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Submission from:



Clear Sky Connections
MANITOBA'S NETWORK OF THE FUTURE

in response to the Call for Comments by:

The Broadcasting and Telecommunications Legislative Review Panel

c/o Innovation, Science and Economic Development Canada

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Throughout the last 10-years, a bulk of the strategic planning encompassed technical, legal, and economic development aspects, upon which it has always been the intent of Clear Sky Connections to utilize local human and technical resources during the build. The permission that will be sought in person will be conducted in accordance with the official Order of Consent practices to enter the First Nations Traditional Territory into communities identified and approved by the First Nation so as not to interfere with traditional practices or disturb sacred grounds.

The Clear Sky Connections (CSC) team presentation to the panel in Winnipeg on November 11, 2018, by Lisa Clarke, Chief Executive Officer; Ehigie Agbator, Business Development Manager; and Bill Murdoch, Information Technology Manager, highlighted and provided some recommendations for the panel's consideration. Much of the challenges for rural and remote communities is common across Canada, as also referenced in other submissions to the Broadcasting and Telecommunications Legislative Review Panel from the First Mile Connectivity Consortium (FMCC) and First Nations Technical Services Advisory Group (TSAG) – both documents endorsed by CSC.

Community development and the effective use of Information Communication Technologies (ICT) are common themes. Legislation must consider the Whole Community, including the health, social, economic, and the environment in its approach to appropriately addressing Indigenous telecommunication and broadcasting requirements and desires. The CSC Team originated from the Assembly of Manitoba Chiefs mandated First Nations Health and Social Secretariat of Manitoba (*Nanaandawewigamig*) fibre project. Documentation from the project was shared with ISED for guideline development of the Connect to Innovate Program. The key



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issues that the CSC team flagged were from current project selection processes is the lack of understanding of the First Nation community perspective.

The First Nation Health and Social Secretariat of Manitoba in the effort to access improved health services for and with the support of communities completed a Feasibility Study for creating a gateway to economic development opportunities spearheaded by the Manitoba First Nations Technology Council. The study was on providing a sustainable First Nation owned and operated network that supplies Industrial Grade, (Ultra-High-Speed-Network) bandwidth to all Manitoba First Nation communities. How a carefully planned and managed Fibre Optic Network can create long-term revenue streams and job opportunities in and for the communities served. With funding for the initial infrastructure costs, there is a strong business case to self-sustain the network and leverage the network as an asset.

Providing jobs and opportunities is only part of the story. Creating jobs and opportunities is key, as well as the intent to be self-sustaining by providing anchor tenancy to organizations that require dedicated connectivity services. Further to the mandate letter that Right Honourable Prime Minister Justin Trudeau wrote; the commitments include the intent *"...to improve essential physical infrastructure for Indigenous communities... to promote economic development and create jobs for Indigenous Peoples."*

Understanding the ways the Indigenous culture and languages were repressed and forbidden is an integral part of the solution to creating healthy communities and society through legislated change. Recognizing in all new Canadian legislation the processes and content presented in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)



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requires a respectful method for consultation and informed consent to properly and effectively honour any acceptable Acts of Parliament.

Outside party proposed solutions may not work in remote communities. Consulting with a knowledgeable independent third-party to review and apply common-sense to the proposal selection process is a must. First Nation community consultation - true consultation before project selection is mandatory - to understand the political and social environment, and not force the direction. It must be emphasized that consultation is not consent. To obtain consent from communities to enter their traditional territories is of utmost importance.

The Acts in their current form make no mention of Indigenous territory. The Review panel, to fully understand the unique status of Indigenous peoples of Canada, must do the required work to become familiar with the First Nations and learn about the culture in the right way. The Review panel members should visit and spend time in the communities to understand the need. There is a reference in the Act to the need for Indigenous broadcasting in Canada is evidence that it is possible to make some headway within these regulations to have the rights of Indigenous peoples recognized.

The economic measures that affect the conditions of life of peoples involve intent of aiders and abettors of the crime of economic genocide, and that intention has a spillover effect. The lack of support from government agencies and weak engagement by civil society knowledgeable in areas of technology and rural areas has resulted in the definition of technological and content developments with very little input from the public, community, or Indigenous perspectives. The government continues to push First Nations into a situation in



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which the concerns or aims of two different parties are incompatible — eroding and disrespecting the importance and validity of First Nation political process — fraying the fabric of a Nation-to-Nation relationship with Indigenous people of Canada that is as a seminal priority for Canada.

The content presented in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), requires a respectful method for consultation and informed consent to properly and effectively honour any acceptable Acts of Parliament. A concern with a current project funding application is to have a duty to consult and have the support of First Nation communities before awarding funds. Conditionally awarding project funds creates leverage to force compliance. Creating conflict between communities and provide the appearance of failure for the funding provider of due diligence. With conflict, the project will likely not achieve the set goals.

The Whole Community approach replaces the consumer-driven model of infrastructure and technology development with a community-focused approach that is inclusive of individuals, families, local organizations, businesses, services, applications, the lands and environment working together to address local development priorities. The desire for equitable access to affordable telecommunication services is grounded in the essential need for communication with others both inside and external to communities. The need for communication technologies in rural communities, some without all-season road access or connection to the hydro grid, is more significant large urban centres with the available brick and mortar services.



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The individual, First Nation communities, must maximize the benefits from the limited local business opportunities, both socially and economically. Relying on market forces with large city competitive solutions for the benefit of customers do not work in remote communities, as there typically is only room for a single vendor. From the perspective of remote communities, national regulators and their institutions based in large cities are foreign systems with self-serving institutional approaches to development. Too often these institutions end up creating the barriers preventing communities from acting in their own best interests.

Building on local existing management skills is a path to move away from third-party management that many First Nation communities are currently under. Many First Nation communities have solutions in place and funding an outside party to provide the same service not only destroys the local community solutions but also takes away many opportunities, eroding the importance and validity of First Nation business and entrepreneur growth. Training initiatives that are led by First Nations organizations are key and this is integral to any build plan – there must be an educational component that becomes embedded in the local economy by training locals and creating permanent jobs to avoid high staff turnover.