



**BEFORE THE
NATIONAL TELECOMMUNICATIONS
AND INFORMATION ADMINISTRATION
WASHINGTON, D.C.**

In the Matter of)
)
National Telecommunications and)
Information Administration Seeks Public) Docket Number: 230308-0068
Comments on the Development and)
Implementation of a National Spectrum)
Strategy for the United States)

**COMMENTS OF THE
INDIGENOUS CONNECTIVITY INSTITUTE and INTERNET SOCIETY**

April 17, 2023

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I. INTRODUCTION

The Indigenous Connectivity Institute¹ (ICI), an initiative of Connect Humanity, and the Internet Society appreciate the opportunity to submit comments in response to the National Telecommunications and Information Administration’s (NTIA) Public Notice, “Development of a National Spectrum Strategy.”

To uphold its commitments as part of its Declaration for the Future of the Internet², the United States has a duty to consistently consider whether policies support what the Internet needs to be open, globally connected, secure, and trustworthy resource for all³. This includes ensuring spectrum management contributes to an enabling policy environment that promotes community-led solutions for inclusive and affordable access to the Internet.

In Enablers of an Open, Globally Connected, Secure and Trustworthy Internet⁴, the Internet Society defines an open Internet as one in which anyone may create, use, or deploy it according to their own needs and goals. For an internet to be fully open, anyone should be free to create networks and add services and applications on the Internet.

There are many obstacles that prevent the ‘easy and unrestricted access’ and ‘available capacity’ needed to uphold a truly open and globally connected Internet. This includes both the challenges for unconnected and underserved users to access fast, affordable, and reliable Internet, and the barriers for communities to deploy and drive their own Internet access solutions.

We seek to address the persistent and pervasive digital divide faced by American Indian, Alaska Native, and Native Hawaiian communities by ensuring Indigenous peoples have access to the resources necessary to drive connectivity solutions in Indian Country. This includes access to spectrum for the deployment of internet-connected networks.

These comments are based on the Calls to Action developed by the delegates at the 6th annual Indigenous Connectivity Summit⁵, held in Winnipeg, Canada from October 24 to 28, 2022. Our comments pertain to Indigenous connectivity in urban, rural, and remote areas (including American Indian, Alaska Native, and Native Hawaiian communities).

This submission specifically addresses Pillar #2 (Long-Term Spectrum Planning) and specifically questions one (1) and seven (7) of the Request for Comments. However, our petition is for the recognition of spectrum sovereignty for Indigenous people and land(s).

¹ The Indigenous Connectivity Institute (ICI) works to advance internet connectivity in Indigenous communities in the United States and Canada. It does this through training and cultivating knowledge, providing grants to Indigenous broadband networks, and convening a movement of Indigenous broadband advocates at the annual Indigenous Connectivity Summit. Led by an advisory committee of Indigenous leaders, the ICI supports Indigenous communities to build a digital future on their terms. The initiative is incubated by Connect Humanity.

² https://www.whitehouse.gov/wp-content/uploads/2022/04/Declaration-for-the-Future-for-the-Internet_Launch-Event-Signing-Version_FINAL.pdf

³ <https://www.internetsociety.org/issues/internet-way-of-networking/internet-impact-assessment-toolkit/>

⁴ Enablers of an Open, Globally Connected, Secure and Trustworthy Internet. Internet Society. Nov. 2021. <https://www.internetsociety.org/wp-content/uploads/2021/11/Enablers-of-OGST-EN.pdf>

⁵ <https://connecthumanity.fund/indigenous-connectivity-summit-2022/>

II. RECOGNITION OF SPECTRUM SOVEREIGNTY FOR INDIGENOUS PEOPLE AND LAND(S)

We call on the Government of the United States, through the NTIA and the Federal Communications Commission (FCC), to acknowledge the rights of Indigenous Peoples to their traditional lands, territories, and resources, including the natural resource called electromagnetic spectrum (“spectrum”).

The FCC should immediately and fully release unused spectrum licenses on and over Indigenous ancestral territories for the use and benefit of Indigenous Peoples. Furthermore, those departments should promptly and unconditionally release unused spectrum licenses on and over Indigenous traditional territories for the use by and benefit of Indigenous Peoples.

If an Indigenous-mandated organization chooses not to or does not have the capacity to manage spectrum in their traditional territories, we call on the Government of the United States via the FCC and NTIA to acknowledge the inherent Indigenous rights to spectrum by continuing to manage spectrum on Indigenous traditional lands, and to turn over any spectrum proceeds to the respective Indigenous-mandated organization.

III. PILLAR 2, QUESTION 1: RECOGNITION OF INDIGENOUS PEOPLES AS RIGHTS HOLDERS IN THE POLICY DEVELOPMENT PROCESS

The NTIA asks, “*Who are the groups or categories of affected stakeholders with interests in the development of the National Spectrum Strategy and participating in a long-term spectrum-planning process? How do we best ensure that all stakeholders can participate in a long-term spectrum planning process in order to facilitate transparency to the greatest extent possible, ensure efficient and effective use of the nation's spectrum resources?*”

The Internet was meant to be an open, globally-connected resource for everyone. And yet, Indigenous Peoples remain among the most unconnected and underserved populations in the United States. Indigenous communities across North America are picking up where incumbents have failed, and driving proven solutions for fast, affordable, reliable Internet access. However, spectrum management and access remain a key hurdle preventing Indigenous communities from leading solutions for digital equity.

Indigenous Peoples are not mere stakeholders in this process. Rather, Indigenous Peoples are rights-holders, as codified in Treaties, as have been held up in numerous court decisions, and as have been codified in international law in Article 26 of the Universal Declaration on the Rights of Indigenous Peoples⁶.

The Government of the United States has an obligation to ensure that Tribal governments, Indigenous-owned entities, communities, and other Indigenous-mandated organizations with expertise in spectrum policy have a seat at the table when decisions about their natural resources, including spectrum, are discussed. The NTIA and the FCC should work with Indigenous-mandated organizations in each traditional territory to find a path forward.

⁶ Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

IV. Pillar 2, Question 7: Support a national workforce development initiative

The NTIA asks, “*What is needed to develop, strengthen, and diversify the spectrum workforce to ensure an enduring, capable and inclusive workforce to carry out the long-term plans (including specifically in rural and Tribal communities)?*”

Digital inequity and the digital divide are the products and on-going legacies of settler colonialism and are systemic and persisting issues for Indigenous communities in the United States. The COVID-19 pandemic and associated lockdowns exacerbated on-going socioeconomic disparities, making these exigencies ever present and in need of remediation. These harsh realities have interrelating effects which result in vicious cycles of poverty, exclusion, racism, as well as social and economic outcomes well below national averages. In addition, the divide actively reduces Indigenous capacities to protect, promote and preserve their cultures, data, and information, resulting in a host of further dependencies. It also hinders the ability of Indigenous people to meaningfully participate in policy development processes that affect their people, their land, and their future.

Addressing this capacity shortage will require a dedicated multi-faceted workforce development effort targeted at Indigenous youth and other individuals seeking to further their education. The ICS Calls to Action specifically state to “call on governments . . . to support capacity-sharing programming to enhance the ability of Indigenous Peoples to participate in telecommunications policy processes at the regional, national, and international levels.”

The ICS Calls to Action go further, calling on the government to commit to long-term (multi-year) funding for training initiatives to bolster the capacity of Indigenous peoples to drive initiatives to bridge the digital divide in their communities, including technical, policy, business operations, and other relevant disciplines.

We recommend the NTIA and the FCC support Indigenous organizations to design, develop, and deliver a comprehensive, targeted training initiative to advance and enhance Indigenous Peoples’ stakes in digital equity programs through a multipronged workforce development strategy that blends Indigenous ways of knowing with contemporary and culturally-appropriate development pathways.



INDIGENOUS CONNECTIVITY SUMMIT

Calls to Action

December, 2022



INDIGENOUS
CONNECTIVITY
INSTITUTE



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Introduction

Since the inaugural Indigenous Connectivity Summit (ICS) in 2017, Summit delegates have developed and endorsed a set of recommendations that, if adopted by governments and other stakeholders, could help advance connectivity in Indigenous communities in Canada and the United States.

The 2022 ICS Calls to Action come at a unique point in time. As Canada and the U.S. emerge from the COVID-19 pandemic, the level of commitment on the part of governments, the private sector, and the philanthropic community to address the connectivity gap appears to be unprecedented. However, a new approach is needed if we are to finally bridge that gap. The delegates to the 2022 ICS recognized this, and the resulting Calls to Action present an approach that looks to the future, one that will result in systemic change and ensure Indigenous Peoples across Canada and the U.S. are able to enjoy all of the opportunities internet access can provide.

The agenda for the 2022 Summit was created through a community-driven process, ensuring the topics discussed would address community-led solutions for fast, affordable, and reliable internet access. Throughout the Summit, a team of volunteers participated in the discussions, and identified the important themes, challenges, and opportunities that related to advancing digital equity. On the final day of the Summit, delegates formed small working groups based on thematic areas to develop draft Calls to Action. Those Calls to Action were posted online to a shared document for the two weeks following the Summit for further refinement. The result is the recommendations presented in this report.

The 2022 ICS was co-hosted by the Internet Society and the Indigenous Connectivity Institute (an initiative of Connect Humanity).

We would also like to thank the sponsors of the 2022 ICS: *Google, Rogers ClearCable, Canadian Internet Registration Authority, The Michelson 20MM Foundation, Microsoft, The Reis Foundation, Competitive Network Operators of Canada, CANARIE, OneWeb, ICANN, American Registry for Internet Numbers, and the Wire Report and Hill Times.*

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To keep up-to-date with the Indigenous Connectivity Institute, [subscribe](#) to receive our emails and follow Connect Humanity on [Twitter](#) and [LinkedIn](#). Please consider [a donation to support](#) the Institute's work.

The Indigenous Connectivity Institute is an initiative incubated by Connect Humanity. For more information visit indigenousconnectivity.org or email press@connecthumanity.fund.

Calls to action

1. Building participatory and inclusive policy consultation and funding processes

- Digital inequity is the product of colonialism. We, therefore, call on the governments of Canada and the United States to decolonize their respective telecommunications policy processes by:
 - Supporting the creation of an Indigenous taskforce on telecommunications to work with government departments and agencies, as well as Nations and Indigenous-mandated organizations to facilitate meaningful consultation processes. Furthermore, governments should work with the taskforce(s) to establish a clear definition of 'duty to consult' and appropriate consultation guidelines/processes.
 - Developing an active consultation process to replace the current passive one. This means proactively consulting with Indigenous rights holders instead of requiring formal submissions.
 - Working with Nations and Indigenous-mandated organizations to make comment procedures and consultation processes more accessible by ensuring consultation deadlines take into account the unique realities of many Indigenous communities, such as harvesting season and other traditional and cultural practices.
 - Above all, acknowledging that Indigenous Peoples are rights holders in the process, not stakeholders, and that Indigenous world views and the knowledge and expertise held by Indigenous Peoples need to be recognized and valued in policy development, particularly in issues affecting their lands, communities, territories, and resource development.
- We call on governments to ensure Indigenous representation is present at relevant international fora where telecommunications issues that may affect Indigenous territories are discussed, such as at the International Telecommunication Union and the Inter-American Telecommunication Commission (CITEL). We also call on governments, the private sector, and the philanthropic community to ensure Indigenous Peoples have the necessary resources they need to participate in such international fora.
- We call on governments, the private sector, the educational sector, and the philanthropic community to support capacity-sharing programming to enhance the ability of Indigenous Peoples to participate in telecommunications policy processes at the regional, national, and international levels.

2. Rethinking approaches to connectivity

- Governments should require that projects that use government funds take a First Mile First approach, meaning the project must be designed and implemented with the community end user as the starting point, not the end point.
- We call on governments, the private sector, and the philanthropic community to recognize that connectivity underlies many aspects of social, cultural, and economic life, and therefore any initiatives, projects, or funding programs must take a cross-disciplinary and holistic approach, integrating housing strategies, health care, economic development programs, environmental and education initiatives, public safety, and other appropriate sectors.
- We call on governments, the private sector, and the philanthropic community to adopt a strengths-based approach to connectivity initiatives, as opposed to a deficits-based approach. This means recognizing the strengths the community already has identified (such as youth, community cohesion, familiarity with the local geography, and Traditional Knowledge) and developing programs and projects that reflect, support, and build on those strengths. Those strengths, taken as a whole, are a form of capital and should be valued as part of the eligibility criteria for funding programs and other digital equity initiatives.
- Recognizing the high costs of operating networks in rural and remote areas, we call on governments, the private sector, and philanthropic organizations to provide sustainable funding for the ongoing operation of networks, not just upfront capital costs.

3. Holding governments and industry accountable

- We call on the governments of Canada and the United States to strengthen and enforce their existing regulatory mechanisms to hold companies accountable in the event they misuse government funds for telecommunications projects affecting Indigenous territories, or when they are deemed to be not acting in the best interest of the community as determined by local leadership. Effective monitoring and evaluation, including by Indigenous communities and organizations, of the outcomes of government-funded projects will be crucial to ensuring that funds being spent are achieving project goals.
- We also call on the governments of Canada and the United States to provide incentives for telecommunications companies to support their employees that work with Indigenous communities to take cultural sensitivity training, such as the [“Indigenous Canada” MOOC](#) offered by the University of Alberta in Canada. For the U.S. context, we call on the federal government, industry associations, and/or philanthropic funders to support an Indigenous learning institution to create one.

- In its Calls to Action, the Truth and Reconciliation Commission called upon all levels of government in Canada to fully implement [Jordan's Principle](#). Access to an internet connection for medical appointments and online educational and health services to support a child's growth and learning underpin the spirit and intent of Jordan's Principle. While health services should be delivered in person, the audio-visual clarity a high-quality internet connection offers could provide a backup option should a face-to-face meeting not be feasible. Therefore, we call on the Canadian Radio-television and Telecommunications Commission (CRTC) and Innovation, Science and Economic Development (ISED) to integrate Jordan's Principle with existing departmental mandates to ensure that all parents in Indigenous territories in Canada have the connectivity to access these services for their children.

4. Recognizing Indigenous Rights to Spectrum

- We call on the Governments of Canada and the U.S. to acknowledge that Indigenous Peoples have myriad needs for the natural resource called electromagnetic spectrum ("spectrum"), including but not limited to climate change monitoring and modeling, food sovereignty and security, health and safety, especially pertaining to missing and murdered Indigenous people, mental health and wellness, emergency management, education, economic development, revenue, and other priorities.
- We call on the relevant departments to immediately stop selling spectrum licenses and renewing permits on Indigenous traditional territories, and to acknowledge Indigenous rights to govern and manage the spectrum on and over their lands.
- Furthermore, those departments should promptly and unconditionally release unused spectrum licenses on and over Indigenous traditional territories for the use by and benefit of Indigenous Peoples.
- If Indigenous leadership chooses not to manage spectrum in their traditional territories, we call on federal governments to do so on the community's behalf and turn over any revenue resulting from the use of that spectrum back to the community.
- We call on relevant government departments to conduct meaningful public consultation with Indigenous governments, community members, and mandated organizations on a recurring basis to discuss whether Indigenous needs for spectrum are being met. Governments should work with the mandated organizations in each traditional territory to find a mutually-beneficial path forward.
- We call on the Canadian and U.S. governments to take this action with the full collaboration of and engagement with, and accountability to, Indigenous Peoples and the public.

5. Developing an Indigenous workforce in networking

- We need a multi-faceted workforce development effort to strengthen capacity within communities to achieve digital equity. To that end, we call upon Indigenous/Tribal colleges and community colleges to work with communities and relevant technical organizations to codesign and implement appropriate educational programming that develops the technical capacity of Indigenous people of all ages. Formal education programs that aim to build technical capacity among Indigenous Peoples must be community-led and accessible, inclusive, and culturally competent.
- To ensure these learning opportunities are informed, safe, accessible, inclusive, and culturally competent, colleges should take an experiential approach as opposed to ones based entirely on classroom instruction. Programs should also incorporate remote learning and field experience for course credit, ensuring certification and accreditation can be transferable in their careers.
- Furthermore, a dedicated workforce development initiative will be conducive to well-paid employment opportunities for Indigenous community members, including youth. To ensure community members are aware of these opportunities, Indigenous/Tribal colleges and community colleges, as well as funding partners should undertake efforts to raise awareness of the opportunities in the networking field.
- Governments, the private sector, and the philanthropic community should commit to long-term funding for training initiatives. Such initiatives should have robust frameworks that support the development of community networks in all stages of its development, and be done in ethically and culturally respectful ways that promote the safety and well-being of rural, remote, and urban Indigenous territories.
- Funded activities should include an evaluation component that supports an environment of continuous improvement, and as a means to document and share best practices/lessons learned. Ideally, funders should budget for and include plans to transfer ownership of any technical resources used in instruction (such as infrastructure, devices, and so on) to participating communities.
- In the context of education and pedagogy involving Indigenous Peoples, these programs need to embody the concept of "nothing about us or for us, without us." We ask that all network training initiatives include cultural sensitivity training requirements for non-Indigenous instructors to promote cultural competency in program delivery.
- We ask that funding opportunities include ongoing support for financially compensated digital navigators in Indigenous communities, similar to the support that Environment and Climate Change Canada provides for the [Indigenous Guardians program](#). Digital navigators can help facilitate the outreach, digital literacy education, and awareness required as internet access is introduced and expanded within communities, as well as contribute local data for monitoring and evaluation of funded infrastructure and services and policy engagement.