Can Civil Society Activism be Effective in Spectrum Policy Making?

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Spectrum is a vitally important public resource, demand for which has grown enormously as people’s and businesses’s desire for wireless communication of various kinds has increased.

Services such as audio and television broadcasting, mobile telephony, Wi-Fi access, machine-to-machine communications all depend on sufficient radio spectrum availability to serve publics’s needs and demand. It has been estimated that in the EU ‘the total value of services that depend on radio spectrum is at least €200 billion annually’ (EPRS, 2015). More specifically, capitalisation of radio spectrum can add about 3-4 % to the GDP of a country (Webb, 2013).

Thus, the ways in which airwave capacity is allocated and its management are matters of high importance.

Whilst the topic is often technical in nature, it has also a strong social dimension with potential consequences for the experiences and lives of citizens and consumers.

Given the scarce nature of spectrum, a debate has arisen in recent years about the extent to which reallocation of capacity should occur to where it is deemed to be most needed, given changes in the nature of communications.

Yet, there is disagreement on what the spectrum priorities are and what action should be taken to address them.

An important element of spectrum policy change in Europe has been its reallocation away from digital terrestrial broadcasting service providers towards licensed mobile broadband services providers having numerous aspects to consider as regards the proposed changes and their potential consequences.

As might be expected, the debate on this has been loud and often controversial, with regulatory bodies and relevant service providers having numerous aspects to consider as regards the proposed changes and their potential consequences.

However, what are the perspectives of citizens in these debates? In what ways have these been apparent? To what extent have civil society interests been successful in having their voice heard in the debates on spectrum change dominated by broadcasters and mobile communications companies?

The research finds that civil society working on its own faces significant challenges in asserting its views on reallocation of spectrum from digital terrestrial television to mobile broadband provision.

However, through using its limited resources to align itself with those sympathetic to its position, it has been able to have its voice heard in spectrum policy debates. We call this ‘strategic alignment’.

Strategic Alignment has considerable usefulness and holds promise for civil society actors to reach their objectives on issues of high technical nature in the future.

However, avoided civil society must be cautious about over-reliance on the strategy because:

1. Perspectives of different interests can change over time.
2. Civil society must maintain its independence.
3. Therefore, the key is to find an appropriate balance between strategic alignment and independent action.
Overview

Spectrum is one of the most strategically significant public and commercial communication resources.

Terrestrial television and radio broadcasting systems have utilised key parts of Ultra High Frequency (UHF) spectrum to deliver their services. Even as terrestrial broadcasting systems became more commercialised from the late 1980s onwards, the idea of terrestrial broadcasting services as providing at least one of the core universal public service elements of education, information and entertainment to audiences has persisted.

The growth of digitalisation has afforded more efficient use of the spectrum, and has set in train a process of transition across most of the world from analogue to digital broadcasting. This has freed up key parts of the spectrum in what was termed the ‘digital dividend’.

The emergence of personal mobile communications services has been one of the most prominent developments in telecommunications of the last 30 years. The value of mobile communications has recently been turbo-charged by the growth of broadband Internet communications services consumable through smart phones, in particular.

This burgeoning development has led the mobile communications sector to demand more spectrum. The broadcasting sector, by contrast, has resisted strongly any attempt to provide this at its expense.

To what extent have civil society actors been able to participate and exert influence in this debate?

Policy change in spectrum has highly significant public interest implications and is thus of concern to civil society actors. However, the operating conditions of the European public policy environment for spectrum is difficult to work in for three main reasons:

- Organising at the international level is costly in terms of time and financial resources.
- Spectrum policy is highly technical in character, often making a precise understanding of its social and public interest significance and future difficult to determine.
- The strategic commercial significance of potential policy change in spectrum means that the debate is dominated by powerfully resourced industry players from broadcasting and telecommunications.
Evidence

Part of our research has analysed the example of the Wider Spectrum Group (WSG) which mobilised to lobby against reallocation of UHF spectrum away from digital terrestrial TV through the creation of what we consider to be an ad hoc coalition. Civil society actors representing the viewer and listener and organised labour played a significant part in this group.

Whilst relatively poorly resourced compared to other protagonists in spectrum debate, organisations such as UK’s Voice of the Listener and Viewer, The European Alliance of Listeners and Viewers Associations (Euralva) and UNI MEI representing labour in media, entertainment, arts and sports, were well enough established in their respective fields and possessed sufficient technical expertise to play a significant part in the WSG.

They were able to utilise the key knowledge asset of a strong general sectoral understanding, as well as specific knowledge of the position of media workers, and the viewer and listener.

This set the ground for them to demonstrate their capacity to define plausibly, from their specific perspectives, the problems at the heart of the debate on possible spectrum reallocation away from broadcasters towards mobile broadband providers.

They possessed enough experience and standing to be taken seriously by a range of better resourced - though highly receptive - actors from the broadcasting industry in the WSG.

The initial establishment of the core of the WSG by its most strongly resourced industrial actors from broadcasting provided opportunity for civil society organisations to align themselves with the position of the WSG.

Civil society actors displayed considerable cooperative flexibility by working in line with the interests of a diverse range of organisations in the WSG.

UNI MEI showed its argument diversification capacity by linking the production of diverse content with employment growth. Euralva also linked market power arguments to the interests of its own constituency.

As a small and modestly funded organisation, the VLV demonstrated strong civil society orientations, tapping into the expertise of other like-minded organisations on key spectrum issues to build often technical arguments around viewers’ and consumers’ perspectives.

The VLV also showed evidence of employing powerful imagery such as the emotive view of downlinking data as a “Trojan Horse” that would effectively mean a co-primary allocation of the sub-700 MHz part of the spectrum.

Civil society actors, more than any others, were able to embody and articulate the sustained importance of free to air digital terrestrial television to core electoral constituencies of interest at the national level across the EU.

Civil society activism in the spectrum policy debate shows the preponderance of what we call confrontational outside lobbying tactics. None of the civil society broadcast actors most active in the spectrum debate had direct inside access to the EU’s Lamy Group, for example, which was set up to explore the topic of potential change to UHF spectrum allocations.

The debate evidenced the employment by civil society bodies of a strongly confrontational challenges to the mobile communication industry, using language mostly associated with the latter’s arguments to be allowed to occupy new parts of the spectrum.

Euralva went outside what could be regarded as its core remit through making strident calls for studies to establish both the practical need and relative value of more spectrum allocation to the mobile industry.

It also produced economic arguments around market structure and linked them to a potential detrimental impact on the historic public policy goals of digital terrestrial television.

This kind of tactical issue linkage and development took its place among a raft of technical arguments propounded by the broadcasting industry, which in their turn were linked to the public interest matters of universal coverage, as well as the ability to secure future spectrum efficiency generating innovations through research and development.
Strategic alignment by civil society actors with interests from the broadcasting industry in order to mount what turned out to be successful, though possibly temporary, opposition to change in the status of the 490-694 MHz UHF band was classically ad-hoc in nature in that it was:

- Informal
- Time-limited
- Single issue
- Relatively loose

This example shows how civil society was able to get indirect access to policy decision making that was valuable to it. However, the case must be regarded with caution.

There are five core lessons for civil society going forward:

The debate allowed the establishment of an informal cooperative understanding between publicly funded and private broadcast interests and civil society. The extent to which this can be strengthened into the future will be very important for civil society actors.

Civil society actors will need to be able to build on the evidence they have shown in this debate to display breadth of argumentation and technical understanding of core issues.

Whilst civil society actors have shown some ability to provide sophisticated strategic responses to changes in their external environment, this needs to be developed further in the light of future changes which are likely to occur in the mobile media environment and which will form part of a likely highly controversial debate on future changes to the sub-700MHz part of the spectrum in years to come.

The highly specific conditions in the debate on the sub-700MHz band’s future led to accommodation and endorsement of civil society interests but this outcome can be viewed as part circumstantial. It shows how much the public interest in spectrum policy relies on network operators and service providers, and also the preferences of the nation state.

Strategic Alignment is useful for commercial interests as it is a two-way activity and can help promote a broad, society focused response to debates on the future of spectrum. Civil society should bear this in mind going forward as it can work in its favour.

Further Reading

To read more about our research on this topic, please see the following openly accessible publication:

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