This term results from the regional and national events' summary outcomes which addressed guiding questions regarding the Native Broadcasting Policy, the 1991

Broadcasting Act and the CRTC process. Here, the centering of Indigenous sovereignty serves as a mean to ensure compliance to the 1991 Broadcasting Act.

Right of Refusal

This refers to the right for Indigenous peoples to refuse any policy the CRTC suggests or implements. This term originates from the regional and national gatherings which explored the ways in which the CRTC consultation process and the Native Broadcasting Policy should be improved. An event outcome repeatedly voiced referred to the need to involve and consult Indigenous communities before, during and after the radio broadcasting policy review process as well as the need for policies to be drafted by Indigenous communities.

By being active participants in the drafting, reviewing and implementing of Native Broadcasting Policies, Indigenous broadcasters can therefore have the right to refuse any recommendations or principles suggested by the CRTC. Providing a right of refusal to Indigenous broadcasters encourages dialogue as it does not permit the CRTC to impose any part of the process upon Indigenous broadcasters.

Official Language Benefits for Indigenous Language

This implies equating Indigenous language to English and French on a national level. The purposes are to preserve the first nation languages and ensure governmental funding to indigenous community broadcasting.

In the Hamlco First Nation gathering, Gagnon emphasized on how the CRTC policy and Canada's Broadcasting Acts lacked policies based on the needs of Indigenous broadcasters, especially in the context of preserving their languages. The officialization of Indigenous language is important for first nation's youth to preserve their language and culture, as well as obtain school funding from the *Commission Scolaire*. The

officializing of the indigenous languages aims to gain the same financial benefits and recognition from the Canadian government that French and English Institutions do.

Content Quotas

The music and language programming requires that radio and telecommunications broadcasters, must air in both in French and English, and must air a certain percentage of content (40%) and the requirements will be fulfilled by the MAPL system, of which, identify Canadian content of music for the purposes of increasing exposure on Canadian radio through content regulations governing a percentage (40%) of airplay to be devoted to Canadian music. In addition for language programming, the CRTC policy must impose a 2% language content quota on non-Indigenous Broadcasters operating and serving Indigenous communities.

Principles

Access to Programming and Policy Making

Indigenous communication communities should be able to access a wide range of programming choices through the exploitation of technological opportunities and also have seats on panel discussions and any policy-making event surrounding radio broadcasting.

Direct Role in Determining Programming

Indigenous communities should have a direct role in the determination by the CRTC of the charter, quantity and priority of programming broadcast in predominantly Indigenous communities and urban locales where a need for Indigenous broadcasting is established.

Access to Broadcasting and Technology

Indigenous people should have fair access to broadcasting distribution systems and technology, including access to the basic service of broadband Internet, and should be offered necessary training for broadcasting to maintain and develop their cultures and languages.

Accessible Training

The CRTC should create a fund to help Indigenous peoples cover numerous costs and finance the implementation of a training program accessible for Indigenous and non-Indigenous peoples alike, in order for them to learn how to accurately represent and respect Indigenous cultures and rights.

Indigenous Council

The CRTC should establish an independent Indigenous council within its organization to ensure Indigenous representation, oversight and consultation within all levels of the CRTC, before, during and after its radio broadcasting policy review process.

Self-Representation

Given the five major Indigenous communities in Canada, there should be at least one representative from each group present and involved in decision making in the CRTC. This should foster self-representation among the Indigenous communities in broadcasting related matters

Sustainable and Sufficient Funding

The sustainable and sufficient funding allocated to Indigenous radio broadcasters within this policy should result in the establishment of stations that adequately promote Indigenous culture, language, arts, self-representation, and community interests. This funding is to be used to publicize a diversity of content from an array of Indigenous communities, as well as to provide stations with the proper economic resources that will enable their long-term development.

Autonomy of Refusal

The nation-State should respect an Indigenous anatomy of refusal, rather than operating in a *politics of recognition* in Western ontological frameworks. This lends focus to revalorize Indigenous methodological approaches, particularly that of community-led initiatives in language revitalization projects to maintain cultural continuity.

Policy

1. Objectives, role, mandate, definitions

1.1. Objectives

- 1.1.1. That broadcasting within Canada has a space for Indigenous self-representation of their cultures, perspectives, and languages.
- 1.1.2. That sustainable infrastructure is established for Indigenous radio development and continuity to exist. This includes adequate monetary support, bureaucratic mechanisms, and policy that support Indigenous radio producers, and consumers.
- 1.1.3. For Indigenous cultures, and languages to be promoted, as well as preserved through radio broadcasting.
- 1.1.4. Necessary technologies for radio broadcasting should be accessible to Indigenous communities so that they are able to both produce, and receive culturally relevant media, regardless of their geography.
- 1.1.5. That Indigenous people are able to participate, and be a full part of every legislation concerning broadcasting.

1.2. Roles

It is essential for the Indigenous Radio Broadcasting Policy to uphold cultural diversity. This is additionally one of the key goals of the *Broadcasting Act*, which refers to how culturally-specific groups are represented in broadcasting. The Northern Native Broadcasting Public Notice CRTC 1985-274 further informs this, with a focus on programming by and for specific groups and incorporating diversity in broadcasting services.

The nation-state's recognition of Indigenous methodologies and testimonies is insufficient in maintaining cultural continuity in Indigenous media practices because of its deeply rooted history in colonialism. Therefore, the primary role of the nation-state is to extend beyond politics of *recognition* and *incorporation* to that of transformation.

The primary role of Indigenous Radio Broadcasting is therefore to address specific cultural and linguistic sovereignty in media production, reception, and content. This would include focusing on the availability of Indigenous third language services in Canada. Considering, the regulatory framework within which Indigenous broadcasters work, the policy must remain flexible and prioritize the culturally specific needs and rights of Indigenous communities. The methodologies of which they will determine themselves.

Regulatory frameworks have had a dramatic effect on small-scale Indigenous radio stations due to lack of funding and statutory requirements from the CRTC. Therefore, the role of the CRTC is to address the specific testimonies and claims of Indigenous communities, particularly: the cultural and linguistic needs of audiences, writers and producers and other Indigenous network actors to work towards revitalization. Considering, general CRTC objectives and requirements work in frameworks that run counter to Indigenous epistemologies, methodologies, and media production practices. Indigenous representation in broadcasting and specifically, the prioritization of Indigenous cultural and linguistic sovereignty in considering policy-making and funding must be required from the CRTC.

Including members of Indigenous communities is inextricably bound up with questions of representation and cultural sovereignty in media dissemination. The right of refusal of Indigenous communities to engage with Canadian legal frameworks and representational practices is the primary role of the Indigenous Media Council. In addition, the Indigenous Media Council would need to delineate their own outcomes in media practices, as a form of self-determination which is bound up with cultural and linguistic sovereignty. Requirements and objectives would need to prioritize Indigenous participation and particularly, projects of cultural and linguistic revitalization for Indigenous youth. Considering, Indigenous communities are best qualified to determine their own funding, media frameworks, and other cultural and linguistic specific needs for their audiences and members of their communities.

1.3. Mandates

1.3.1. *Programming Requirements:* Indigenous broadcasting should include programs that reflect and preserve Indigenous language, culture, and values. The radio broadcasters must air a certain percentage of content that is written, produced, presented, or otherwise contributed to by Indigenous individuals. The content produced by these Indigenous radio stations must reflect the interest of the surrounding communities, include community matters, and Indigenous languages. Moreover, programs and music should recognize, and broadcast Indigenous talent, content created from Indigenous communities, whether in Indigenous languages or not. To support Indigenous communities, these radio stations must also provide employment opportunity for Indigenous people.

1.3.2. *Funding:* Indigenous broadcasting funding must be sustainable, long-term, and sufficient enough to support the needs of broadcasting stations. Funding will be provided primarily through the CRTC. There will be flexibility in funding quantities to be in accordance with rising inflation, and increasing costs of living, as well as production. Funding criteria will be intentionally vague to ensure that it will be applicable and adaptable to the needs of the Indigenous broadcasters currently, as well as in the future.

1.3.3. *Training:* Training of Indigenous radio broadcasters will be provided to ensure the longevity, and successful management of Indigenous radio stations. Training will be on media production techniques, accounting, employee management, and community engagement methods. The training will be regularly updated, and will be on going to update Indigenous radio producers on the latest technical advancements.

1.4. Definitions:

- 1.4.1. *Indigenous sovereignty/Self-governance*: This definition is in accordance with the Canadian Constitution and the UNDRIP conception of Indigenous sovereignty. This recognition entails respecting and addressing Indigenous nations' sovereignty, as well as addresses consulting and seeking their consent in policy decisions. This view of Indigenous sovereignty includes recognition of licensing from Indigenous governance structures. This recognition also implies a guaranteed access and control of an Indigenous sovereign spectrum.
- 1.4.2. *Broadcasting Act*: The 1991 Broadcasting Act is an Act of the Parliament of Canada regarding broadcasting of radio communications. The Act imposes a Canadian owned and controlled system of broadcasting and emphasizes that each broadcaster is responsible for its own programs. This Act shall be construed and applied in a manner that is consistent with the freedom of expression and journalistic, creative and programming independence enjoyed by broadcasting undertakings.
- 1.4.3. *Governance*: The governance of Indigenous radio broadcasting within Canada will be a collaborative process between Indigenous communities, as well as the federal agencies outlined in the Broadcasting Act (1991) such as the CRTC. Indigenous sovereignty, self-governance, and self-representation will be key aspects of the governance model of this policy. Governance structures of Indigenous Radio Broadcasting will focus on linguistic and cultural sovereignty for Indigenous network actors in media production, content, and reception, as the Northern Native Broadcasting Public Notice CRTC 1985-274 informs this. Within the Northern Native Broadcasting Public Notice CRTC 1984-274 the focus on programming by and for specific groups, as well as reflecting the cultural context of Indigenous methodological and epistemological frameworks that are interrelated with community, land, and nation. Self-governance will be a key part of this policy as it is particularly salient for the representation of Indigenous communities in broadcasting services to expand cultural continuity.

2. Funding

2.1 Objective

This policy should establish a sustainable collaboration with Indigenous broadcasters in order to create a suitable fiscal relationship between the government of Canada and various Indigenous communities that preserves and promotes Indigenous languages and cultures.

2.2 Sources of Funding

2.2.1 Whereby the Canadian Government provides funds per the Royal Commission on Aboriginal Peoples, RCAP (PRB 99-24E).

2.2.2 Whereby the Canadian Government provides funds from taxation.

2.2.3 Whereby Indigenous communities create sustainable methods of gathering funds to redistribute according to broadcasting needs.

Renewal of the fiscal relationship established in the RCAP in 1996, promising 15 billion dollars to Indigenous broadcasters, with the following amendments:

2.2.4 Whereby Indigenous communities must be consulted in the distribution process of funding to broadcasting organizations.

2.2.5 Whereby a minimum of 11 Indigenous broadcasting stations are involved in the allocation of these funds.

2.2.6 Whereby this relationship is adjusted to account for inflation.

2.3 Sustainable funding

2.3.1 Whereby the fiscal relationship must be reevaluated in consultation with 11 Indigenous broadcasting stations every 5 years in order to be renewed.

2.3.2 Whereby the funding must be extended to all Indigenous broadcasters not exclusively those that are south of the Hamelin line.

Establishment of individual Indigenous community funds to support local broadcasters

2.3.3 Whereby the collection of taxes to be invested in broadcasting content produced for and by Indigenous peoples with the intention of increasing ownership and autonomy over the content.

2.3.4 This fund will be supervised by a committee composed of community leaders and broadcasters provided there is agreement from the community for the creation of this structure.

Minimizing content restrictions

2.3.5 Whereby the fiscal relationship established in this policy will not infringe on the right of Aboriginal broadcasters to broadcast in Indigenous languages by imposing French and English language quotas.

Creation of an Indigenous Broadcaster Training Fund, IBTF, that invests in the provision of education for Indigenous broadcasters

Establishing a renewable fund for Indigenous Broadcasters in Urban Locales, IBUL

2.3.6 Whereby the fund ensures the survival of urban Indigenous broadcasting stations as well as more remote stations.

Allocation of funds to north broadcasters in order to ensure their survival and continued contribution to north Indigenous communities

2.3.7 Whereby this fund is established in consultation with a minimum of 7 northern broadcasting stations.

2.3.8 Whereby funding may be used for infrastructure, equipment, and technical support.

3. Licensing

3.1 Abstract

The following proposal outlines the current issues pertaining to licensing rights of Indigenous communities in Canada. These remain important to note, as licensing aids Indigenous communities in serving the public interest by preserving culture and traditions. The *Codes of Practice* and *Requirements of License Applications* outline the importance of licensing and their practices, specifically addressing the functions and roles of license applicants, license granters, location, and language. Licensers are groups such as the CRTC that provide licenses to Indigenous radio groups. Licensees are Indigenous media groups that apply to the CRTC for radio broadcasting licenses that give them access to funding, training, and other benefits to their broadcasting.

3.2 Objectives

Licensing is necessary in order to serve the Indigenous community, specifically to meet the needs and reflect the place of Indigenous peoples within Canada, including:

- 3.2.1 Meeting the needs and interests of both urban, rural, and Indigenous communities, and the need to establish local forms of contact in each community through the existence of Indigenous media groups.
- 3.2.2 To ensure the Canadian broadcasting system contributes to the promotion and protection of Indigenous cultures

3.3 License Applicant Requirements

- 3.3.1 License entails that at least one individual from the community in media group holding the license must have an awareness of the Indigenous community's identity that the group seeks to protect.

- 3.3.2 Ownership of a license should guarantee access to training programs provided by the CRTC, regarding media broadcasting, to ensure that groups have an understanding of community media broadcasting and commercial media broadcasting practices
- 3.3.3 There should be no difference of treatment between Type A and Type B Native Radio broadcasters applying to receive licenses (see 'Definitions')
- 3.3.4 Those applying for licensing without sufficient funding should be taken into consideration separately. See funding policy for further specification.

3.4 Codes of Practice

- 3.4.1 At least one representative from major Indigenous communities in Canada should be involved in the process of granting Indigenous radio licenses
- 3.4.2 Representatives are present at meetings and processes of going through, sorting, and accepting applications
- 3.4.3 CRTC reserves the right to monitor the adherence to licensing policies by Indigenous media groups
- 3.4.4 Indigenous media groups in ownership of a license have the responsibility of adhering to license requirements, but also reserve the right to intervene and raise concerns to the CRTC on any requirement that they feel infringes their right to maintain their distinct identity, or violates any other statement on the UNDRIP

3.5 Location

Current licenses are mainly distributed to urban areas in Toronto, Calgary, Edmonton, Vancouver, and Ottawa; there should be no difference of treatment regarding license applicants from non-urban geographic regions

3.5.1 The groups from smaller regions should receive an amount of funding proportional to the size of the media group, number of listeners, and radio wavelengths

3.6 Language Requirements

3.6.1 Indigenous media should have the right to produce in their own language, and also have the option to produce in English and French

3.7 Other Matters

3.7.1 Given the different operational needs of each licensee and in the interest of maintaining flexibility for applicants, it is necessary to format the license, license application, and license holding requirements according to the specific needs and interests of the Indigenous community it is meant to serve

3.8 Definitions

3.8.1 CRTC: refers to the The Canadian Radio-television and Telecommunications Commission is a public organization in Canada with mandate as a regulatory agency for broadcasting and telecommunications.

3.8.2 Type A Native Radio Station: if no other commercial AM or FM radio license to operation station in all or any part of the same market is in force

- 3.8.3 Type B Native Radio Station: at the time of license, at least one other commercial AM or FM radio license to operate a station in all or any part of the same market is in force
- 3.8.4 Content Quota: defines that that radio and television broadcasters (including cable and satellite specialty channels) must air a certain percentage of content that was at least partly written, produced, presented, or otherwise contributed to by persons from Canada. It also refers to that content itself, and, more generally, to cultural and creative content that is Canadian in nature (for additional information, refer to Terms of Reference)

4. Training

4.1 Definition

4.1.1 Training: The act of implementing education and training systems that develops current and future journalists for the demands of a fast-changing multimedia industry.

4.2 Policy Statement

There is currently no act that protects or promotes Indigenous language in public broadcast. Canada has an obligation to provide opportunities to Indigenous communities to preserve the use of their languages and foster and develop their own cultures through broadcasting (CRTC 1985-274). Despite this obligation to Indigenous communities, the Canadian government has not yet fulfilled its role in assisting to preserve Indigenous languages and cultures. Instead, the current broadcasting policy (CRTC 1990-89) notes that funding for Indigenous broadcasters had been significantly reduced. A new policy must reaffirm the government's commitment to the preservation of culture and language as well as renegotiate the funding allocated to Indigenous broadcasters.

4.3 Language Revitalization

4.3.1 Training programs, such as Indigenous Youth Culture Exchange, must aim to make Indigenous media more adaptable and sustainable through extensive education on the cultural nuances pertaining to language differences between English/French and Indigenous languages, as well as differences between Indigenous languages themselves.

4.3.2 Programs must also provide opportunities, such as Indigenous news and shows, that foster and use Indigenous language in order for Indigenous communities to

share their stories with non-Indigenous Canadians and other Indigenous communities.

4.4 Technical

4.4.1 The CRTC must introduce media courses providing Indigenous people with a basic understanding of how to produce media, such as websites or documentaries, in order to further the development of Indigenous media, seeing as it plays an active role in the sovereignty and capacity of Indigenous communities to govern and maintain themselves.

4.5 Governance

4.5.1 The CRTC must produce a training program that's accessible, through training session in Indigenous communities or online websites, to Indigenous and non-Indigenous people in order for them to accurately represent and respect Aboriginal cultures and rights.

4.5.2 It must invest in building the professional skills of Canadian Indigenous reporters by providing scholarships to journalism students and coordinating paid internships for emerging reporters.

4.5.3 Canadian journalism programs must require education on the history of Indigenous peoples, including the legacy and "ethical dimensions" of residential schools in order to cover Indigenous issues with greater context and sensitivity

5. Content Quotas

5.1 Definitions

- 5.1.1 Quota: A quota is a structural reservation for a chosen objective. It imposes the minimum broadcasting hours reserved for that objective. The objectives that will be outlined in the following policy are language, music, advertisement and local news.
- 5.1.2 Indigenous: This term refers to Indigenous peoples in Canada who identify as First Nations, Inuit or Metis. It encompasses every aspect of their identity as well as culture, heritage, language and community-life.
- 5.1.3 Indigenous Programming: As discussed in the CRTC public notice 1989-90, the term Indigenous Program applies to any program in any language directed specifically towards a distinct Indigenous audience, or a program about any aspect of the life, interests or culture of Canada's Indigenous people.
- 5.1.4 Indigenous music can be defined as music that is written or produced by a member of an Indigenous community and that reflects an aspect of the culture of that Indigenous community.

5.2 Language quota of Native Programming

The CRTC must impose a 40% language quota on Indigenous programming content produced by Indigenous Broadcasters. This quota has been developed by Indigenous Broadcasters themselves, and is the outcome of the regional gatherings held with Indigenous Broadcasters in light of a policy proposal. Furthermore, quotas, restrictions and limitations must come from within the Indigenous communities to ensure that they

respond to their needs and to those of Indigenous Communication Societies that. This is important because the goal of the quotas and of the communication societies altogether is to ensure the preservation and the revitalization of Indigenous culture and language.

Indigenous community broadcaster must be entitled to the recognition of their Indigenous language by the Government of Canada, and their languages must benefit the same privileges as the English or French languages do.

In the current CRTC policy, it is noted that this quota should only be imposed on Indigenous broadcasters. However, this specification excludes any commercial broadcaster (notably CBC), operating within Indigenous Communities. Therefore, and as the regional and the national gatherings suggest, the new CRTC policy must impose a 2% language content quota on non-Indigenous Broadcasters operating within and serving Indigenous communities.

5.3 Music quota

With knowledge of the demands of Indigenous Broadcaster, the music quota imposed by the CRTC must be set at 40% of music aired by Indigenous Broadcasters. This quota aims to promote and preserve Indigenous culture, while allowing the airing of non-Indigenous music, in light of its limited existence and availability.

Furthermore, and as the regional and national gatherings have suggested, non-Indigenous Broadcasters operating within or serving Indigenous Communities must have a music quota of 5-10% of Indigenous music.

5.4 Advertisement quota

The current CRTC policy limits advertisement time to 4 minutes per hour. This is problematic because, as the report suggests, the service broadcaster must air the

commercial in one of the two official languages, as well as in the Indigenous languages of the community it serves, which calls for multiple counting of the same advertisement. This considered, the CRTC must increase the advertisement quota by multiplying the current quota by the number of languages in which the community radio broadcasts in. In other words, in an Indigenous community where they broadcast in three Indigenous languages and in English, the CRTC must multiply the advertisement quota by four, which is the amount of languages aired in the programming.

This quota must be imposed on a community-by-community basis, in order to reflect the needs of each community. Furthermore, the increased revenue from the advertisement must remain with the community broadcaster, and not influence the position of their priority to receive funding from the Canadian Heritage Fund.

6. Digital Access

The government of Canada, specifically the CRTC and Innovation, Science and Economic Development Canada (ISED), has a responsibility to ensure that Indigenous communities have access to broadband internet and digital media technology, and that they have the requisite computer literacy to take advantage of this access

6.1 Definitions

6.1.1 Broadband service: Broadband service, as defined by the CRTC in its Communications Monitoring Report 2016, is any service with a download speed of 1.5 megabits per second (Mbps) or greater (Disruption: Heritage Committee 21).

6.1.2 Digital Literacy: Defined by the ISED as the skills and knowledge to use a variety of digital media software applications and hardware devices and Internet technology; the ability to understand digital media content and applications; and the knowledge and capacity to create with digital technology (Digital Literacy in Canada: From Inclusion to Transformation, 2014).

6.1.3 Digital divide: Refers to the disparity that exists between those who have access to reliable broadband Internet and other information and communications technologies those who don't.

6.2 Improving Broadband Networks

As the digital media landscape continues to expand, access to the Internet in Indigenous communities becomes increasingly important to deriving new opportunities for employment, innovation, creative and cultural expression, and social inclusion. However, connectivity to broadband networks remains an issue in many remote Indigenous communities, especially in the North (Disruption: Heritage Committee 23). The CRTC,

in collaboration with ISEDC, must in the next five years, ensure that 98% of Canadian households have access to internet at 3 to 5 Mbps, with a particular focus on underserved rural and remote areas (Disruption: Heritage Committee 23).

As outlined in Connecting Canadians program, launched by the Government of Canada in summer 2014, internet service providers will receive up to 75 percent of eligible project costs from the program for projects that would extend or enhance Internet networks in Indigenous communities.

Internet services are often prohibitively expensive for many members of Indigenous communities. The Government of Canada will create a new Affordable Access program with funding of \$13.2 million over five years, as promised in Budget 2017, to aid Internet service providers in offering low-cost home Internet packages for low-income families (Disruption: Heritage Committee 22). An amount determined with help from representatives of Indigenous communities will be allocated to Indigenous peoples.

6.3 Increasing access to digital technology

Access to digital technology is a significant issue for both Indigenous broadcasters and other members of Indigenous communities. Much of the equipment available to Indigenous broadcasters is out of date or obsolete, and many members of Indigenous communities are unable to afford computers and other basic digital technologies. The Government of Canada, through their Computers for Success Canada program, will reach out to Indigenous communities and, with input from the community, evaluate their need and provide them with computers or funding for computers.

6.4 Providing technological training for content creators and improving digital literacy for community members

The digital divide between Indigenous people is often based on income and is deeply related to income inequality (Disruption: Heritage Committee 23). This results in issues

of digital literacy and decreased representation of Indigenous media and culture. To help mitigate this and other effects of the digital divide, there should be training for Indigenous content creators, specifically Indigenous youth, so they can produce their own content, encompassing Indigenous culture, identity, and language. The APTN, with funding from the Future of Journalism and Democracy Fund, will be responsible visiting Indigenous communities to provide training to Indigenous media producers on the journalistic and technological aspects of media production.

It is also imperative that digital literacy within Indigenous communities becomes a goal so that community members may take full advantage of digital technology and the Internet. The Government of Canada, through their Computers for Success Canada program, will provide digital technology training to community members at Indigenous community centers.

7. Other: Indigenous Council, Representation, and Codes of Best Practice

Assuming radio broadcasting policy's recognition and centering of Indigenous nations' sovereignty, the policy is the following:

7.1 Indigenous Council and Representation

Indigenous council definition: an autonomous Indigenous sub-affiliation of the CRTC responsible for Native radio broadcasting policies.

The CRTC must establish an independent Indigenous council within the CRTC to ensure Indigenous representation, oversight and consultation within all levels of the CRTC, before, during and after its radio broadcasting policy review process.

The Indigenous council must have the right to refuse any policy recommended or suggested by the CRTC in the consultation process.

Recognizing a self-governing Indigenous council within the CRTC entails:

- 7.1.1 Face-to-face consultation and communication of the CRTC with Indigenous communities in locations that are welcoming to the latter
- 7.1.2 The drafting and implementing of Native Broadcasting Policies by Indigenous broadcasters
- 7.1.3 The inclusion of oral traditions within the consultation process to allow Indigenous peoples to share their ideas without interruptions
- 7.1.4 Protocol and sensitivity training for CRTC Chair, Commissioners and staff

7.2 Codes of Best Practice

The CRTC must allow the autonomous Indigenous council within the CRTC to be responsible for establishing the codes of best practice of Indigenous radio undertakings.

The CRTC must make accessible and fund a representative audience research for Indigenous broadcasters. This would allow the latter to conduct their autonomous research; hence determine the best codes of practice in ways that warrant their sustainability.

7.3 Other Matters

The CRTC must allow the autonomous Indigenous council within the CRTC to be responsible for adjudicating funding requests for Native broadcasters within its sovereign spectrum.

For this to occur:

7.3.1 The CRTC must eliminate the Hamelin line which prevents Southern Indigenous broadcasters from obtaining Heritage funding. If the Hamelin line is eliminated, all Indigenous radio stations will be held at the same standard which would allow the autonomous Indigenous council to make funding decisions based on its own standards.

7.3.2 The CRTC must create a link in radio broadcasting policy between funding, self-governance and equality of Indigenous peoples

7.3.3 The CRTC must accompany any new mandate it introduces with funding for the autonomous Indigenous council.