

INDIGENOUS CONNECTIVITY SUMMIT 2023

Calls to Action



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[Introduction](#)

[Calls to action](#)

[Rebuilding telecommunications policy and funding frameworks](#)

[BEAD funding](#)

[Affordability](#)

[Access to spectrum](#)

[Capacity building and workforce development](#)

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Introduction

Each year, the Indigenous Connectivity Summit (ICS) brings together Indigenous leaders, network operators, and policymakers to nurture a continent-wide community dedicated to enhancing the capacity of Indigenous communities to connect to affordable, sustainable internet on their terms.

As part of this effort, each year since the first ICS in 2017, delegates have developed and endorsed a set of recommendations that, if adopted by governments and other stakeholders, will help advance digital equity in Indigenous communities in Canada and the United States.

The [Calls to Action](#) from the 2022 Indigenous Connectivity Summit, developed last October in Winnipeg, Canada, are still relevant. The 2023 ICS Calls to Action build upon them, reflecting changes in the policy environment in Canada and the United States.

While it is our position that the existing colonial governments of Canada and the United States have little authority over Indigenous Peoples and lands, we recognize that the systems currently in place and the scope of the work needed to achieve digital equity for all necessitates a collaborative approach between Indigenous and non-Indigenous governments, civil societies, and the private sector. We believe this approach should be guided by the Truth and Reconciliation Commission's Calls to Action, MMIWG Inquiry report, UNDRIP, Constitutional law, and precedent set by the courts.

Furthermore, the Government of Canada has a responsibility to uphold its commitment to the [United Nations Declaration on the Rights of Indigenous Peoples](#) through [Bill C-15](#), the United Nations Declaration on the Rights of Indigenous Peoples Act, including governments' responsibilities to ensure the rights stated above are respected and carried out.¹

¹ Relevant Articles include:

Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them."

Article 32.2.: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization, or exploitation of mineral, water or other resources.

Calls to action

Rebuilding telecommunications policy and funding frameworks

Telecommunications policy and funding program frameworks in Canada and the United States are failing Indigenous Peoples. Consultation processes do not respect the rights of Indigenous Peoples, are not structured in a way that is inclusive, and do not ensure meaningful participation by Indigenous Peoples. Funding program criteria effectively exclude Indigenous communities from developing networks to serve their own people.

Governments must recognize and affirm inherent Indigenous rights, and honor existing nation-to-nation commitments, Treaties, and agreements in ways that demonstrate a spirit of good relations, good faith, partnership, and bilateralism. Indigenous Peoples are not only stakeholders, but also individual and collective rightsholders. Efforts must be undertaken to promote and ethically integrate Indigenous Ways of Knowing throughout governmental procedures, policies, and departmental mandates.

Therefore, these frameworks must be reformed to ensure the way telecommunications policies are developed, carried out, and enforced conform to national, international, and Indigenous law, local protocols, and recognize the unique roles Indigenous Peoples have as rightsholders in the process.

Calls to Action

1. We call on federal, state/provincial/territorial governments in Canada and the United States to work with relevant Indigenous organizations to move from a consultative model to one of shared decision-making and co-management for the development of public policy that could impact or affect Indigenous lands, Peoples and our ways of life, including with respect to internet connectivity and telecommunications.
2. We call on the governments of Canada and the United States to allocate a portion of funds raised through spectrum auctions and spectrum license renewals to fund an Indigenous office of telecommunications policy that would co-manage with relevant government departments and agencies on issues that affect Indigenous Peoples, communities, and lands:
 - a. This includes the spectrum allocation process, and the development, delivery, and evaluation of federal funding programs (for example, BEAD in the United States, the Broadband Fund in Canada).
 - b. In Canada, this co-management body would work collaboratively with the Canadian Radio-television and Telecommunications Commission (CRTC), Innovation, Science and

Economic Development (ISED), and Indigenous Services Canada (ISC), as well as provincial/territorial governments.

- c. In the United States, this co-management body would work collaboratively with the Federal Communications Commission (FCC), the National Telecommunications and Information Administration (NTIA), and, when applicable, the Department of the Interior, as well as state governments.
- d. The creation of the office of Indigenous office of telecommunications policy should be collaborative and involve relevant Indigenous leadership, subject matter experts, Indigenous-mandated organizations, as well as social enterprises.

The establishment of this new entity will enable many of the Calls to Action that follow.

3. We call on the federal, state/provincial/territorial governments in Canada and the United States to work with Indigenous-mandated organizations to develop new processes to ensure consultation timelines and funding application windows take into account traditional and cultural practices such as ceremony and harvesting seasons, and ensure sufficient time is available for Indigenous rightsholders to consult with community members, Elders, political and traditional leadership.
 - a. Federal and state/provincial/territorial governments should be adherents to self-determined policy consultation processes of the Tribe, band or Indigenous community they interact with.
4. We call on the governments of Canada and the United States to honor nation-to-nation relationship building with Indigenous communities and Indigenous-mandated organizations through concerted and on-going dialogue. This necessitates that government delegations are properly resourced, and that they include decision-makers of appropriate status/rank. Government delegations involved in negotiations should be resourced accordingly with the appropriate decision-makers.
5. We call on the governments of Canada and the United States to work with Indigenous/Tribal communities and their mandated entities to co-create equitable policy and programs that facilitate their abilities to self-govern and administer their own internet networks, should they so desire.
6. We call on governments at all levels to build their own capacity to work with Indigenous communities by:
 - a. Ensuring that non-Indigenous representatives have a high degree of intercultural competency. As a first step, governments should incentivize government employees working in Indigenous affairs to take cultural sensitivity training and ensure budget

considerations do not become a barrier to working with Indigenous communities.² [how the trust relationship works]

- b. Hiring, developing, and promoting Indigenous individuals to decision-making positions across all relevant departments and agencies.
 - c. Ensuring that relevant government officials are familiar with Tribal sovereignty as well key jurisdictional codes and statutes such as Title 25 and the “trust relationship” in the United States, as well as Section 35 and the Indian Act in Canada.
7. We call on all levels of governments to ensure their communications around policymaking processes are clear, in plain language, and translated into Indigenous languages. There should be shared expectations with Indigenous communities around what the specific needs and requests are at early stages of development. Rules of engagement in the world of policy must be clearly articulated. The goals of the policy process, as well as the steps it will take to get there must be done in good faith and honor Indigenous traditions, protocols, and authorities. Publications about policy consultations should be presented in plain/accessible language, that is, in a way everyone can understand, not just legal professionals.

BEAD funding

Time is of the essence with regard to BEAD-funded projects in the United States. A process to include Tribal input needs to be developed at the earliest possible time to ensure Tribal communities benefit fully from the program. Additionally, the accuracy of broadband maps is crucial to ensuring BEAD benefits those who need it most. Therefore:

Calls to Action:

1. We call on the United States federal government and state governments to work with Indigenous-mandated entities to create an inclusive process that requires direct Tribal input into planning and development of BEAD programs at their earliest stages to ensure no Tribal community is left behind.
2. We call on the United States federal government, its agencies, and state governments to ensure Tribes and bands are included in the maps that funding allocations will be based on, and to ensure they are able to add and update information about their communities in those maps.
3. We call on the National Telecommunications and Information Administration (NTIA) to offer alternatives to the Letter of Credit Requirement which imposes capital demands on awardees that is

² For Canada, this is in line with the Truth and Reconciliation’s [Call to Action 57](#): “57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.”

likely to exclude the majority of Tribal-owned ISPs, in addition to smaller, community-centered, and minority-owned providers.

Affordability

Cost of internet service is a major barrier for Indigenous people, families, and businesses across the U.S. and Canada. However, government departments and/or agencies in both countries either don't track affordability or don't do so in meaningful ways that could actually help Indigenous communities and lead to good policy decisions. Furthermore, while subsidy programs like the Affordable Connectivity Plan (ACP) in the United States are generally effective, there are a number of actions governments can take besides direct subsidies for consumer-level service that can enhance affordability. Governments and major telecommunications providers must take concrete steps to ensure good internet access (that at a minimum, meets or surpasses proposed universal service speeds) is affordable for Indigenous communities in urban, rural and remote settings.

Calls to Action:

1. We call on federal and state/provincial/territorial governments and other government agencies to work with Indigenous-mandated organizations to develop tools to track internet affordability, and to publicly report on the status of affordability.
2. We call on governments to commit to digital parity. This means that higher subsidies should be available for rural, remote and northern areas, as well as for other regions and locales where cost of living is higher (such as food, shelter, clothing), taking into account "undue hardship". Simply providing subsidies for those who fall below a national income threshold is not an effective measure to address affordability.
3. We call on U.S. federal and state governments, and their agencies, to establish continuing subsidy programs to take effect after the current programs sunset, such as Broadband Equity Access and Deployment (BEAD) and the Affordable Connectivity Plan (ACP). We further call on governments to establish enforcement mechanisms to guarantee affordable access through any subsidy programs.
4. We call on governments to require that networks built in whole or in part with government funding are verifiably open access, and to develop an enforcement mechanism to ensure this is the case. Open access networks are important to ensuring Indigenous-owned service providers have access to affordable backhaul.
5. We call on governments to adopt policy and regulation that promote greater competition in broadband markets by ensuring policies and funding programs support the development of community, municipal, regional, and Indigenous-owned complimentary access networks to sustain affordability.

6. We call upon the governments of Canada and the United States to establish a dedicated fund to provide operational support (OPEX) to qualifying Indigenous-owned networks, as the likelihood of financial sustainability of many networks in small, isolated Indigenous communities is low. To ensure these networks can continue providing a much-needed service to community members, operational support is imperative.

Access to spectrum

Spectrum does not recognize the U.S. – Canadian border, and several Indigenous communities straddle the border between the countries.

Calls to Action:

1. We call on the American and Canadian offices of Indigenous telecommunications policy to work closely together to manage spectrum in border areas to ensure telecommunications services can be delivered in a community, regardless of whether the artificial border passes over their lands.
2. We call on governments to make access to UHF spectrum in rural areas available and license it not only as TV White Space (TVWS).
3. We call on the governments of Canada and the U.S. to follow the Government of New Zealand's lead and provide a spectrum set aside for Indigenous Peoples to use on their own lands and territories at no cost. Furthermore, we call on governments to follow New Zealand's lead and provide capital and operational funding to the aforementioned Indigenous office of telecommunications policy to ensure Indigenous Peoples can effectively utilize that spectrum for the educational, economic, and social wellbeing of their communities.

Capacity building and workforce development

Call to Action:

1. In addition to implementing the 2022 ICS Calls to Action on [workforce development](#), we call on federal, state, provincial, territorial, Tribal, First Nation, Métis, and Inuit governments to proactively co-develop and implement new connectivity and digital skills programs with Indigenous communities.

For more information visit indigenousconnectivity.org or email indigenous@connecthumanity.fund.

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