

# SUBMISSION RE BILL C-10 (CANADIAN BROADCASTING)

By the Union des producteurs et productrices du cinéma québécois (UPPCQ)

29 March 2021

## Introduction

Last November, the UPPCQ spoke out publicly regarding the revision of Bill C-10 and condemned the lack of consideration given to French in the first version of the review of the *Broadcasting Act* (the Act).<sup>1</sup> Today our union is pleased to see that our concerns, hitherto unheeded by others working in the sector, have unanimous support from the production industry and parliamentarians alike. Unfortunately, this support has yet to have any significant impact on the current bill. Again, we felt that another part of our message that was raised at the time was also of fundamental importance. We will dwell on that part of our message first, since it strikes us as being tied to the first: the need to implement a framework in tune with the times that addresses the atomization of our common media space and the worrisome—and not coincidental—aging of traditional audiences.

We believe that this issue is fundamental to the preservation of our democracy and our Canadian cultural space. It appears to be a low priority in the approach taken by the bill, yet it should be our lodestar in implementing its principles.

## Some linguistic background

A little background is in order. First and foremost, the Canadian government has responsibilities to French-speaking Canadians. Some of them arise from the *Official Languages Act*, which is currently under review. And although we would expect the departments involved to take a coordinated approach, this does not currently seem to be the case.

Second, as we know, Quebec has special status within Canada, chiefly due to its critical mass of Francophones. And despite the fact that French in Montréal is on thin ice, the city still remains the most populous Francophone city in the Americas and one of the world's six largest French-speaking cities. While Quebec's special status certainly gives it a leg up over other French-speaking communities in Canada, we believe that a decline in French in Quebec will have long-term repercussions on Francophones Canada-wide. That situation requires urgent attention, and the department needs to refocus on the issue.

On the international front, Canada has made a number of cultural and communications commitments, some of which specifically deal with information and communications technologies (ICTs). Given the UPPCQ's understanding that the department's objective in overhauling the existing Act is to address ICT matters, we have every right to expect the revised Act to contain tangible, formal commitments.

Among Canada's numerous commitments to other States, let us note its commitment to act “*on the crucial issue of language survival in cyberspace..., including mother tongues.*”<sup>2</sup>

Since over-the-top (OTT) services are in cyberspace by definition—which is the very reason they elude Canadian law at this time—it is clear that, since the Act being reviewed applies to such services, it must address the issue of the survival of mother tongues on OTT platforms. Otherwise, Canada would be violating its international commitments; as it is, it is falling short.

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<sup>1</sup> For example, see <https://ici.radio-canada.ca/nouvelle/1748320/loi-radiodiffusion-culture-francophone-uppcq> (Accessed 8 March 2021)

<sup>2</sup> UNESCO's relevant recommendations are appended. The quotation is from the “*Recommendation concerning the promotion and use of multilingualism and universal access to cyberspace*” (2003)

## Status of languages and diversity

The bill in its current state does not formalize any of those commitments. The minister's recent statements,<sup>3</sup> which put Francophone production on an equal footing with Anglophone and even community broadcasting, also illustrate this oversight. We are concerned today with the direction in which he is taking his department. Later in this document, we will go into the minimal prerequisites for democracy, not the least of which is a shared communication space, but first let us focus on the fact that not all languages and cultures in the Americas are on an equal footing.

Indeed, here on our continent, when writing any culture and communications legislation, one fact must be kept firmly in mind. Even if the Canadian Radio-television and Telecommunications Commission CRTC, the Canada Media Fund (CMF), the National Film Board (NFB), the Canada Council for the Arts (CCA), Telefilm Canada and the CBC were all to be simultaneously abolished, with zero impact on the vitality of English-language culture and English Canadians' place therein would be precisely zero. The English-speaking majority needs none of those institutions to preserve the status of its language in Canada. That is why we, the Francophone minority, have such a different relationship to language and the common cultural space.

This is entirely unlike the preservation of French as a common cultural space for all young Quebeckers, or the place of Indigenous languages in the federation. The preservation of Indigenous languages and cultures is clearly dependent on government policies and is covered not only by Canada's legal and international commitments, but by its historic obligations. And although it is not within the UPPCQ's purview to comment on First Nations' the historical and cultural issues, despite its sympathy for their cause, we can certainly speak for French.

We do not need to point to the Durham report to spell out the Crown's historic obligation to French Canadians and to Quebec. While some of these issues do not affect us directly, but instead are of concern to Francophone producers outside Quebec, there is one part that is our responsibility: the future of French-language production in Quebec. It is almost exclusively via the Internet and ICTs, and increasingly in English, that words, animations and sounds are consumed every day. This is hardly a surprise. Though Canada has realized that, and as early as 2003 endorsed international recommendations aimed at combating the cultural homogenization engendered by cyberspace, it has failed to enact its own regulations. Since it is no exaggeration to say that the survival of French as a common cultural space for Quebeckers and Francophones outside Quebec will be decided on these platforms, Quebec must finally take appropriate action and it must do it now.

We thus submit to the minister, who made public statements about quotas, that mere ministerial lip service will not be enough given the cultural significance of ICTs, the government's historic responsibilities and its international commitments to mother tongues. If the government intends to take action to support the continued use of French in Canada, it has the duty to incorporate that intention into its Act. We are therefore asking the government to replace the quotas that it deems ill-suited to the legislative context with the clear objective of *using communications to maintain the place and status of French in Canada* and to ensure that that objective is kept in mind by the courts in interpreting the Act. Only in that way, we believe, can the use of French be preserved in the current technological landscape.

## A civic and democratic reminder

We also feel there is a need to remind parliamentarians just how fragmented and constantly reshaped by algorithms our media reality is, and how great a challenge this poses to Canada—and this at a time when major democracies need to find a certain coherence whose model would be relevant in the long term. Can we even aspire to a genuine

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<sup>3</sup> We are referring to the minister's statements, from which we infer that the expectation is that individual communities will speak among themselves and not to other Canadians: "The priorities [of the] government and [its] commitment to Francophone, Anglophone, Indigenous, people with disabilities, racialized and LGBTQ+ creators [is that] they will have the means to tell their own stories." [Translation]

<<https://www.ledevoir.com/culture/ecrans/596786/projet-de-loi-c-10-une-part-appropriée-du-financement-pour-le-français>> [Accessed 15 March 2021]

cultural space, some space to reflect on democracy, when we have no common national space, but only isolated echo chambers?<sup>4</sup>

Especially since it seems that this polarization and the attendant alienation from major political parties have indeed taken hold here, because Canadians want their politicians to take uncompromising positions. At any rate, that was the conclusion of a recent poll<sup>5</sup> published by the National Post.

At the most fundamental level, should such a capacity to reflect and the existence of shared national references not be the aim of a communications and broadcasting act? If citizens have no shared space, surely “democracy” and “common culture” are just empty words. At a time when “visual culture” increasingly resonates as a way to describe the frenzied consumption of the myriad types of online content, and the harmful effects of “social media” are the subject of debate, we believe the Act must dare to respond to today’s challenges, and allow the provinces to meaningfully defend within their borders the notion of culture so aptly defined by UNESCO in 1982.

*“[t]hat in its widest sense, culture may now be said to be the whole complex of distinctive spiritual, material, intellectual and emotional features that characterize a society or social group. It includes not only the arts and letters, but also modes of life, the fundamental rights of the human being, value systems, traditions and beliefs.”*

We could detail the commitments made by Canada as a UNESCO member state. Suffice it to say that basically, Canada has declared the importance of preserving cultures and acknowledged the danger of linguistic homogenization of the world posed by ICTs, and has recognized the need to *formulate appropriate national policies on the crucial issue of language survival in cyberspace*. Today, it must give substance to these commitments in principle.

We all know by now the dangerous effects of media fragmentation, and the Act must provide a response. It is impossible today to imagine a democracy with a shared space to which ICTs, given their prominence, do not contribute. The ongoing pandemic has clearly illustrated how vitally important they are today.

### **Blindness of the industry**

Still, it appears that the production industry and its partners are concerned only with incorporating Canadian content into the GAFAM transnational model, disregarding language or community considerations. Nor do they appear to be thinking critically about foreign ownership and its implications. The position of most sector stakeholders appears to be neatly summed up by the CMF:

*“[T]hough some foreign services spend a lot of money on production in Canada... [they] are not Canadian productions.... If Canadian producers are limited to being service producers on their productions because the online undertakings own all*

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<sup>4</sup> On the effect of echo chambers on thought communities, note the following conclusions taken from “*Social Media, Sentiment and Public Opinions: Evidence from #Brexit and #US Election*” by Gorodnichenko, Pham, and Talavera. p. 21

“Social media are a powerful tool for spreading news and information. However, social media might also propagate misinformation and fake news... [B]ots have a tangible effect on the... activity of humans, but the degree of bots’ influence depends on whether bots provide information consistent with humans’ priors... These results lend support to the ‘echo chambers’ view that... social media create networks for individuals sharing similar political beliefs so that they tend to interact with others from the same communities and thus their beliefs are reinforced... “Consequently, ideological polarization... is likely amplified rather than attenuated, which makes reaching consensus on important public issues more difficult.” [emphasis ours]

Available at <[https://eml.berkeley.edu/~ygorodni/Brexit\\_Election.pdf](https://eml.berkeley.edu/~ygorodni/Brexit_Election.pdf)> [Accessed 22 March 2021]

<sup>5</sup> “Majority of Canadians are feeling politically homeless, poll finds...” “[Our poll] reveals that nearly six in 10 (57%) Canadians feel politically homeless, compared to four in 10 (43%) who feel they have a party that they can call home... [This] poll also suggests that another third will grudgingly find accommodation in a political home (but they are open to persuasion in the meantime). A further 20% say they are truly politically homeless... In the United States... political estrangement was taken to extremes during the Trump years. Polarization warped perspectives and created deep social divisions. A Voter Group study before the November election suggested one in five Americans believed violence could be justified, if the other side triumphed.”

<<https://nationalpost.com/opinion/john-ivison-majority-of-canadians-are-feeling-politically-homeless-poll-finds>> [Accessed 25 March 2021]

*the rights, the lack of revenues from exploitation around the world would limit their ability to be a sustainable industry. Creighton therefore argued in favour of ensuring that Bill C-10 prioritizes 'Canadian ownership of intellectual property'."*

<https://cmf-fmc.ca/now-next/articles/bill-c-10-modernizing-the-broadcasting-act/>

As we can see, according to this analysis, Canada is mainly concerned that producers participate in the status quo, without attempting to make any change to the GAFAM-imposed model.

As widespread as this position may be, we believe that it is short-sighted. Our union of producers, closely connected to creators and artists, feels that focusing only on the notion of intellectual property fails to address the well-known problems related to ICTs. And we know the impact that this undue focus on intellectual property may have on democracies, including the richest and most powerful ones like the United States (the Cambridge Analytica scandal) and Great Britain (the Brexit campaign). Do we in Canada really need to wait until we have a major democratic crisis on our hands before we take action?

### **Communication, culture and society**

Clearly, we cannot believe that thought silos are impervious to fictional narratives and images. And we have known since the mid-twentieth century that the rise of authoritarian figures has been abetted by a depiction of the world as incomprehensible and chaotic. Today, we know too that this depiction does not need to be based on proven historical facts to take hold of peoples' imaginations. As demonstrated by sociologist George Gerbner, a perception coloured by fiction may also be enough. Those interested in Gerbner's research may wish to start by reading his Wikipedia entry from which this excerpt was taken:<sup>6</sup>

*"According to Gerbner, Gross, Morgan and Signorielli (1986), the images and messages making up our cultural environment now come from television rather than religion or upbringing. As a result, television shapes our perception of the world and surreptitiously imbues us with values and norms."* [Translation]

[https://fr.wikipedia.org/wiki/George\\_Gerbner](https://fr.wikipedia.org/wiki/George_Gerbner) > [Accessed 23 March 2021]

Recent journalistic investigations also show that political parties make connections between narrative universes and political opinions and apportion their major election spending accordingly. Steve Bertoni wrote the following in the *Forbes* magazine article "*The Son-In-Law Also Rises*" in 2016, shortly after Trump's surprise election win:

*"Kushner's crew... hired [micro-]targeting partners like Cambridge Analytica to map voter universes and identify [what] mattered most: trade, immigration or change. Tools like Deep Root... identifi[ed] shows popular with specific voter blocks, say... The Walking Dead for people worried about immigration."*

<https://www.forbes.com/partners/maz/122016/kushner.html> > [Accessed 5 March 2021]

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<sup>6</sup> University of Nebraska-Lincoln professor Aaron Duncan drew a line between Gerbner's work and the connection between politics and fictional content in "*What the favorite TV shows of Trump supporters can tell us about his appeal*." This article, written *before* the election, explained that contemporaneous television series had an influence on voters' viewpoints:

"[Gerbner showed that] those who watched a lot of violent shows on TV began to see the world as a dangerous place... [T]he *Atlantic* journalist Scott Stossel summarized Gerbner's conclusions: 'we become fearful and anxious—and more willing to depend on authorities, strong measures, gated communities, and other proto-police-state accouterments'."

To be clear, watching violence on television doesn't cause violence, much like watching sexual activity doesn't cause people to have sex. What it does do is make us more afraid and more willing to look for authoritarian figures to make us feel secure... Even though [Trump] argues that the United States is overrun with violent crime and disorder... [r]eports from the FBI indicate violent crime has actually been on a steady decline over the last two decades... Crime shows on television and news broadcasts have helped cultivate [other perceptions]."

<https://theconversation.com/what-the-favorite-tv-shows-of-trump-supporters-can-tell-us-about-his-appeal-63433> > (Accessed 20 March 2021)

## Lessons to be learned

We must act to preserve or redeploy a shared agora in Canada, to expand common space and so take a critical view of communications, in the vein of *Les décrypteurs* (SRC). In so doing we can seek to avoid the splintering of society into groups and the polarization and mutual incomprehension exacerbated by echo chambers, and thus engage with each other on the key issues of our times, such as climate change and social justice themes like racism. Children and adults alike must be taught about the dangers of misinformation and the impacts of algorithms on their worldview.<sup>7</sup>

Broadcast networks are unique industries in that they disseminate information and culture. First, they influence democracy. That was why Canada founded the NFB and the Société Radio-Canada (SRC) in the first place. Second, they help forge a collection notion of the way in which we live together today in Canada. The resentment felt outside urban centres towards the Montréal- and Toronto-based media should make us stop and think. And, as stated in Article 8 of the “UNESCO Universal Declaration on Cultural Diversity” (2001):

*“Cultural goods and services: commodities of a unique kind: In the face of present-day economic and technological change, opening up vast prospects for creation and innovation, particular attention must be paid to the diversity of the supply of creative work, to due recognition of the rights of authors and artists and to the specificity of cultural goods and services which, as vectors of identity, values and meaning, must not be treated as mere commodities or consumer goods. [our emphasis]*

We cannot wait another 20 years, with the risk that our democracy will be further damaged. Tangible objectives, arising from our knowledge of the cultural and democratic effects of micro-targeting and the behavioural advertising industry made possible by privatized big data, need to be enshrined in the Act. And what justification can there be for foreign firms exclusively to hold data on Canadians’ private behaviour and values? How badly will our society and democracy become splintered, fragmented, and weakened if we allow this model, based solely on vested economic interests, to take root—even if only for a short time? The approach defended by the CMF is egregiously ignorant of our society’s need for a shared agora such as any self-respecting sovereign, democratic, open and pluralistic society should possess, since it considers Canadian producers and the communication community to be mere suppliers of undifferentiated content, as much as to say generators of *available human brain time*, as one CEO put it.<sup>8</sup>

We cannot tackle 21st-century challenges just by overhauling intellectual property in the Act. Despite Canada’s long-standing commitments to meeting those challenges, we are far behind and still feeling the consequences. We can justifiably wonder if any sovereignty gains are derived from the Canadian industry’s addition of one undifferentiated drop of water to a globalized media tsunami. Which, in the final analysis, will have no meaningful impact on Canadian audiences. Merely plugging Canadian content into the current broadcasting matrix will do little to help create a Canadian communication space, even though nurturing that space is the core mandate of the Act. Rather, there is a need to set clear cultural and democratic goals with understandable purposes, and we believe the agora concept is conducive thereto.

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<sup>7</sup> For example, see “Facebook reportedly ignored its own research showing algorithms divided users.” Let us recall that YouTube, Netflix and other platforms also use algorithms intended to keep their users on their platforms, and that Gerbner demonstrated that watching violent content for long hours has an impact on spectators’ worldview.

<https://www.theverge.com/2020/5/26/21270659/facebook-division-news-feed-algorithms> >

<sup>8</sup> “For an advertising message to get through, the viewer’s brain has to be receptive to it. It’s the aim of our programs to make that brain receptive, that is to say, to entertain it and relax it, to prepare it between two messages. What we sell to Coca-Cola is available human brain time. Nothing is more difficult than obtaining that receptiveness. This is where permanent change is located. We must always look out for popular programs, follow trends, surf on tendencies, in a context in which information is speeding up, proliferating and becoming trivialized.” [Translation] Patrick Le Lay, CEO of TF1.

<https://www.nouvelobs.com/culture/20040710.OBS2633/le-lay-nous-vendons-du-temps-de-cerveau.html> > [Accessed 24 February 2021] Anyone who thinks that this cynical approach is unCanadian needs to be reminded of CBC/Radio-Canada’s Tandem fiasco.

<https://www.lapresse.ca/affaires/medias/2021-01-07/radio-canada-tient-a-tandem-et-a-l-extra-d-ici-tou-tv.php> > [Accessed 21 February 2021]



Thus, if the current government truly intends to contribute to the perpetuation of democracy and deliberation in the country, to make its culture a locus of reflection for its citizens, it must enshrine in the Act *the fact that the vitality of an agora and a culture that is shared by all citizens is a necessary condition for exchanges to occur to maintain an open, pluralist and democratic society with a strong identity*. The Act must make this its main objective. The future of French in Quebec likely depends on it.

### **How *exactly* to create a collective agora**

We readily admit that creating of a shared agora through ICTs is a major challenge. Yet meeting this challenge is essential to Quebec society's long-term survival. And it is a clear duty of the government to legislate this shared agora for Quebec and thereby go beyond a mere "discoverability" of Canadian content that falls woefully short of creating a true common cultural space.

Though it may be daunting, we can take up that challenge if we really want to and are determined to put in the work. Our country does have real expertise in information and communications, and Quebec is famous for its creativity.

The minister's remarks led us to understand that legislation is not meant to define detailed guidelines but to provide the courts and the government with principles and directions, and that we must for the moment stick to general directions. We will be pleased to work on the implementation of this necessary agora at a later date. A country wanting to set an example cannot simply give up. Adding a few "Made in Canada" productions to the system of thought silos, each of them constituting an entrenched position in the cultural wars holding sway in our democracies, is not going to cut it.<sup>9</sup> We therefore have no alternative but to bravely toil to afford real latitude to broadcasting and communications in this country.

Exaggeration, scandal, misinformation, provocation, fear or apocalyptic fatalism, whether in fiction or in the news, are not just clickbait; they also feed the alienation and collective apathy that is so detrimental to democracy. Although we are obviously not advocating censorship, it is alarming that Canadians are binge-watching such content in isolation, with no collective debate or informed background information, since we know how this content is shaping their worldview. Do we really want to sell out our communications sovereignty in exchange for a few production dollars from our neighbours to the south? Are the environmental and social challenges of our time not deserving of a fundamentally different, collective approach?

We believe that creators across the country, and the entire communications sector, can do better. Canada's creators can share their awareness of these issues, and make them relevant and moving for all communities in the country. And the Canadian production sector can showcase this content if it is enabled to do so by a viable commercial framework and is held accountable.

### **Cultural fatigue and communitarianism**

As Quebec producers, we now fear that funding institutions, and the English Canadian production industry generally, have given up any attempts to support a genuine national audiovisual space. We fear that this is due to cultural fatigue on the part of English-Canadian producers. They may be drained by their attempts to reach their audience, but are secure in the knowledge that their language will never be in danger. Is that why the CMF is now content for Canadian producers to be mere handmaids of the global production industry? That vision is shared by the GAFAM giants, whose claim to contributing to the Canadian cultural landscape resides solely in employing Canadian creative teams. We feel that this in itself will not uphold our cultural specificity.

Is this why we are seemingly tolerating the existence of viewership silos and echo chambers in our media? Indeed, by abandoning cultural sovereignty as an objective of the federation, would we not be totally ignoring the French-

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<sup>9</sup> On this subject, see the Wikipedia article <[https://en.wikipedia.org/wiki/Culture\\_war#Canada](https://en.wikipedia.org/wiki/Culture_war#Canada)> on these 'wars' in Canada, Australia, Africa and Europe. [Accessed 28 February 2021]

speaking audience in Quebec, where the media do still reach all segments of the population, including the youngest? Is it not contradictory to say we care about our language, at home and abroad, yet make no attempts to preserve this kind of national French-language cultural space?

It is clearly indicated in the bill that the government intends to counterbalance the strong centralization in the industry through a set of community initiatives. Goals of this kind are laudable and fully endorsed by the UPPCQ if they apply across the country. It would be a different story, however, if broadcasting of intracommunity programming were to be seen as the be-all and end-all, as seems to be suggested in certain proposals for revision of the Act. Maintaining a set of parallel and hermetic cultural worlds, and not working to build bridges and understanding between communities, would be a recipe for perpetuating our mutual incomprehension. We are astounded that anyone could possibly support this type of broadcast fragmentation rather than encourage openness, curiosity, universalism, mutual understanding and coexistence.

Our view is that the act must fully lay the groundwork for representation of community diversity: these realities are to be reflected to all Canadians and shared in a common space over a suitable network. Our failure in this regard would have potentially dangerous effects on the cohesion of Canadian society, if the social fragmentation that is already paralyzing the public space is any indication. Indeed, we should be assuaging the effects of this social fragmentation, and not amplifying them—with state resources to boot. We note that the current revision of the Act, while encouraging community production, fails utterly to defend the idea that there must be a way to share this production with all Canadians. This is something that should be incorporated into the Act.

### **A real response to the current situation**

Furthermore, the UPPCQ feels that a position more consistent with the initial objectives of the Act would be to create a common space including representations of regional realities anchored in the diverse socio-cultural reality of the Canadian social fabric. This is preferable to centralized production.

For this we need diverse producers, creators, and star performers—both in and outside metropolitan areas—and exclusive access to the raw viewership data of that content. With that big data—accessible to Canadian individuals and corporations—managed and analyzed by the government, we will be able to track and understand changes in the country's viewership habits and have some awareness of our shared “self.” Those are conditions we feel are indispensable to make big data a component of national sovereignty, democracy and preservation of the French language.

These types of productions, reflecting the reality and the variety of the public, both urban and non-urban, call for varied budgets and a myriad of small decentralized production entities across the country. The first concrete benefits of such an approach are multiple, and well documented, *both for democracy and for holding accountable the corporate citizens who exploit and transform our resources*. On this important point, the evidence is in.<sup>10</sup>

### **Canada as a space for all its citizens**

Another aspect to consider when analyzing these issues is the history of the Canadian federation, where non-urban areas have rarely been seen historically as citizen territories, but only as spaces to be exploited for the benefit of colonial empires. Our metropolises acted as export hubs, and no real consideration was given to the people of that land and their lived reality. Without dwelling on these issues here, there is certainly some merit—if Canada is one day to transcend that history and build a state for all its citizens, of all nations, of all regions—in allowing the people of that land to make their voices heard, and to articulate their concerns as citizens. This requires local media, and knowledgeable regional broadcasters, to present these realities in all their complexity.

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<sup>10</sup> On this extremely important point well known to experts, see “Reviving democracy requires reviving local journalism”: [https://www.cjr.org/business\\_of\\_news/reviving-democracy-requires-reviving-local-journalism.php](https://www.cjr.org/business_of_news/reviving-democracy-requires-reviving-local-journalism.php) [Accessed 28 February 2021]

## Nimble regionalization, to make the national agora a reality

Furthermore, it has been shown in Quebec that diverse regional channels are necessary to produce national hits. Regional production and broadcasting entities also underpin the popularization of those hits, which cement our collective identity. The UPPCQ therefore maintains that the diversification of production methods and companies, and the rejection of the globalized standardization of productions, is the only way to achieve the necessary renewal of the Canadian production sector, which is practically a production cartel.<sup>11</sup> In this troubling environment, the diversity of programming is severely limited: an obvious danger to both democracy and media representativeness.

Industry lobbies will be quick to object that the production of such low-budget content by independent production companies will inevitably lead to inferior productions. We do not believe that for a second. Increased production resources have never led to tangible gains in Canadian viewership: that is just a pipe dream. The failure of the performance envelopes at Telefilm Canada is a case in point. That was the approach for more than twenty years. In view of the current crisis, perhaps it is finally time to try something other than funnelling the money into the hands of a chosen few?

As producers, we must also point out that the box-office success of Quebec movies in the 2000s was no accident. Their success was based first of all on an effective distribution strategy, which itself was predicated on a strong and diversified regional media network that is now floundering. This explains why we cannot replicate yesterday's success stories in today's Canadian media landscape; we know that not only is it globalized and fragmented, it is highly centralized in the English-speaking metropolis, where policy is dictated. National hits and authentic common national spaces, which rely on multiple production and dissemination points, require the exact opposite.

We also feel that a production environment and teams that are nimbler, and more diverse players, will make for more vibrant productions, original in both format and subject matter. Simpler technology means that production can now be significantly decentralized.

It must be emphasized that the history of Canadian audiovisual production demonstrates that budget is not the only consideration in creating relevant works reflective of society and well received by the public. In another era, at Radio-Canada, directors such as Jean-Paul Fugère embodied a national popular culture. They had limited means and were not shy about saying so; their creativity made up for it.<sup>12</sup>

And even there is a smaller export market for some of our low-budget productions, Bill C-10's original cultural sovereignty objectives would still be met, because those productions are distinct from homogenized international productions. The initial goal of the Act was to enhance national identity and cultural sovereignty and to *create a common communication space of Canada's own, and not to create an industry subsumed by that of the United States*—even though we understand that a few production companies today might find that an enticing proposal.

## Export and common space

While that position could be a possible objective from an international trade viewpoint, we emphasize here that such is not the remit of the CRTC, nor one of Canadian Heritage's mandates. This department is first and foremost responsible *for communications within Canada*. And the basic thrust of the Act now under review is to address these

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<sup>11</sup> See Michael Pedersen, *A Profile of the Largest Independent Film, Video and Audio-visual Producers in Canada, 1988-89 to 1997-98*. Quarterly Bulletin from the Culture Statistics Program. Vol. 12, No. 2 <[https://www150.statcan.gc.ca/n1/en/pub/87-004-x/87-004-x2000002-eng.pdf?st=aRkX8\\_mz](https://www150.statcan.gc.ca/n1/en/pub/87-004-x/87-004-x2000002-eng.pdf?st=aRkX8_mz)> Note that the department no longer conducts this type of research, which has been delegated to a co-venture with the private sector, led by Nordicity. [Accessed 3 February 2021].

<sup>12</sup> See Serge Noël, *Le fil à la patte*, p. 77 "Jean-Paul Fugère not only directed television dramas, but also the famous television series 'La famille Plouffe'. He never had nor wanted a formula. He went out on a limb with each work. He was inventive, he eschewed studio bells and whistles, renewed the language of light and started shooting outdoors at a time when equipment limitations seemingly made it impossible. In his work, Fugère brought together wit, social awareness, sensitivity, and rigour... Jean-Paul Fugère said that he always aimed at 'a poor man's art.' This 'poor man's art' was behind one of the Quebec television's finest jewels." [Translation]



issues within the Canadian state; in the early days of the CRTC, its concern was to maintain a diverse, competitive communications sector, something so vital to a democratic society.

In the current government, the mandate for international industrial development belongs to the Business Development Bank of Canada and the Department of Economic Development, which is the right department for industrial groups to turn to for support with their international export strategies.

## **Conclusion**

Quite understandably, the UPPCQ believes that by allowing production and communications networks to centralize over the decades, the CRTC has neglected the responsibility delegated to it by the Department to preserve and develop the Canadian media matrix so that it can truly reflect the federation's different realities, fulfill its democratic objectives and drive flagship content within Canadian communities. This neglect has led to a breakdown of the communications sector, and a representation gap that is currently fuelling tensions between English- and French-speaking metropolises and the rest of the country. Changing this situation must be an aim of the Act. We also believe that the coziness between the CRTC and the industry is making matters worse. Above all the UPPCQ would like to see the Act establish the principles and conditions necessary for the creation of national agoras, of which the Francophone agora absolutely needs to be one, given the impact of ICTs on its cultural space; as a result, there would be guidelines, not subject to alteration by ministerial fiat, on how all productions would be disseminated. Given the polarization of opinions caused by echo chambers and thought silos, this is nothing short of essential. This objective must underpin the Act in order to preserve our democracy and our culture.

## **OUR RECOMMENDATIONS**

- 1) The primary objective of bill C-10 must be to defend the principles of a common agora and a culture shared among citizens as a prerequisite to exchanges, in order to preserve an open, inclusive and democratic society. The Act must therefore be interpreted to serve this objective, without prejudice to its original purpose (enhancement of national identity and cultural sovereignty).
- 2) Put in place clear measures to perpetuate the place and status of French through communications. These measures must be enshrined in the Act and be used to interpret it. The UPPCQ is adamant that mere ministerial directions to the CRTC will not be enough to meet this crucial objective, which Canada has recognized in its international commitments.
- 3) The Act must strengthen an independent, pluralistic and highly diversified production ecosystem. To ensure urban and non-urban diversity, incentives for setting up private production structures across Canada are needed. Democracy depends on the viability of private regional media undertakings. The diversity of our regional realities requires strong regional institutions. We must reverse the trend toward convergence of broadcasters and increase regulatory obligations on communications undertakings. We believe that economically viable independent media structures, along with specific funding for Canadian and Quebec culture, are the only way to ensure true independence in the broadcasting and communications sector.
- 4) By laying the groundwork for these agoras, the Act must aim to engender a vital, diverse and independent Canadian production sector, as well as channels or ways of broadcasting that will allow our creators to speak in their own voice beyond the global standardization ushered in by ICTs and GAFAM giants. This is not just a matter of giving Canadian creators the money that is rightfully theirs; it is also a matter of protecting a shared ecosystem for our ideas and creations. This will safeguard our democratic values, our societal reappraisals and our culture as defined by UNESCO. It is only in this context that Canadian intellectual property has its full meaning.
- 5) For the State to remain independent from the lobbies, it must develop its own capacity to analyze the raw data of Canadian viewership in order to achieve the objectives of a democratic and sovereign state. There must be State management of viewership data, and that data must be made public in an anonymized way.

- 6) In Quebec, Société Radio-Canada has a special cultural responsibility. Through its programming it should not only entertain, but also present poignant works that fuel social debate, while also contributing to a collective agora and continuing to serve as a model of French-language excellence.
- 7) Going beyond this bill, the department must strengthen the “agora” dimension of Canada’s communications and broadcasting sector in every possible way, and provide funding commensurate with that responsibility. Institutions both public (NFB, CMF, Telefilm Canada, CCA) and private must work together in that regard. Those institutions must have increased responsibilities and mandates for film education, the production and dissemination of varied and critical content and, along with the CMF, work toward the creation of a national agora, fight against social fragmentation within micro-communities, and put the issues of our times at the centre of English- and French-Canadian society. That being so, we feel that Montréal must once again become Canada’s centre for decisions on culture and society matters, since it is the epicentre where the future of the Canada’s most important home for the French language plays out. It is clear to us that moving television and film matters to Toronto has made the department more sensitive to industry concerns than culture and language concerns— a worrisome development in our view.