

Statement von *Bill Skolnik*, Experte und Vorsitzender der kanadischen Koalition für Kulturelle Vielfalt, im Rahmen der 9. Vertragsparteienkonferenz vorgebracht – mit Erlaubnis geteilt.

“I will be Speaking on the Existential meaning of DISCOVERY.

That is the SENSIBILITY and SPIRIT behind its application in the Canadian Context.

Its prominence when considering the need to Protect and Promote the Diversity of Cultural Expressions.

The reason why we are all here.

The preamble to this panel refers to Discovery as:

The capacity of content to be found by those who were looking for it, but also by those who are NOT looking for it.

In other words:

Those who want it and those who do not yet know that they want it.

These phrases are the raison d’être of Discovery.

That is, offering conspicuous and meaningful content representing Diverse Cultural Expressions and being able to experience it with a reasonable effort.

The first goal describes the vital requirement of convenience.

The second explanation expresses the essence of Our mission:

Making Digital cultural content Available but also ensuring and enhancing its ACCESSIBILITY.

Canada, as Madonna from the Department of Canadian Heritage, has described, recently passed the famous or Infamous legislation entitled BILL C11, the ONLINE STREAMING ACT.

It is CONTROVERSIAL but by and large Canadians are pleased with its adoption. This is based on the overwhelming unanimous support from 4 of 5 parties in the House of Commons, our national assembly. They represents a sizeable majority a Canadians.

This Notion of Expressions of Cultural Diversity, and its accompanying

Discoverability being a vital cog in digital communication, is not new in Canada.

In April of 2018, more than 5 years ago, Canada and France signed a *JOINT*

DECLARATION ON CULTURAL DIVERSITY AND THE DIGITAL SPACE.

This pact referenced:

DISCOVERABILITY, FAIR COMPENSATION, QUALITY AND RELIABILITY OF INFORMATION

(a euphemism meaning the impact of Algorithms)

These were identified as Key issues affecting diversity of content in the digital age.

Furthermore, even before the Canada-France Declaration,

Remember this is almost 6 years ago, the Canadian government formed a

research panel, the Yale Commission to advise and offer improvements to the

Broadcast Act. This was the precursor to the ON-LINE STREAMING ACT, again, just passed a few weeks ago.

This commission was given instructions in the terms of reference to:

ADDRESS THE PRINCIPLE OF CULTURAL DIVERSITY IN A MODERN LEGISLATIVE CONTEXT

And to offer how it would apply that advice.

The Commission did offer a means of upholding this principle and so does THE ON-LINE STREAMING ACT.

It specifically notes the validity of DISCOVERABILITY and the necessity of maintaining obligations that present diverse cultural expressions in our broadcasting legislation.

Why is this so crucial to Canada?

Diverse Cultural Expression is a FUNDAMENTAL PILLER of Canada's SOUL.

It is an integral aspect of the structure of our society.

Canada was founded on the lands of many different aboriginal nations, their myriad languages, customs and cultures.

Canada was colonized by two of the Dominant Empires from Europe who imposed their languages, customs, culture and religion on the land.

Over the three following centuries immigrants, often in waves, came from all over the world to settle in Canada, contributing their culture and customs to our unique MOSAIC.

Our national sport is hockey. Some of you refer to it as ice hockey – but to us it's

Hockey. Games are broadcast in French and English but also in PUNJABI AND

CREE, not just locally, but as part of our national broadcast system.

The driver who brought me to the airport listens that way even though his English is as good as anyone's.

We have a hit TV show, *Kim's Convenience*, broadcast around the world, about a Korean grocer in Toronto.

There is an award winning, heart wrenching film, from Quebec, that is guaranteed to bring tears to your eyes, about an Algerian teacher there. *Monsieur Lazare*.

There was a big hit series about running and attending a mosque in a small town on the Prairies fittingly entitled *Little Mosque on the Prairie*, that show ran for years.

The star of that show, an actor of Pakistani origin, changed careers. He is now our Consul-General in Los Angeles.

To the Canadian Coalition's credit, in my biased, humble opinion, the ON-LINE STREAMING ACT does provide guidance and structure on DISCOVERABILITY, at least partly due to our efforts, at constantly reminding the government of its duty in this area.

There are instructions to the CRTC, our Broadcasting Commission and legislated authority that requires:

- Maintenance of Canadian programming in both our official languages.
- Moreover they must be found in different program genres ensuring the
"DIVERSITY OF PROGRAMMING"
- Including and insisting that there must be a level of French Programming that originates in the French Language not just qualifying because it is dubbed.

The act goes on to say that the Needs and Interest of all Canadians must be served. Specifically mentioned are:

- BLACK AND OTHER RACIALIZED COMMUNITIES
- CANADIANS OF DIVERSE ETHNOCULTURAL BACKGROUNDS
- DIVERSE SOCIO-ECONOMIC STATUS
- DISABILITIES
- SEXUAL ORIENTATION
- GENDER IDENTITY.

Productions must reflect their lives, aspirations and circumstances of their daily struggles.

In short the multicultural nature of Canadian society is of paramount concern and must be represented by national production and exhibition.

In addition, there is an official, legislative recognition calling for a special emphasis on our Indigenous Peoples.

These are just some of the characteristics found in this new statute. There are many more.

Earlier I pointed out that the legislation was controversial.

It was and still is. The Leader of the Opposition has stated that he will repeal the law if his party forms a government.

Why is there a contrary view?

Some opponents say it is, at best, forced and abnormal marketing to a captive audience. It is Manipulative. Products, that is, anything on the Platforms, should survive on their own without artificial Government mandated exhibition.

They believe the existing system is truly unfettered. It is not influenced by any means, including algorithmic adjustments to a fantasy market. It is an orthodox application of the Adam Smith invisible hand.

Government regulation is an impediment to that natural state of commerce.

These are the opinions of the moderates.

Hard liners say the government is, in effect, forcing users to watch what we do not want or choose.

In other words they are pushing propaganda down our collective throats.

These folks also believe viewers, and listeners, too, as the so-called restrictions affect music as well, will not be able to make their own choices.

They say it is censorship.

Comparisons are drawn to a book store owner as this shop is a common purveyor of culture and a small business.

You go into a store looking for Canadian books.

You cannot find the section or even a shelf.

You inquire and the proprietor says all information on specific titles is available on-line.

You actually were hoping to DISCOVER A COLLECTION, not just a title but,

Okay, you will try. You take out your mobile and begin the search.

You DISCOVER that the store DOES have some Canadian inventory but the search can't guide you to where it is, exactly. It only knows it exists, and it can't find it and neither can anyone else.

NO ONE THERE CAN HELP.

Critics say what the government has implemented is EQUIVALENT TO LEGALLY OBLIGATING the Book Shop Owner to display and highlight Canadian books in the window or direct your gaze to special eye-catching shelves. This they say is analogous to the responsibilities the Platforms now have.

We know this is common in retail. Manufacturers and distributors are always jockeying for noticeable positioning of their wares.

We know that major retailers like Amazon, Walmart and Costco demand deep discounts from suppliers in order to get their products out front.

The belief is that the internet is just another retail system. They are the new malls. They are the new Downtown shopping district.

Well, they aren't. They are not shopkeepers. They are broadcasters and the ON-LINE STREAMING ACT refuses to accept the Platforms' contention that they are simply department stores.

I go back to this statement that:

Discoverability is the capacity of content to be found by those who are not looking for it but are likely to appreciate it.

When people DISCOVER depictions of their lives and circumstances through the wonder that is the arts they view themselves with confidence and self-worth. They are connected and in touch with the world.

Study after empirical study demonstrates that when children are educated in familiar surroundings, in their own language seeing role-models in the same dress, eating the same food, listening and playing the same music they flourish. Their academic performance improves. Things are familiar, anxiety is removed and the atmosphere becomes comforting.

This is the subtle nature of promoting DISCOVERABILITY as a PRIME FUNCTION of broadcasting.

Let people know, even within their own little sphere, that they are part of their own Country. Indeed, they are part of the Canadian perspective of the entire world.

The commercial goals of the few Platforms cannot be permitted to determine and impose their view of cultural Homogeneity on everyone.

Our organizations have successfully impressed upon governments the need to PROMOTE, PROTECT and MAINTAIN the DIVERSITY of CULTURAL EXPRESSIONS.

All that has changed is the delivery system.

We must continue to fight for the objectives spelled out by the 2005 convention.

DISCOVERY is just the next battlefield.”