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DEMOCRATIZING COMMUNICATION:
MEDIA ACTIVISM AND BROADCASTING REFORM IN THAILAND

By

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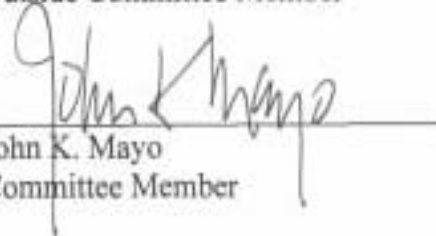
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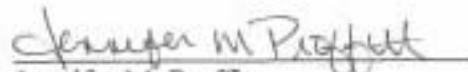
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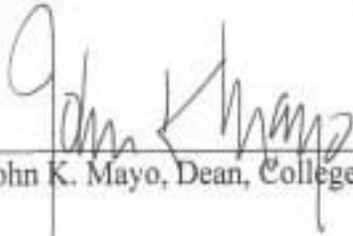


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*For my mom, dad, and my two brothers,
who always support me no matter how many times I want to give up.*

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TABLE OF CONTENTS

List of Tables	viii
List of Figures	ix
List of Abbreviations	x
Abstract.....	xi

CHAPTER ONE: INTRODUCTION

Overview.....	1
Purpose of the Study	3
Significance of the Study	4
Conceptual Framework and Research Questions	7
Media Democratization.....	7
Media Reform	8
Media Activism.....	9
Structure of the Dissertation	11

CHAPTER TWO: REVIEW OF THE LITERATURE

The Context of Communication Policy Reform	14
Democracy Theory and Perspectives on Communication Regulation	18
Theory of Democracy	19
Perspectives on Communication Regulation	20
Debates in Democracy and Communication Policy	22
Democratization and Media Reform.....	24
Media Democratization.....	24
Media Reform	26
Context of Thai Broadcasting Reform.....	29
Media Activism.....	30
Summary	34

CHAPTER THREE: DESIGN AND METHODOLOGY

Introduction.....	35
Overview of the Research Design	35
Case Study Research.....	37
Document Research	39
Interviews.....	40
Population and Sample Selection	41
Cases	42
Documents	42
Informants	43
Access and Entry	44
Data Collection	45
Document Data	45

Interview Data.....	46
Data Analysis.....	47
Reliability and Validity.....	49

CHAPTER FOUR: THE HISTORICAL CONTEXT OF THAI BROADCASTING

Political Economy of Thai Mass Media	53
The Advent of Mass Media	54
Ownership Structure	58
Regulation Structure	63
Development of Broadcasting Policy Reform.....	67
A Significant Shift in May 1992.....	69

CHAPTER FIVE: REGULATORY DEBATES AND MEDIA REFORM

Thai State Perspective on Communication Regulation	74
The 1997 Constitution and the Initiation of Media Reform	76
The People’s Constitution.....	76
Initiation of Media Reform.....	79
Organization for Frequency Allocation Act of 2000	83
Broadcasting Business Bill	87
Independent Regulatory Agency	90
Stakeholder Analysis	94
Classification of Stakeholders	96
Power and Interests.....	97
Importance and Influence	102
Strategies of the Stakeholders.....	104
Media Reform after the 2006 Coup	107
Conclusion	112

CHAPTER SIX: MEDIA ACTIVISM

Thai Civil Society and the Media Reform Movement.....	115
The Emergence of Thai Civil Society.....	115
The Media Reform Movement	122
Three Cases of Media Activism.....	126
Mass Communication Scholars	127
Media Professionals.....	132
The Campaign for Popular Media Reform	139
Conclusion	143

CHAPTER SEVEN: FRAGMENTATION OF MEDIA DEMOCRATIZATION

Perspectives on Media Democratization.....	147
Institutional Restructuring: The Politics of Broadcasting Regulation	151
Public Participation in Communication Policy	155

Summary	159
CHAPTER EIGHT: CONCLUSIONS AND RECOMMENDATIONS	
Democratization of Thai Broadcasting Media	161
Implications for Policymakers	168
Theoretical Implications	170
Limitations and Suggestions	173
Limitations of the Study	173
Suggestions for Future Research	174
APPENDICES	
Appendix A: Timeline of Thai Communication Reform	178
Appendix B: The Constitution of 1997.....	181
Appendix C: The Constitution of 2007.....	182
Appendix D: The OFA Act of 2000	184
Appendix E: List of Informants	199
Appendix F: Interview Questions	202
Appendix G: Human Subjects Approval	203
Appendix H: Oral Consent Form.....	204
REFERENCES	205
BIOGRAPHICAL SKETCH	220

LIST OF TABLES

Table 4.1: Ownership structure of Thai radio stations.....	60
Table 4.2: Ownership structure of Thai television networks.....	61
Table 5.1: Side-by-side analysis of Thai broadcasting policy and regulation.....	86
Table 5.2: List of the Thai broadcasting stakeholders.....	96
Table 6.1: Media reform advocacy groups.....	125

LIST OF FIGURES

Figure 2.1: Context of communication policy reform.....	17
Figure 5.1: Regulation process of Thai communication reform (1997-2006).....	82
Figure 5.2: Selection process of the NTC and NBC.....	94
Figure 5.3: Power and interests of the stakeholders in Thai broadcasting reform.....	99
Figure 6.1: The evolution of Thai civil society.....	121

LIST OF ABBREVIATIONS

BTO	Build-Transfer-Operate contract
CDR	Council for Democratic Reform (military council from the 2006 coup)
CPD	Campaign for Popular Democracy
CPMR	Campaign for Popular Media Reform
DBS	Direct Broadcasting via Satellite
GATS	General Agreement on Trade in Services
IRA	Independent Regulatory Agency
iTV	independent Television (free television channel)
ITV	ITV company (the operator of iTV)
IMF	International Monetary Fund
MCOT	Mass Communication Organization of Thailand (former SOE)
MOD	Ministry of Defense
MOICT	Ministry of Information and Communication Technology
MOTC	Ministry of Transportation and Communications
NBAC	National Broadcasting Administrative Commission (with PRD)
NBC	National Broadcasting Commission
NBTC	National Broadcasting and Telecommunication Commission
NESDB	National Economic and Social Development Board
NESDP	National Economic and Social Development Plan
NGOs	Non-Governmental Organizations
NIC	Newly Industrialized Country
NPKC	National Peace-Keeping Council (military council from the 1991 coup)
NTC	National Telecommunications Commission
OPM	Office of the Prime Minister
OFA Act	Act on Organization for Allocating Broadcasting Frequency and Supervising Radio/Television Broadcasting and Telecommunication Business, B.E. 2543 (2000)
PSB	Public Service Broadcasting
PRD	Public Relations Department
PTD	Post and Telegraph Department
RTA	Royal Thai Army
SEAPA	Southeast Asian Press Alliance
SOE	State-Owned Enterprise
TBJA	Thai Broadcast Journalist Association
TDRI	Thailand Development Research Institute
TJA	Thai Journalist Association
TNCs	Transnational Corporations
UBC	United Broadcasting Company
WTO	World Trade Organization

ABSTRACT

The purpose of this study is to examine the reform of broadcasting media in Thailand during the period 2000-2006. The Constitution of 1997 initiated reform of the political and media structure. It led to the enactment of the 2000 Act on Organization for Frequency Allocation and Supervision of Telecommunication and Broadcasting Businesses. These legal frameworks advanced institutional restructuring by establishing independent regulatory bodies to regulate the telecommunications and broadcasting industries. They aimed to move regulatory authority from the hands of state bureaucrats and the military to a new independent regulator.

Applying an institutional approach and a stakeholder analysis, the processes of media democratization and media activism are the central concerns of the study. Through the examination of newspaper archives, government documents, and personal interviews, the findings indicate that even though the government entities and their business liaisons are interested in the reform of broadcasting industry, they still want to retain their control of broadcasting media. The goals of diversity and public accessibility gain little attention from the people in power, and the opening of markets to competition is not evidenced. However, three case studies of media reform advocacy demonstrate that civil society movements have made efforts to move the reform of the Thai broadcasting media to enhance media democratization, including independence, diversity, and accessibility. Intellectuals, journalism professionals, and a non-governmental organization—Campaign for Popular Media Reform—have contributed to the reform of the broadcasting media. Although the proposed new independent regulator (National Broadcasting Commissions) was not established, the intention to democratize the broadcasting media is still alive, and the participation of the civil sectors in the policy decision process is ongoing.

CHAPTER ONE

INTRODUCTION

Overview

The early 1990s was a time of political and economic transition in Thailand. During the period 1985-1995 the economic growth rate of Thailand skyrocketed. The country was moving toward becoming one of the Newly Industrialized Countries (NICs), following Singapore, Taiwan, South Korea, and Malaysia (Dempsey, 2001). However, in 1997 the Thai economy plunged into a sudden economic downturn following the crash of the financial market and devaluation of the Thai currency. The crisis brought the entire region to a near recession. During the same decade, Thai politics moved from a semi-democracy to a more open democratic system with more public participation in the political process, along with political turbulence, constitutional activism and the growth of civil society. The 1992 May crisis aligned pro-democracy protesters against the military and led to an extensive constitutional amendment. The triumph of public participation over the military junta moved both politics and public communication toward more democratization.

A major consequence was the Constitution of 1997. It is considered to be one of the most democratic constitutions in Thai political history, as it includes the path for political transition, the ideas of public communication reform, the rights of the Thai people, and media freedom. It was the first time that the constitution initiated independent regulatory agencies to oversee the national communication system, replacing the state ministries. A more specific example was the establishment of a new television station (Independent Television or iTV) in 1994, which allowed for private ownership for the first time. The goal establishing iTV initially was to prevent a total takeover of the broadcasting media by the government and to assure the public a right to information, and was a response to the military junta's control over the broadcasting media during the 1992 crisis.

Public communication reform in Thailand did not occur alone; rather it was paralleled by media deregulation around the globe, such as in China, India, Taiwan, and post-Soviet Union nations (Hoover & Venturelli, 1993; Curran & Park, 2000; French &

Richards 2000; Price et al., 2002). Following the global changes in the early to mid-1990s, research on public communication increasingly focused on communication policy debates; particularly media reform during political transition (Price et al., 2002). Along with political, economic and legal scholars, critical media studies places emphasis on privatization and liberalization of public communication systems, particularly civil society and media democratization (Majone, 1990; Curran & Park, 2000; McChesney et al., 2005; Carroll & Hackett, 2006).

One aspect of communication reform is a transformation of state ownership patterns, namely, a move toward privatization. The central motivation changed from expanding public service supply of communication services toward maximizing the profits of shareholders. Capital flow from the private sector is expected to improve both service quality and quantity, which in turn supports more advanced business services (Siochru, 1999). An example is the transfer of state-owned telecommunication enterprises to private companies. Nonetheless, broadcasting reform is somewhat different from telecommunication reform. Broadcasting reform engages economic, political, social and cultural issues, whereas telecommunication deals mostly with economic concerns and politics. The reform of broadcasting policy, hence, involves not solely privatizing state-owned or state-controlled broadcasting media but also liberalizing media content and production to reflect freedom of expression, diversity and the marketplace of ideas (Price et al., 2002), ideally promoting a participative democracy.

In the case of Thailand, the reform of communication policy has been influenced by both external and internal factors. External forces for change come from outside the country through international organizations (WTO and IMF), transnational corporations, and nongovernmental organizations. Internal forces include political movements and climates, economic conditions and the strengthening of civil society after the May crisis in 1992. Both internal and external factors have put pressure on policymakers to liberalize the communication system; that is, both telecommunication and broadcasting were expected to move away from state control. While telecommunication reform was geared toward privatization under a market oriented scheme, broadcasting reform was more concerned with democratization, i.e., focusing on the public interest, public access, freedom of expression and civil participation.

Purpose of the Study

The researcher's interest in Thai media reform is inspired by journalistic experience. She was a political reporter in the 1992 May crisis. After the 1997 constitutional enactment, communication-oriented academic groups and civil society groups put more pressure on the government to reform the broadcasting system. The broadcasting media have been in state hands for more than five decades, in fact since their establishment. Although the law initiating the independent regulatory agencies was enacted in 2000, institutional restructuring is still stagnant. As a former journalist and as a communication scholar, the researcher personally questions why the reform has not been fulfilled and whether and why civil society's involvement in the reform is not ample to push for change in the Thai broadcasting system. In addition, there has been insufficient policy research and analysis on media reform in Thailand. Only a few academic groups have done studies on public service broadcasting, alternative media, discourse analysis of deregulation, or on telecommunication reform (Ubonrat, 1997, and 2001; Supinya, 2000; Sakkarin, 2000). Policy study, as argued by Rist (2003), which should provide input to assist policy decision making, seems to have become "an article of faith;" whereas why "researchers have so persistently misunderstood decision making is a situation deserving of considerably more analysis than it receives. Systematic knowledge generated by research is an important and necessary component in the decision-making processand there is seldom enough research-based information available in the policy arena" (pp. 622-623).

This study concerns the debate on media democratization, particularly the change in broadcasting policy, regulation and institutional restructuring in Thailand. It will explore the contribution of media advocacy groups to the reform efforts targeted at broadcasting media in Thailand during the period 2000-2006. Following the enactment of the Constitution of 1997 and the OFA Act of 2000, institutional formation efforts began and a Thai broadcasting reform policy was deliberated and developed. The goal was to transform the communication system, both telecommunication and broadcasting, moving it out of the government's control. Under the restructured framework, the Thai telecommunication and broadcasting systems would be separately regulated by two independent regulators; the National Telecommunications Commission (NTC), and the

National Broadcasting Commission (NBC). However, almost a decade since the law was enacted to authorize the reform initiative, the implementation of an independent communication system has remained unfulfilled. Only NTC was, though problematically, made finally operational in 2005 (see the timeline of the reform in Appendix A). The main questions are about the process of establishing the NBC, an independent regulator intended to be similar to the FCC in the U.S. It is crucial to examine the stakeholders' interests in engaging in this stage of institutional formation, which has and will have a significant impact in shaping Thai broadcasting policy and its implementation in the future.

Therefore, the purpose of this study is to explore the debates around and processes of Thai broadcasting reform. Particularly, emphasis will be placed on the role and contribution of media advocacy groups in broadcasting media reform. This was the first opportunity in Thai broadcast policy decision making in which, by law, civic groups are allowed to participate in the policy formation process, including selecting the Commissioners.

In Thai broadcast restructuring, civic groups have focused on two main movements: advocating institutional reform, and building independent media (community radio, for example). Since this research puts emphasis on the institutional structure and broadcasting policy, the project will focus on ways media activism contributes to government policy and institutional reform rather than to the development of independent media. In addition, Thai government policies related to restructuring media contain various programs and regulations; for example, privatizing state-owned communication enterprises, encouraging the establishment of community radio stations, and amending and enacting communication laws. The main focus of this study is on restructuring of the regulatory processes—specifically the formation of a National Broadcasting Commission (NBC).

Significance of the Study

Policy analysts and policy researchers have oftentimes faced problems relating to the application and recommendation of findings to policymakers, either those with state agencies or with private companies. In communication policy studies, several studies

have focused on civil society groups involved in the media policy-making process. Some studies focus on alternative media such as micro radio, independent production, or the Internet web logs of social movements. Others studied the implementation of certain policies or programs, such as decency concerns or controlling violent content. However, attempts to evaluate policy implementation and to make recommendations to policymakers have not achieved the desired effects. As Rist (2003) pointed out:

what policy researchers tend to consider as improvements in their craft have not significantly enhanced the role of research in policy making.... Increased personnel, greater allocation of resources, and growing sophistication of methods have not had the anticipated or demonstrated effect of greater clarity and understanding of the policy issues before the country.... This tendency to greater complexity has left both the policymakers and the citizens less able to understand the issues and to see how their actions might affect the present condition (p. 620).

There are two levels of policy decision making, according to Rist (2003). The first one is the establishment of the broad parameters of government action, i.e., national issues or agendas. That is the level of creating or rearranging organizations or institutional structures. At this level “policy research input is likely to be quite small if not nil” (p. 621). Once institutions are firmly established, there is plenty of useful policy research on another level—the second level, where policy intentions are translated into practices, mostly concentrated on evaluating an implemented policy. This study will emphasize policy research in the first level of the policy making arena, on which very little research has been done, and where policy research is less often sought.

According to the Act on Organization for Allocating Broadcasting Frequency and Supervising Radio/Television Broadcasting and Telecommunication Business, B.E. 2543 (2000)¹, called the OFA Act of 2000, broadcast regulation will not be commanded and controlled by the state, but rather by an (expected) independent regulator (NBC). This legislation operates at the level of creating or rearranging the institutional structure, as Rist (2003) mentioned. The policy decision-making process allows (according to the law) bargaining and interaction among various stakeholders. Thus, not only government and

¹ The name was officially translated by the Office of State Council. In this dissertation, it is named the Organization for Frequency Allocation Act or the OFA Act of 2000.

the industry being regulated are involved in broadcasting policy and regulation, but also other sectors, particularly civic groups.

Within ten months of the enactment of the OFA Act of 2000, the number of new associations registered related to media and broadcasting increased to eleven. This was because the Act allows four groups of participants to be involved in the process of selecting the members of the NBC, a kind of public participation which had never before been allowed. According to the OFA Act of 2000, the four groups permitted to join the NBC selection panel are (1) five representatives from government agencies, (2) four from academic institutions, (3) four from professional associations, and (4) four from nongovernmental organizations. Hence, the panel consists of seventeen representatives from the four main stakeholders. Since the law allows three civic groups to participate in broadcasting policy, it is crucial to find out how they got involved in this process, and the role they played.

Since broadcast restructuring is a long process, the focal phenomena in this study are found in the policy formation stage—the selection of the NBC (starting from the enactment of the OFA Act of 2000, up to September 2006). When the military (Council for Democratic Reform or CDR) seized power in the coup of September 19, 2006, it overturned the Constitution of 1997 and terminated the NBC selection process. However, the processes of deregulation and democratization in this period should not be ignored; this part of Thai broadcast restructuring may contribute to future plans and developments.

This study will be considered to have achieved its goals if: (1) its findings could usefully inform the policymakers in Thai broadcasting media, facilitate their decision making, and help them in developing broadcasting policy; (2) it encourages and stimulates further civic participation in policy debate as well as further research on Thai communication policy; and (3) it broadens the base of scholarly research on media democratization and media advocacy. Boonrak Boonyaketmala (1996), a former dean of a School of Journalism and Mass Communication in Thailand, found a lack of appropriate ideological frameworks in Thai mass media studies. Many research projects produced in the private sector are designed to examine how to maximize profits or diminish the questioning of or challenges to the status quo. He called for more qualitative

communication research that asks questions about political, economic, cultural and policy aspects of media.

Conceptual Framework and Research Questions

Before further discussion the researcher would like to clarify some conceptual terms and theoretical frameworks: media democratization, media reform, and media activism. All these frameworks contribute to four research questions, and are discussed in greater detail in Chapter Two.

Media Democratization

Democratization consists of both competition and participation. It is also viewed both as a process and as a product. As an outcome of embracing competitive and participative elements, a communication system should be independent from both the state and private conglomerates (McChesney, 2003). Democratic communication, according to White (1995), refers to an institutional organization of public communication—media—which attempts to guarantee the right of all individuals and subcultures to participate in the construction of the public cultural truth. That is, each segment of the society should have a chance to access and introduce its ideas, information and culture into social circulation so as to reach all other segments of society (Hackett, 2000). In political democratization, a national assembly (such as parliament or congress) is created to allow spaces for participation and competition of ideas. The right to vote, the right to communicate, and freedom of expression also assure the public a right to political participation. This idea of democracy is also applied in the economic system by encouraging competition and participation. The assumption is that competition leads to better responses to market needs which also lead to increased product and service development (e.g., a market orientation scheme).

Media democratization, therefore, involves both political and economic rationales and perspectives. In the process of democratizing media, democratic values are emphasized, such as freedom of expression, the right to communication, participation, and competition. Whether used in political or in economic explanations, the role of media in promoting democratic values is the main concern of media democratization. To encourage democratic values and practices, the media are expected to be liberalized and

democratized; that is, to operate with minimal intervention from dominant elites (i.e., state, government, politicians, parties, businesses, capital). White (1995) suggests two indicators of media democratization: one is to remove the media from dependency on capitalist investment and market controls; another one is to remove the media from direct/indirect government control, including that of political parties.

Hackett (1999) views media democratization as a social movement to promote political democracy and the public sphere in civil society. It comprises, “efforts to change media messages, practices, institutions or system and context (including state policy), to the direction that enhances democratic values and equal participation in social decision making” (p. 64). To achieve these goals, Carroll & Hackett (2006) suggest that media advocacy groups should: (1) influence mainstream media and their contents; (2) advocate that the state reform the media system and media policy; (3) establish alternative media to serve as public communication channels for marginalized people, and; (4) empower citizens to be an active audience by enhancing media literacy or media watchdogs (pp. 88-89).

In this study media democratization will imply the use of White’s (1995) indicator of removing media from direct/indirect government control, including that of political parties, and Hackett’s (2000) theorizing of media activism as advocating state reform of the media system and policy. However, each stakeholder has distinctive goals and objectives. The researcher then asks:

RQ1: What are the key debates in Thai broadcasting policy reform?

Media Reform

Price et al., (2002) define media reform as changes in the laws, policies and media systems or structures to better serve the public (i.e., promote democratic values). One might be familiar with the terms deregulation, privatization, and liberalization. One of the goals of the reform of public communication systems is free and independent media. Efforts to change various facets of the media include institutional restructuring, establishment of independent regulatory agencies, and changes to employment, financing, media content, and ownership practices. The process involves many political, economic

and social entities, including policymakers, media corporations, broadcasters, journalists, civic groups, communities, and the public (Carroll & Hackett, 2006).

Amidst the broad range of issues entailed in the reforms stated above, Galperin (2004) suggests the use of institutional analysis, focusing on how the arrangement and structure of institutions influence the policy output. He articulated the ways in which an institutional approach concentrates on constraints within and among institutions due to the rules, regulations, management, and structural arrangements in place when a policy is initiated or developed. Therefore, this study of the Thai broadcasting policy will focus on the efforts to change the institutional structure, since institutional structures set the rules of the game and how the game should be played (Ikenberry, 1988; Heineman et al., 1990; Galperin, 2004).

In restructuring the Thai broadcasting media system, the changing of rules or regulations is one of the main instruments. Such rules are, for example, the Constitution of 1997 and its emphasis on press freedom, media reform, and privatization of state-owned media enterprises, and the OFA Act of 2000 establishing both the National Telecommunications Commission (NTC) and the National Broadcasting Commission (NBC). Given the intention of this examination of media reform in Thailand to concentrate on broadcasting media, the study will not explore print media, film and the Internet, nor the privatization of telecommunication. Also, the scope of this research will cover internal factors, such as political economy and civil society, while not focusing on the impact of external forces on communication policy, such as international organizations, transnational corporations, and international NGOs. (It is noted, in Chapter Six, that international NGOs have supported many local NGOs.)

The framework of media democratization and media reform leads to the second research question:

RQ2: Has the reform of Thai broadcasting media contributed to media democratization? And how?

Media Activism

The focus on media activism traces public-interest groups' contributions to media democratization. Other interest groups include commercial-interest groups, politicians,

political parties, the military, bureaucrats, and technocrats. Carroll & Hackett (2006) regard media activism or the media advocacy movement as another form of social movement, since media activists are nongovernmental organizations making efforts to create or influence public policy to change the media system both in structure and practice. They also categorize media activism in a model with three concentric circles: core, middle circle, and outermost circle. The core comprises groups within and around the media industry, such as professionals, media workers, journalists, independent producers, communication researchers, and academics. The middle circle includes subordinate social groups, with interests in other social, economic or political problems. These social movements need access to mass media in order to pursue their political projects. Those may include environmental groups, social justice movements, civil rights groups, labor unions, and feminists. The outermost circle includes more diffuse sectors for whom media policy is not the central concern; however, they could occasionally worry about threats that some commercial media pose to humane, public interest and democratic values. For example, in the United States these types of activists include religious groups, parents, and ordinary citizens (Carroll & Hackett, 2006).

Carroll & Hackett (2006) also detail four types of media activism movements: (1) those influencing content and practices of mainstream media; (2) those advocating reform of government policy or regulation of media in order to change the structure and policies of media themselves; (3) those building independent, democratic and participatory media such as citizen journalism and community radio, and; (4) those changing the relationship between audiences and media by empowering audiences to be more critical (pp. 88-89). The focal groups of media activism in this study will be the core circle (professionals, media workers, journalists, and academia), whose activities might focus on advocating reform of government regulation to change media structure. The concept of social movements within a civil society will assist the researcher in elaborating the role of media activism on the path of Thai broadcasting media reform.

Hackett & Carroll (2006) also found that previous social movement studies paid attention to communication strategies used by social activists, such as environmentalists getting the public's attention through the mainstream media. This is the use of media as an instrument by social activists. However, "...literature on social movements has had

little to say on the relationship between movements and media and even less on the emergence of media activism” (p. 43). The researcher, hence, asks two research questions:

RQ3: How has media activism contributed to media democratization in Thai broadcast reform?

RQ4: What could be the lessons learned from the effectiveness or ineffectiveness of broadcasting policy reform?

Structure of the Dissertation

Chapter One: Introduction

This introductory chapter provides an overview of the reform of Thai broadcasting media after the enactment of the OFA Act of 2000. The researcher also explains the main concepts and theoretical frameworks used in the project (e.g., media democratization, media reform and media activism). The purpose of the study, the research questions, the significance of the study, the research goals, and the structure of the study are included in this chapter.

Chapter Two: Literature Review

Previous relevant research studies are reviewed, including those addressing communication policy, media democratization, civil society and social movements. Reviews of relevant literature provide knowledge of what has been considered and what has been left out, particularly relating to the concepts of media democratization, media reform and media activism. This chapter also clarifies the research questions.

Chapter Three: Design and Methodology

Research design and methods are explained in detail to outline data collection procedures, strategies of sample selection, analysis plans, as well as trustworthiness of findings and limitations of the study. The chapter elaborates how a qualitative mode of inquiry is applied to explore the phenomenon, the reform of Thai broadcasting policy, so as to address the research questions. The two main qualitative research designs used are document research and case study analysis. Data collection techniques include document review and in-depth interviews with key informants. Multiple modes of data collection are applied due to the use of data triangulation.

Chapter Four: The Historical Context of Thai Broadcasting

Chapter Four explores the political economy of the media in Thailand. The historical overview of the political economy of Thai media, its social context, and the explanation of media policy making processes provide a broad but essential perspective for the reader to understand better the environment of media democratization in the Thai context. The chapter explores the background of Thai political economy; the state's broadcasting policy; the development of Thai broadcasting reform; the ownership and regulatory structure; as well as the significant changes arising from May 1992.

Chapter Five: Regulatory Debates and Media Reform

Chapters Five and Six focus on the analysis of findings, in order to address the major research questions. Chapter Five provides an analysis of legal and governmental documents in order to reveal the changes in rules and regulations concerning media reform. Those laws are the 1997 Constitution, the 2000 OFA Act, and Broadcasting Business Bill. Comparisons of the recent and old provisions could help explain changes in broadcasting policy. The concepts of an independent regulatory agency (IRA) and stakeholder analysis are applied so as to address the research questions: what are the key debates in Thai broadcasting policy reform; and how has the reform of the Thai broadcasting media contributed to media democratization. One problem which policy researchers should anticipate is that unexpected changes can always occur. Therefore, the current situation in broadcasting reform following the 2006 coup will be briefly outlined.

Chapter Six: Media Activism

Chapter Six consists of another main part of the findings, since it analyzes the cases of media activism. The cases examine three main groups: mass communication scholars, media professionals, and an NGO, the Campaign for Popular Media Reform (CPMR). The analysis includes their background, the objectives of their movement, the strategies, and their own evaluation of their campaigns. In addition, the evolution of Thai civil society and media reform movements are elaborated. The chapter analyzes how media activism has contributed to media democratization during the reform, addressing research question three.

Chapter Seven: Fragmentation of Media Democratization

In the seventh chapter, the discussion relates the media democratization concept to the debates, goals and rationales of the reform, institutional restructuring, and participation in communication policy. The discussion will relate the findings to theoretical issues and the frameworks previously introduced. This chapter also addresses research question two, whether the reform of the Thai broadcasting media has contributed to media democratization, and if so how.

Chapter Eight: Conclusions and Recommendations

The last chapter consists of conclusions and recommendations of the study. It includes an overall assessment of Thai broadcasting reform; in other words, what the government, private and civil sectors, and analysts may learn from the policy reform. This will address research question four: what could be the lessons learned from the effectiveness or ineffectiveness of the broadcasting policy reform. Also, it includes recommendations to policymakers and avenues for future research.

This case shows that democratizing communication system is a political process which can take a period of time. Thai broadcasting reform demonstrates that people in power (the military, state agencies, and business liaisons) still tightly hold their control over broadcasting media. Institutional restructuring shows the fragmentation of media democratization. This is evident in the participation of media advocacy groups rather than the emergence of explicit market competition of the industry. Media advocacy groups, consisting of communication intellectuals, journalists, and a non-governmental organization, concentrate on the principles of freedom of the broadcasting media, diversity of ownership, and accountability of the NBC formation. More open competition in media markets, however, has not emerged, due to the resistance of entrenched and powerful groups.

CHAPTER TWO

REVIEW OF THE LITERATURE

This chapter discusses the relevance of public communication reform to media democratization and research examining changes in media policy, including media activists' involvement. The chapter begins by looking at the context of communication policy reform so as to give readers an overview of internal and external factors influencing changes in communication policy, as well as the consequences of policy reform. This will designate the focal aspects of the dissertation. Then, democratic theories and different perspectives on media regulation are discussed. The researcher also includes the discussion of media democratization and media reform, particularly that of media advocacy groups engaging in democratization process, in the last section.

The Context of Communication Policy Reform

Communication policy, as usually discussed in policy research, is thought of as public policy on a large scale or at the national level and as a series of actions by the government. Actors in this public policy sector are not limited to government and state agencies; rather they are composed of multilevel institutions and social interest groups (Pal, 1992; McQuail & Siune, 1998). Communication is central to economic activities and moves from the domain of the executive government agencies to involve multiple actors from both the public and private sectors. Communication policy making has to respond to new situations and newly identified problems. The reform of communication policy emerges partly in response to national development projects in many newly democratic countries, especially in those post-colonial and post-soviet nations. Research on communication policy and regulation in developing countries has often focused on how media can encourage and promote national development, both politically and economically. In accomplishing this task, media are viewed as an important factor, both in the economy and in politics. In economic terms, changes in media regulation (e.g., privatizing state-owned media) are expected to enhance competition in the industry, the proliferation of markets, and economic growth. In political terms, media play major roles in informing and educating the public about political issues to help them make political

decisions. Therefore, changes in media regulation (e.g., encouraging diversity and freedom of communication) could lead to a proliferation of political participation and increase each citizen's knowledge of political issues.

In the early 1970s, deregulation was the term used to describe the decrease in restrictions or increase in freedom from controls on public communication. Other terms followed such as privatization, liberalization, reform and restructuring. No matter which terms are used, many stakeholders found that it is difficult to accomplish changes in conventional regulatory regimes. Thus, changes in media policy could also take the form of advocating less restrictive regulations rather than total freedom from regulation (Breyer, 1990).

Communication policy changes in many developing countries have been influenced by both external and internal factors, as shown in Figure 2.1. These factors in turn lead to changes in telecommunication and broadcasting systems, including structure, system, regulation, ownership, content, price, and service.

Following dependency perspectives, communication scholars such as Vincent Mosco (1996) and Robert McChesney (1999, 2003) elaborated that many developing nations can hardly escape from external factors, e.g., technological advancement, private capital, and international organizations. Economic conditions have forced many countries to become dependent on international capital and conditions set by international organizations. The external forces include international organizations and trade organizations such as the European Union, the United Nations, the International Telecommunication Union (ITU), the World Trade Organization (WTO), and the International Monetary Fund (IMF). These international organizations have a direct and indirect influence on the national communication policy—including standard setting, privatization, and media democratization. The WTO and the IMF are the major organizations influencing the reform of public utilities in many developing countries (as in Kim & Hong's (2001) study of IMF influence on South Korean broadcasting policy). In addition to the international organizations, transnational corporations or multinational companies (both telecommunication and media) have an impact on policy in terms of capital investment and cultural products (television and radio programs). Cultural imperialism is commonly mentioned by dependency theorists. They assert that

transnational media content (news and entertainment programs) influx into national media after the opening of the air waves. Hand in hand with international organizations, these powerful external sectors are capable of influencing governments of developing countries to change communication policies (McChesney et al., 2005).

A pluralistic perspective emerged in response to the modernization paradigm during the mid-1970s. Modernization is viewed as a process of changing society toward political, economic and social development. By contrast, the pluralistic perspective explained that development is a more participatory process of social change, in which many entities should be involved in the change of communication policy. Thus, internal factors do also play important roles in policy reform. Policy making is a result of a compromise reached by competing stakeholders—government, business sectors, and civic groups (see Figure 2.1). The power relationships among these stakeholders do not always persist. After a decision is made arising from a set of power relationships, a new set could replace the previous one (Lester & Stewart, 2000; Mill, 2000). One example focusing on internal factors' involvement is a study applying to an American broadcasting context. Krasnow et al. (1982) proposed the broadcast policy-making model, which is based on the bargaining among the stakeholders, not the FCC alone, since FCC has to operate within a political context involving six main players. The six main participants determining the United States broadcasting policy formation and decision making are the Federal Communication Commission (FCC), the Congress, the President, the court, the regulated industry or broadcasters, and citizen groups. Among these participants, the Congress is regarded as the most powerful determiner of broadcasting policy.

Combining both external and internal factors, Bennett (2004) found four main influencers (both transnational and domestic): industry, political institution, the public, and the use of digital media channels. In the process of communication policy reform, not only external but also internal factors have created significant changes.

In Figure 2.1, the researcher provides an example in which changes in media are a part of communication reform. Reform could bring about changes in institutional structure, ownership, system, service and distribution, content, technology and audiences. The changes in media could impinge on politics, economics, and society; for instance,

political democratization, cultural identity, and civil participation would be re-shaped as well.

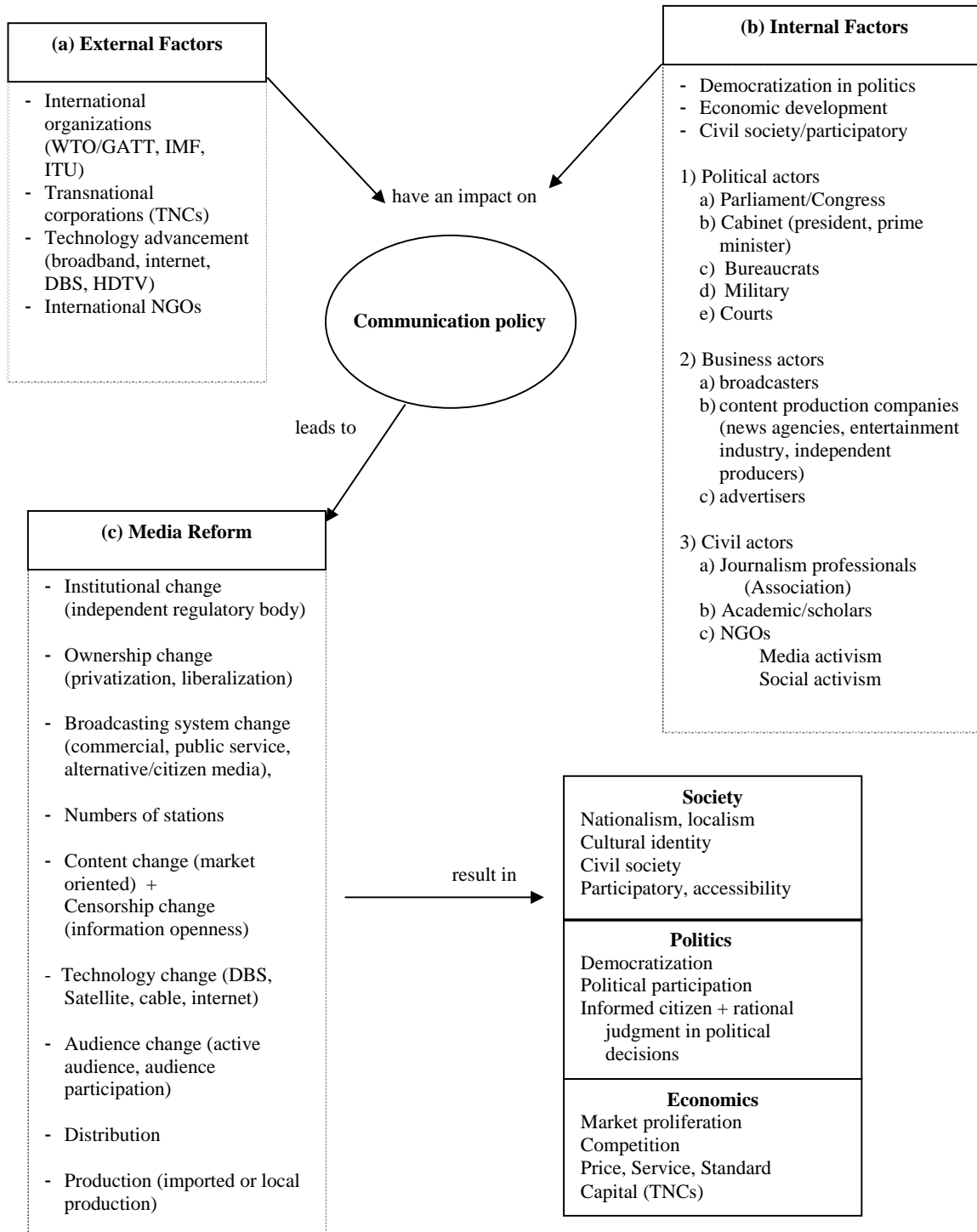


Figure 2.1: Context of communication policy reform

Although the figure indicates some directions of the forces, changes and effects do not always appear to be as orderly as the arrows indicate. In reality, the change in communication policy is an on-going process with many interrelated factors. Several forces could interact and/or lead to other forces. For instance, internal market proliferation or political democratization might result from communication reform or vice versa (i.e., media reform leads to enhancement of political democratization). These interrelations between media reform and democratization are explained in the case studies book, *Media Reform: Democratizing the Media, Democratizing the State*, edited by Price et al. (2002). It evidences the impact of democratic rule on the development of media structure and the influence of media democratization on political transition. The selected cases are the countries amidst economic or political transition, such as China, Indonesia, and several post-Soviet colonial nations.

In this project, the researcher takes a pluralistic perspective to focus on internal factors influencing the reform of media policy (see (b) in Figure 2.1). A pluralistic perspective gives weight to the power of multiple stakeholders, but the researcher realizes that, in a practical sense, various participants in the policy process do not have equal access and resources to convince policy decision makers. The goals, resources and efforts of these internal stakeholders, therefore, should be studied. Also the pluralistic perspective relies on liberal democratic ideals, which may not apply to conditions in many newly democratic nations. Hence, changes and implementation could vary in the differing contexts of political transition from one country to another. The following section discusses theories of democracy and perspectives on communication regulation. The different perspectives could help explain the debates among multiple stakeholders in policy reform.

Democracy Theory and Perspectives on Communication Regulation

The institutional structure of broadcasting media allows a limited group of people to control and dominate the most influential medium. On the one hand, people are able to watch and listen to information and entertainment, but mainly in a passive manner. On the other hand, a few broadcasters on behalf of the public organize and manage the programs. This is mainly due to the scarcity of radio spectrum. Promoting national

security and stability, and a guarantee of the public interest are the main reasons for controlling the media claimed by the state. However, the proliferation of democratization around the globe toward the end of the 1990s led the public to question the state monopoly of this medium. Researchers have proposed theories about political transitions and questions related to controlling broadcast media, democracy, and the role of public communication.

Theory of Democracy

Ferree et al. (2002) described two models of democracy: representative and participative. In representative democratic theory, the media plays the role of encouraging the public to vote and provides enough information about the parties and candidates to make decisions. When the public is well informed by the media, they can make reasonable judgments or intellectually choose among parties or candidates. The representatives are expected to work transparently. That is, the public should be able to know about the working of their government and representatives. It also expects a legitimate representative to articulate the citizen's preferred standpoint in a public forum. One argument is that this theory is idealistic and simplifies some complex problems. For example, the representatives' chambers might be dominated by a powerful minority, blocking majority decisions, which is evident in many newly democratic nations. Media could play both a positive role—assuring transparency, broadcasting diverse opinions, providing a marketplace of ideas—and a negative role—giving more voice to the powerful minority or distorting issues to serve personal agendas.

On the contrary, participative democracy theory assumes that each citizen is encouraged to participate in policy decisions. Active participation in the public sphere is a part of an ongoing process. The idea of maximizing public participation stems from distrust in institutions (such as representatives, parties, and governing agencies). However, in a more complex society, it is less possible for direct participation to take place in every level of policy decision making. Unavoidably, delegation is required to mediate the public interest in the policy process. Representatives serve as mediators, even for grass roots organizations with active participation by members (Ferree et al., 2002).

For these two theoretical frameworks of democracy, media democratization is regarded quite differently. Media in representative liberal theory is expected to be highly accountable. They should detach from the propagandizing agenda of the status quo, make the public more knowledgeable about choices, and be a marketplace of ideas. An example of this normative idea is a “neutral” journalism role. On the other hand, participative liberal theory expects media attached to a civil society to be concerned about minority and marginalized people, and to empower the public to participate directly; that is, to pursue the normative approach of a “civil” journalism role. However, the main problem with representative democracy is the accountability of the media. As Hackett & Carroll (2006) point out there can be a “democratic deficit,” (pp. 2-7) in which media fail to furnish citizens with sufficient information, become part of the centralization of power, and provide information that is homogenized rather than a diversity of perspectives. How agents of public communication, such as broadcasting media, could integrate core normative roles is dependent mainly upon their institutional structure. Because of the claims of the resource scarcity of the radio spectrum, broadcasting structures have often been more or less controlled by the state. Two different concepts of the role of regulating public communication are addressed in the following discussion.

Perspectives on Communication Regulation

The right of the state to regulate crucial industries has been endorsed for many centuries, since its interference is typically seen as a means to achieve economic and social goals for the good of the public (Spyrelli, 2003). Regulation is viewed as a governmental effort to control political and economic affairs in order to prevent an inadequate outcome adverse to the public interest. Nevertheless, some characterize regulation in a broader sense as a state’s involvement in an industry. That is somewhere between state control and complete laissez faire (an economic theory that is opposed to any government intervention in business affairs) (Breyer, 1990).

However, the complexity of public communication makes it difficult for policymakers to regulate the communication industry (e.g., telecommunication, broadcasting and other media). Each state also views it differently, leading to different

rationales of communication regulation from nation to nation. Spyrelli (2003) explained that the economic and social perspectives of communication resources and services lead to two distinctive regulatory approaches. On the one hand, public communication is considered to be a government social service. It is regarded as a form of a public good which should be available to the public, regardless of any profit; therefore, they should be supplied by the state. State regulation aims to guarantee that the service is available for all people, and also serve the purposes of national security and stability stated above. On the other hand, the business model asserts that public communication should be designed for the public based on consumer satisfaction under conditions of economic efficiency. Thus, private entities could provide communication services under the logic of consumer demand. Communication regulation under this perspective depends on market forces to promote economic efficiency and innovation. The state interferes only to prevent market failure (Spyrelli, 2003). The former perspective was widely applied in many countries in the 20th century, where public communication has been mostly supplied and controlled by the state, such as UK, Japan, India, China, and including Thailand. However, the two perspectives provide little room for any normative roles for public communication in a democratic society.

These different perspectives result in varying policies and approaches to regulation of communication areas in particular countries. According to the first perspective (government social service), the government controls policy making, regulation and operation management. Many countries have government agencies or state-owned enterprises not only to regulate but also to supply communication services; hence, market forces and competition are rarely applied. In contrast, the second perspective (the business model) limits the government's role to policy making and regulating the industry. Regulation is to assure competition (Majone, 1990).

In an alternative viewpoint, communication could be regulated separately by the industry, due to the distinction between telecommunication and broadcasting. Consistent with the first perspective, telecommunication is regarded as a public utility, which should be supplied by the state for all citizens regardless of profit or competition, whereas the broadcasting is considered a mechanism for promoting cultural identity, national unification, and national development. Telecommunication regulation, then, is concerned

with competition, accessibility, technological standards, and pricing; on the contrary, broadcast regulation engages in licensing, ownership, censorship, advertising, program contents, and other cultural products. In many authoritarian states, freedom of expression, the marketplace of ideas, diversity and competition are not embedded in the logic of their broadcasting regulation. Rather national security, unification and national development are the main concerns. Thus, it is not surprising that broadcasting media in many countries are a tool for campaigning or the propaganda of the government, state, and political party; for instance, in China, South Africa, Latin American countries, and some Asian countries including Thailand.

Debates in Democracy and Communication Policy

These two distinct perspectives of regulation influence the structure of public communication and policy debates among different stakeholders. One might be in favor of government facilitating a public service, while the other might raise questions about government accountability in controlling public communication. When these two notions of regulation are applied in a recently democratic society, the second perspective seems to be more dominant. This is due to the fact that government control of public communication conflicts with the public right to communicate and to have freedom of expression, i.e., it hinders the promotion of democratic values. Therefore, moving public communication out of the hands of the state, or less restrictive regulation, is suggested as the main solution. Democratizing public communication has been a top concern, particularly among the newly democratic countries where political transition is in process (Price et al., 2002).

Nonetheless, the researcher would contend that a market-oriented perspective puts too much emphasis on an economic model and ignores the normative ideology of public communication, i.e., the role of the media in promoting democratic values. Some scholars, such as McChesney (1999), and Hackett & Carroll (2006), argue that it is not really deregulation since the second perspective of market orientation does not assist the promotion of democracy, particularly in a participative democracy model. A good example, suggested by McChesney (1999), is the U.S. communication deregulation undertaken in 1996, where the deregulation operated on behalf of the private parties

rather than in the public interest. Hackett & Carroll (2006) also reiterated that proliferation should not be perceived as diversity of information and opinions in the media. That is, the existence of hundreds of television channels or radio stations does not lead to an increase in the number of diverse opinions and perspectives.

As we can see, debates on communication regulation vary among different perspectives (democracy theories and regulatory perspectives), and become even more diverse in specific contexts. In the case of Thailand, the call for public communication reform, particularly for moving the broadcasting media from the hands of state control, emerged after the May crisis in 1992, when all broadcast news distorted the events. Even after the new independent television network (iTV) was established in 1994, the evidence confirmed that the market orientation model voices were louder than ideals of media performance in a democratic society.² The different perspectives on regulation and normative roles of broadcasting media in a democratic society are still being debated among the stakeholders. Stakeholders are defined as individuals or groups affecting or being affected by the achievement of the organization's objectives and actions (Freeman, 1984, p. 46). Their power, legitimacy and urgency influence a policy or organizations (Mitchell et al., 1997). After the enactment of the OFA Act of 2000, multiple stakeholders, such as state agencies, politicians, business and civic groups, have pushed efforts toward the reform of the broadcasting structure. Hence, the different goals and debates among these multiple stakeholders in Thai broadcast reform are examined with the following research question.

Research Question One: What are the key debates in Thai broadcasting policy reform?

The researcher notes that while Thai state agencies view broadcasting as a means to serve the goals of national security and stability, other stakeholders might view it differently. In particular, when applying the theory of participative democracy, ideas such as diversity of opinions, the public right to communicate, and freedom of expression are emphasized. Despite the dominance of an economic model of market competition in

² Because of its financial deficit in 2001, the company had to sell its stock to one of the largest telecom companies (Shin Corporation), leading to a change in the ratio of program content from 70% news and documentary and 30% entertainment to a 50-50 split. In 2007, it was moved back into the state control.

leading Thai communication policy reform after the economic boom in the early 1990s, the model might be questioned when employing a broadcasting media policy.

Democratization and Media Reform

Democratization is described as the stage or process of changing or arranging (political and social) institutions or systems to serve democratic values. Democracy ties closely with competitive and participative components, including free will and equality of citizens. It implies that society is governed by the will of the people. Since people's desires vary, fair competition in a democratic society is expected to lead to a search for choices among varied contestants. Participation, either proposing or making decisions on choices or ideas, is another key component in a democratic society (Rozumilowicz, 2002).

Price et al. (2002) asserted that to democratize politically, a political structure is arranged to allow citizen participation and competition among ideas. Councils, parliament, and congress are created to allow spaces for participation and competition of ideas. The right to vote, the right to communicate, and freedom of expression assure a public right in political participation. This idea of democracy is also applied in economic systems encouraging competition and participation. It assumes that competition leads industry to better serve the market needs and increases product development (e.g., a market orientation scheme).

Media Democratization

When applying the idea of democratization to media, democratic values are emphasized such as freedom of expression, the right to communicate, participation, and competition within the media industry. White (1995) suggests two indicators: one is to remove the media from dependency on private investment and market controls; another one is to remove media from direct/indirect government control, including from that of political parties. In economic terms, democratizing media focuses on increasing competition and reducing monopolies or oligopolies. It also involves liberalizing media systems to be autonomous from both state control (i.e., to privatize) and media conglomerates or oligopolies.

Still, there are two sides of this coin. For instance, in the U.S., liberalizing the media aims to reduce media oligopolies and increase diversity of alternative media and localism, whereas in newly democratic nations (such as in Latin American, African, Eastern European and Asian countries) it is usually regarded as loosening the control of the state on the media system (Curran & Park, 2000; Price et al., 2002). In many newly democratic countries the political system has moved from a military dictatorship or one authoritarian party to a multi-party democratic system. Mass media are closely linked to democratization of any political system, especially those in a transition process such as postcolonial and post-communism countries. In many postcolonial nations, democratization becomes a process of moving dominance of the political, economic, and media structure away from a handful of elite groups (dictators, military, politicians, or business entrepreneurs) by encouraging multiple forums of public participation (Curran & Park, 2000).

Nevertheless, a problem is that media performance usually depends on political, economic and social conditions. Within democratic politics, there are diverse frameworks controlling the media system. For example, in a capitalistic democratic state media systems are mainly market driven. Therefore, commercialism is the dominant organizing principle. In a socialist state, public service is the emphasis of the media system. In some countries, elite democratic politics is dominated by certain groups (e.g. military, politicians, bureaucrats, and parties). Other soft authoritarian states embrace some democratic values. The government might allow critiques from media of their policies but not allow open scrutinization of their actions.

Curran (2000) categorizes four models of media control: (1) dominated by elites—i.e., political and/or economic elites own or fully control media systems—such as in China or the former Soviet Union; (2) influenced by elites—i.e., exercising their influence through the media system either by structure or by regulation—such as in Malaysia, Taiwan and South Korea (before recent democratization); (3) alliances between media and elites—i.e., elites try to win popular acceptance by convincing and cooperating with media—such as in some Latin American countries; and (4) liberal corporatism—i.e., access to and control of media indicate power sharing among various groups including business, political parties, labor unions, citizens—such as in Sweden.

Four aspects of openness and cooperation between media and authority suggested by Chan (2002) are *laissez faire*, repression, incorporation, and cooptation. *Laissez faire* reflects minimal government intervention, in which a media system is left to market regulation. *Repression* is the opposite scheme of *laissez faire*. Media structure is centralized and dominated by the state (such as political parties, politicians, military and bureaucrats). Its main function is to be the mouthpiece of the ruling elites. Incorporation and cooptation stand in between the first two categories. *Incorporation* includes centralized political power (the same as repression), and the media is weak and dependent on the state but not as strictly serving as the mouthpiece. They also enjoy profit from commercials and enjoy state favors as long as they do not harshly criticize the status quo. *Cooptation* is a form typified by privately owned media but its watchdog role is not strong. The state induces the media to be neutral or supportive of government (Chan, 2002).

Media control and media functions are significantly involved in media democratization. Democratic public communication is the ability of each segment of society to introduce ideas, symbols, information and elements of culture into social circulation so as to reach all other segments of society (Hackett, 2000). Within the effort to change media systems and regulation, different perceived goals are expected. For political goals, media should serve participative democratic values well; that is, to allow access to diverse information (both in sending and receiving messages) and a marketplace of ideas to inform citizens, who use the information to make political decisions. The purpose is to create a well-informed and participative public who can make wise judgments and political decisions. To meet economic goals, the democratization of media aims to establish an industry which is competitive and market driven so as to best serve consumers' needs. The professional goals of media democratization focus on advancing the freedom of the press, the right to communicate, and media as a public sphere allowing and encouraging public debate.

Media Reform

Reform provides broad changes in laws, policies, and institutional structures in order to improve a policy or program for better service (Burger, 1993). Likewise,

broadcasting media reform is viewed as changing laws, policies and media structures and operations. Media deregulation goals include not only the removal of state control, but also a free and independent media. Broadcasting media reform, thus, is composed of competitive (in economic terms) and participative (in democratic political terms) elements. Also, it integrates a sense of freedom of expression and freedom of interference from government, business or other powerful dominants, i.e., non-monopoly (Price et al., 2002). Media reform involves several political, economic and social entities, including policymakers, media corporations, broadcasters, journalists, civic groups, communities and the general public. The context of institutional restructuring and outcomes are reflected in the process of media democratization. Hence, media reform could indicate a certain degree of progress in media democratization.

To restructure media, governments apply some policy instruments, including licensing, fees, taxes, budgets, state subsidiaries, etc. Sometimes, restructuring may require a broader sense of regulation which includes various instruments applied by government so as to achieve its policy goals. Deregulation, in narrow terms, could mean changing rules to be less restricted; conversely, it could mean, in broader terms, changing institutional structures, policies, laws, as well as other instruments to be less restrictive. Hence, some media democratization studies focus on media deregulation (Breyer, 1990; Majone, 1990; Davis & Levy, 1992; Kim, 1992; Galperin 2000; Price & Verhulst, 2000; Taylor, 2002). Oftentimes, media deregulation and media reform or restructuring are employed interchangeably.

Other studies explore the framework of political democratization in relation to media democratization. Milton (2001) investigated the politics of media reform in four countries: Hungary, Slovakia, the Czech Republic and Taiwan. In the post communism democratization of Eastern Europe, media reform has been part of the struggle for power. Though the reform seemed to create free and independent journalism, political controls still remain in those countries. In the reform stage of both media and politics, the researcher found that it was more difficult to create new democratic institutions while the old political actors (i.e., government, state, political parties) played an important and powerful role. Using arguments from organizational analysis, Milton (2001) contended that the persistence of an institutional connection between the media and the government,

state, and political parties had left the media in a politically dependent position. This dependence was manipulated by politicians across the political spectrum in an effort to sustain electoral success and political authority.

Although there have been studies of the institutional structure of media, some research has also evaluated the media's performance. For example, Spyrelli (2003) evaluated the model of communication regulators and their performance in many countries including the United States, the United Kingdom, and Japan. Regulatory bodies there have different degrees of independence, autonomy and accountability in adjudication, funding sources, and staff recruitment. A high degree of independence regarding a decision making is demonstrated by the FCC in America. Others include semi-autonomous regulator, such as in the UK. In France, the regulator functions within a ministry. Japan's regulator is a government ministry. However, no formula warrants the efficiency of regulatory bodies. Independence and autonomy can be manipulated, and a legal rule stating their independence is not adequate. Research by Kandjii (2002) focused on the deregulation period in the 1990s after the Namibian Communication Commission was established under the authoritarian government. Although it functioned in regulating the communication sector, there was no policy for developing and guiding the broadcast industry. Rather, rules were manipulated by the Ministry of Foreign Affairs, Information and Broadcasting. Also, Kwak (1999), in a comparative study of East Asian nations, evaluated the way their regulatory structures for television broadcasting have been shaped and developed. The contexts of television regulations in Hong Kong, Japan and South Korea were examined. Each state, implicitly and explicitly, justified the structure and development of its regulation of television broadcasting differently. Even though there were varying perceptions and principles of television broadcasting in the three countries, the context of regulatory structure and change in all three was more influenced by political factors than by economic or technological change.

In summary, communication policy research previously has focused on (1) changes in ownership structure (Mody et al., 1995; Barnett, 1999; Zaffiro, 2000); (2) deregulation—changes in regulation and regulatory bodies (Breyer, 1990; Majone, 1990; Davis & Levy, 1992, Galperin 2000; Price & Verhulst, 2000; Taylor, 2002); (3) changes in content structure, such as censorship, advertising, proportion of program content

(Keane, 2001), (4) public broadcasting and alternative media—community radio, micro radio, alternative newspaper, internet weblog (King & Mele, 1999; Opel, 2004; Rodequez, 2004); and (5) public participation in media restructuring (Raboy, 1994 and 1995; Kraidy, 1998; Flew, 2001; Kim, 2001).

In summary, many studies have focused on deregulation and privatization of the communication industry. Some applied economic models to explain how less restriction in communication regulation could increase economic activity and competition. Some applied a cultural studies model in explaining how liberalizing media could affect cultural values and ethnic identities within the countries. Others evaluated regulations or policies being implemented in particular contexts. However, few research studies have applied media democratization at the level of institutional structure; that is, not merely changes in certain rules, but restructuring the system to achieve media democratization. Few studies emphasize the initiation of changes in institutional structures; that is, how it is restructured, and how regulatory bodies are formed. Examination of this initial stage would explain how media policy is made, who the multiple stakeholders are, how they exercise their power, access resources, and help us understand the media system and policy that is developed.

Context of Thai Broadcasting Reform

According to Curran's (2000) explanation, print media in Thailand are categorized by liberal corporatism—access and control indicating power sharing among various interest groups—whereas broadcast media are influenced by elites—powerful elites exercise their influence through the media system either by structural patterns or by regulation. According to Chan's (2002) categories, print media in Thailand have been classified between laissez faire and cooptation, since they are privately owned and driven by market orientation; still some state rules partly oppress their watchdog functions. Broadcasting media in Thailand, on the contrary, more likely illustrate incorporation, since they are state-owned or receive concessions from the state. Even though they seem not to be the state's mouthpiece, they do not perform any watchdog functions. The classification of existing Thai media will be used to describe broadcast reform. Reform of

broadcasting media focuses on the initiation of a broadcasting regulator, which is the early stage of negotiation in communication policy making.

In this study, media democratization focuses on the change in media structure and regulation—an instrument for media control. Institutional structure and rules are the major influences on how media functions in promoting democratic values. Simply passing a law, creating a state mandate, launching a new public policy or a critical change in the institutional structure assigned to manage and rule the industry could affect control of the media. The researcher will apply Galperin's (2004) institutional approach with more attention to the institutional determinants of public policy. Institutional analysis focuses on the state and the structures of institutions to explain public policies, since policymakers make decisions within particular structures. An institutional approach also embraces ideological factors and interest-group pressures as important determinants of policy outcomes. The institutional design affects the ability of various stakeholders to influence policy. Thus, the second research question is:

Research Question Two: Has the reform of Thai broadcasting media contributed to media democratization? And how?

Media Activism

In a participatory democracy, people should have opportunities to benefit from access to information, since it contributes to the empowerment of individuals and groups. That is, media access gives people the tools they need to participate in the decision-making arrangements that affect their daily lives. Alternatively, in a capitalistic democratic society the diffusion of economic and social forces determines access to knowledge and power associated with the possession of knowledge. Hence, access to knowledge, enabling manipulation of information, is limited to those with economic resources (Doctor, 1994). The capitalist principle has been questioned for providing special opportunities for powerful elites, including politicians, and business entrepreneurs, while ignoring the powerless such as civic groups and marginal people. It alerts democratic society of the need to create social structures in which new forms of political cultures are expected, especially the cultures that act against centralized political systems. One form of social structure that is widely discussed is civil society. Collective

action of different popular sectors, so called civil society, may become a substantive pressure on authorities to change laws, policies and resource distribution to rectified perceived injustices (Mueller et al., 2004, p.169). The concept is often attached to anti-state movements, and used by post-modern analysts (Cohen & Arato, 1997).

However, anti-state status is not the only explanation of the emergence of civil society actors. Walzer (1992) viewed civil society as space for citizen association creating sets of networks, not merely limited to the interaction of citizens within the state. Democratization of civil society is expected to result in the development of democratic cultures within the context of everyday life (such as family, workplace, organization, politics, economics, and so forth). Meanwhile, Cohen & Arato (1997) emphasized that pluralistic nature of civil society allows citizens with access to civil society to enjoy certain degrees of privacy, but still to share certain identities. Civil society is a sphere of social interaction between economy and state, composed of the intimate sphere, voluntary associations, movements, and various forms of public communication (not only limited to mass media).

Kitley (2003) regarded civil society in a broader sense. It is “transversal discourse,” combining not only experts, intellectuals, and associations, but also politicians, bureaucrats, and state authorities in a general concern with the values, forms, and practices of civil society. Thus civil society is a transversal struggling to assert and establish mediated spaces where social movements or associations may act, informed, fostered, and encouraged by shared values and practices (pp. 15-16).

Regarding civil society’s role in more concrete activity such as social movements, Cohen & Arato (1997) distinguish two modes of movement activism, offensive and defensive. The former directs outward to the political and economic institution, whereas the later from of activism directs into civil society. Offensive movement targets the political and economic system, such as influencing the state to pursue institutional reform or influencing media corporations to shift their content to include more public concerns. On the contrary, defensive movement activism involves the preservation and development of identities, norms, and associational forms within civil society.

Public communication is the space that social movements direct their actions toward. This leads to an important question: why do social activists mobilize to reform

the media? Dahlgren (1995) reasoned that it is to seek enhanced participatory communication in public sphere and to strengthen civil society. Membership of a civil society is not enough if there is no participation. Hence, in a recently democratic society, the previous state monopoly in the media structure has been increasingly challenged by civil society. The public sector has a significant role in actively working toward media democratization. Successful participation must be based on an awareness of the public sectors and local communities and organizations. Wescott (2001) suggested that nongovernmental organizations are able to assess the people's needs, establish development priorities, and design workable solutions. Wescott (2001) claimed that only civic participation can bring about a healthy and strong civic society. Networks of people could be an essential mechanism to identify emerging development needs and strategic opportunities and to assess the performance of existing development efforts. To achieve this, the public should more effectively participate and should increase its access to and understanding of public information. Roden (1997) described civil society as being autonomous from the state and being associated with democracy. Involvement could range from civic action, such as demonstrations, strikes and antigovernment movements, to less forceful activities, such as independent associations which organize public debates. Civil society also depends on underlying principles and norms, such as trust in the community.

Neo-liberalists view media reform as empowering the public and promoting civil society; therefore, public or civic groups participating in media have been widely scrutinized. Carroll & Hackett (2006) gave attention to a social movement related to a particular deregulation; that is, media activism or nongovernmental organizations making efforts to create or influence media practices and strategies. As stated in Chapter One, the media activism model consisted of three concentric circles: the core, middle and outmost circle. The advocacy groups in the core circle consist of professionals, academics and NGOs with the closest relevance to media; whereas activists in the middle and outermost circles seem to be social activists. The distinctions between conventional activism and media activism are that the former usually plan strategic use of the media as a means toward some other political end, while the later approaches media as an end in itself.

Previous research has studied the public sectors' involvement in various policy issues including communication policy. Studies of social movements and media mostly place emphasis on social activists' strategic uses of media as an instrument to get public attention. Some studies place emphasis on traditional debates, such as public hearings, open-town discussions, or lobbyists' interventions (Raboy, 1995). Others selected certain case studies such as media activists building relationships with the public using public relations strategies, or their influence in content regulation such as ethnic cultures, violence, obscenity and decency (Flew, 2001; Keane, 2001; Kim, 2001; Kovacs, 2001). Another issue of interest is the struggles of alternative media, such as independent television production, micro radio, or community broadcasting (Opel, 2004; Rodriguez, 2004).

The normative goals of media reform, for media activism, are that media ought to function in reflecting and promoting the ideals of participatory democracy. Media activism claims that the democratization of media should serve the ideology encompassing the right to communicate, freedom of the press, diversity, accessibility and accountability to the public. Activists encourage media reform because the existing media system is monopolized by either commercially dominant broadcasters or political dominant state (i.e. bureaucratic entities, political parties, military). Different dimensions of media democratization take place in different sites of media activism. In one dimension, media activism presents its agenda of institutional reform to the state. Another dimension is that media activism aims to create critical and active audiences, and become a media watchdog. Fewer studies paid attention to media activism in advocating changes in media policy (Hackett & Carroll, 2006). Still, none of them have focused on a media activist movement in the initiation or restructuring of media institutions. The researcher, then, proposes the third question:

Research Question Three: How has media activism contributed to media democratization in Thai broadcast reform?

The focus of media democratization in this study will not be on the impact of media restructuring on political democratization, such as in the case studies examined by Price et al. (2002). This book investigated media reform in various countries around the

world to determine whether media democratization affected the nation's political transition to democracy. Since media reform in Thailand is in the early reformation stage, the impact of the media democratization on politics still has not emerged. Nevertheless, the impact of political transition after May 1992 could stimulate media democratization, initiating the reform of broadcasting institution. This research project will concentrate on the process of media democratization in terms of changing the structure of media control and regulation, since little research has done at the initial stage of establishing an independent regulator. The last research question will fill this need.

Research Question Four: What could be the lessons learned from the effectiveness or ineffectiveness of broadcasting policy reform?

Summary

This chapter has discussed various theories and conceptual frameworks in relation to media democratization and communication policy. Within a context wherein internal and external forces exert impacts on communication policy reform, the study aims to explain the internal factors negotiated in the reform of Thai broadcasting policy. In particular, it studies the institutional structure of the broadcasting media. Few previous research studies have described media advocacy groups involved in the beginning stages of the institutional structure. Amidst political reform, the power relationships in the Thai political sphere are changing, leading to the rise of political democratization and the strengthening of civil society in Thailand. While the military and bureaucrats are weakening, business is increasing its interest in both the telecommunication and broadcasting industries. The involvement of multiple stakeholders in broadcasting policy could clarify the concept of media democratization and media reform in the Thai context. Also, the research could explain the evolution of Thai broadcasting policymaking. The lessons from broadcasting reform could also assist Thai communication policymakers in considering the next stage of policy decision making.

CHAPTER THREE

DESIGN AND METHODOLOGY

Introduction

This chapter will explain why and how a qualitative method can be applied for this research project. This mode of inquiry is a suitable tool for this project, as the project intends to explore a complex event rather than examine causal effects (Patton 2002; Denzin & Lincoln, 2003). The study highlights a policy development and debates in the analysis of broadcasting reform and provides a case study of media activism. It anticipates explaining a political puzzle and creating narrative from a series of linked events (Rubin & Rubin, 2005). Building on the conceptual frameworks presented in Chapters One and Two, the chapter begins with an overview of the design and methodology, followed by outlines of sampling strategies, methods of data collection, limitations, and issues of reliability and validity. The data were collected mainly by reviewing documents and through in-depth interviews. The exploration of media democratization, particularly the reform of the Thai broadcasting media, and the role of media activism were carried out through a qualitative research design.

The study provides an understanding of broadcasting policy reform and media activism in Thailand during the period of 2000-2006, particularly during the process of selecting the National Broadcasting Commission. The researcher aims to explain the debates about the reform and the role of media activism in relation to media democratization. Therefore, the principle questions asked in the study are: (1) What are the key debates in Thai broadcasting policy reform? (2) Has the reform of Thai broadcasting media contributed to media democratization? If so, how? (3) How has media activism contributed to media democratization in Thai broadcast reform? (4) What could be the lessons learned from the effectiveness or ineffectiveness of Thai broadcasting policy reform?

Overview of the Research Design

Burger (1993) explained three broad stages of the policy process, including policy formation, implementation, and evaluation. Policy analysis differs slightly from policy

research. Policy analysis is the study of the policymaking process whereas policy research is the process of conducting research on fundamental social problems in order to provide policymakers with pragmatic, action-oriented recommendations for solving social problems (Majchrzak, 1984). Whereas policy analysis studies what has happened and why, policy research studies what has happened and what actions should follow. Several policy research projects have been criticized for their heavily theoretical emphasis, which has resulted in a limitation of practical applications for helping policymakers (Rist, 2003; Rossi et al., 2003).

Policy analysis could be carried out both in a retrospective and prospective time frame. Several policy analyses have studied the implementation of a certain policy; how the policy is carried out when it is implemented; what factors led to its success or failure (i.e., retrospective analysis). Others emphasize prospective analysis: what the stakeholders need from a certain policy; how a problem would be solved by a new policy; how a proposed policy could alleviate the problems or provide better services. McClure et al. (1999) describe a variety of techniques in policy analysis, such as reviewing a document's historical context, examining a key policy instrument, descriptive modeling, side by side analysis, reviewing related policy instruments, literature review and the identification of key issues.

This research project is not an evaluation of an implemented policy. Rather it is a phenomenological study of policy formation and development, since Thai broadcasting policy reform is, and has remained, at the first stage of policy formation, characterized mainly by debates over the creation of a new institutional agency, the National Broadcasting Commission (NBC). Once established, the NBC's first task would include implementing the broadcast business bill and drafting the national broadcasting master plan. It should be noted that the project to reform the media in Thailand was started during the 1990s and began to take shape after the enactment of a new communication law in 2000. Nevertheless, in September 2006 the military seized power and overturned the Constitution of 1997, causing media reform to stagnate. The scope of this study, hence, covers the period 2000-2006, from after the enactment of the OFA Act of 2000 to September 2006, when the military, calling themselves the Council for Democratic Reform (CDR), confiscated state power.

The research questions intend to explore and understand broadcasting policy reform and the roles of media activism rather than investigating the causal relationships of variables. To shed light on the research questions listed above, the study combines policy analysis and case study design. Policy analysis here includes review of the relevant documents and analysis of communication regulations. This has two purposes. The first purpose is to explain the historical context of broadcasting reform in Thailand. This includes the key debates about media reform; how media reform policy was initiated and; what are the goals (i.e., addressing research question one). The second purpose is to analyze changes in communication regulation. This includes what and how regulation and institutional structures have been changed; and how the reform contributes to media democratization (i.e., addressing research question two). In addition to policy analysis, the research will undertake case studies to analyze media activist groups in order to find out how they have contributed to the reform of broadcasting media (i.e., addressing research question three). The overall analysis finally leads to revealing what lessons were learned from the reform (i.e., addressing research question four).

Case Study Research

The case study is one of several research designs frequently used in policy research since it “allows room for impressionistic analyses of a situation” (Majchrzak, 1984, p. 63). Stake (1995) also points out that a case study is the study of the particularity and complexity of the case insofar as it is useful to understand activity within certain circumstances. It pursues a variety of data sources to investigate individuals, groups, organizations, or events. The case study method also is used to explore public problems or to draw a broad picture of certain public policies that are being implemented. Yin (2003) also notes that particular research questions could be answered by several research designs, but argues that some particular designs would fit with particular questions. In an exploratory study aiming to answer “why” and “how” questions, he recommended applying qualitative inquiries such as a case study, phenomenology (e.g. life history), and ethnography. Case studies are more appropriate when the investigators have little control over events, and when the focus is on a contemporary phenomenon within some real life context. To put it simply, the case study allows researchers to track events through time

(e.g., explore historical context). It also assists researchers in finding how and why a model/framework could or could not apply in a certain context; i.e., it is contingent on the context and the characteristics of the phenomenon.

Case study research consists of four characteristics: particularistic, descriptive, heuristic, and inductive. “Particularistic” denotes the focus of the case study on particular events or a phenomenon. “Descriptive” notes a description of the topic in detail. Heuristic means to assist the researcher in interpreting what was studied and to create new meanings and perspectives. Inductive is the method to discover the principles of the phenomenon after data collection (Wimmer & Dominick, 2000). Since media reform (phenomenon) and media activism (groups) are the focus of this research, the case study is an appropriate approach. This is not only because the phenomenon of Thai broadcasting reform occurred within intertwining political, economic and social contexts, but also because the circumstances rapidly changed during the period of the study. For example, the change in media policy after the Coup in 2006, the ownership changes in the new television station (iTV), and the proliferation of community radio and satellite televisions. All shifted the context of reform. To understand the context of the Thai policy reform and media democratization, a case study is a practical choice, as Patton (2002) states that qualitative inquiry is context-bound. Other qualitative approaches, such as an ethnographic study with participant observation, are less useful, since this is a historical study of broad policy reformation. Moreover, the research questions in this study do not intend to predict or test a model or find a relationship among variables; thereby, a quantitative mode such as survey research is a less suitable option.

Stake (1995) suggests that case researchers try to preserve the multiple realities and the differences of views about what has happened. Thus, balance and variety are important; and the opportunity to learn about the case is of primary importance in selecting the case. In this study, in-depth interviews with the stakeholders, especially the media activism groups, are needed to extensively and intensively study the instances and processes of media activism. Since a case study design allows researchers to undertake analysis within cases and across cases, according to Yin (2003), the findings should provide details about goals, agenda, rationales, and strategies implemented by the different media activist groups in the process of reform.

Nevertheless, the researcher is aware of potential biases in studying cases. As stated by Yin (2003), researchers may become sloppy by using vague evidence or allow biased views to influence the findings. Hence, the researcher should apply multiple methods of data collection—such as document reviews and interviews—to check and balance the information. For instance, in examining media advocacy groups the researcher does not rely solely on interview data but also reviews documents (e.g., laws, official documents, journalistic articles, and previous research studies), which could assist the researcher in creating a chain of evidence. Also, instead of selecting a single case, the researcher will apply cross case analysis in order to reveal broad pictures of the reform and the roles of media activism, as detailed in the following section.

Document Research

In this study, the documents reviewed include legal documents, journalistic articles and news reports, and official reports. The two main document data sources are primary and secondary sources. While the primary data provide details of state regulations and mandates, the secondary data allows the researcher to investigate the context, discourse, and stakeholders' interactions during the process of broadcasting reform. The primary data sources consist of legal documents and official government reports such as the laws, ministerial rules and government mandates, as well as the official reports of state agencies. The government official records are always dated and identified either by personal or institutional authors. Also, they provide evidence of some of the actual processes that are part of broadcasting policy reform. Other primary document data are derived from media activist organizations, such as announcements, meeting reports, petition letters, annual reports, and newsletters. The materials may also provide a description of the media activism movement in the reform process.

The secondary data sources are journalistic articles and news reports focusing on the policy development phenomena, as well as academic journals relevant to broadcasting reform. These materials provide different views of the reform. To better understand the statements and actions made by various stakeholders, news archives and academic journals are important sources for determining the stakeholders' intentions.

The review of documents allows qualitative researchers to investigate the history and context surrounding a specific setting or event. The strength of documents is that they represent a direct expression of the values of the organizations, and hence they “may provide confirmatory evidence and strengthen the credibility of the results of interviews” (Potter, 1996, p. 96). Marshall & Rossman (1999) suggested that researchers supplement interviews and observations by gathering and analyzing documents, since they are “unobtrusive method[s], rich in portraying the values and beliefs of participants in the setting. Minutes of meetings [. . .] announcements and formal policy statements are all useful in developing and understanding of the setting or group studied” (p. 116).

Interviews

The interview method has the advantage of providing information about activities and events which are not available to be observed (Patton, 2002). Rubin & Rubin (2005) articulated that in an elaborate case study, topical interview research is different from cultural research in that the problem is visible when the study begins. The interview has the purpose of acquiring a particular piece of information, whereas cultural study focuses on routine events. Therefore, conversation in a topical interview is more focused and preplanned than in a cultural observation or interview.

In addition, interviews could elicit understanding or meaning, or “concept clarification [aiming] to explore meaning of special, shared terms” (Rubin & Rubin, 2005, p. 6). The framework of media democratization and broadcasting reform in a Thai context should be clarified. Also, the government and media activists might have a different framework in the reform of broadcasting media. A qualitative interview project could also be applied to describe or portray specific events or processes, which Rubin & Rubin (2005) call, “elaborated case studies [. . . that is . . .] to find out what happened, why and what it means more broadly...or [to] understand a phenomenon” (pp. 6-7).

By utilizing a semi-structured interview method, the researcher is able to understand the debates about and intentions shaping the policy reform, as well as the phenomenon, through the experiences and perspectives of the interviewees. For example, to understand the involvement of the media activist groups during the NBC selection process, interviewees could reveal the objectives, goals and strategies they applied,

including self-assessment of their activities in the reform process. This is useful to explain the historical events of broadcasting reform during 2000-2006. Additionally, not merely information, but also the opinions or view points of different stakeholders are gained from in-depth interviews. This approach is appropriate in examining the debates among the stakeholders. For example, the interviewees could provide opinions about and assessments of the broadcasting policy reform, yielding distinctive perspectives on the debates among different stakeholders.

Compared with observation, the interview method saves time when studying a large number of people. As Patton (2002) states, observation takes time to locate settings, negotiate access, arrange visits and get to know informants. Some ethnographic study with participant observations, for instance, could continue for several years. Although interviewing consumes time in approaching key informants and arranging appointments, the rapport between the interviewers and interviewees simplifies the process of the interviews and the researcher can approach certain topics, which are already planned and indicated to the interviewees. In this study, the informants were mainly those who have been involved in broadcasting policy reform, including policy-decision makers, media scholars, media professionals, as well as media activists. The researcher also relied on a snowballing technique; hence, the interviewees were asked to introduce other informants to the researcher, which increased the number of interviewees within a short timeframe. However, the researcher also realized that this technique could yield similar perspectives from similar groups. Thus, the researcher also searched for key informants from newspaper articles and documents, especially some key informants concerning broadcasting reform. These sampling strategies will be detailed in the following section, including how cases, documents, and people were selected.

Population and Sample Selection

Since the data sources here are documents and key informants, sample selection is based on an informative purpose rather than a random purpose. In a qualitative inquiry, samples are selected based on information rich and illuminative principles so as to derive insights on the phenomenon rather than to reach a generalization (Patton, 2002; Denzin & Lincoln, 2003).

Cases

The case selection was based on a theoretical framework and legal framework. According to the concentric model of media activism outlined by Carroll & Hackett (2006), the core media activists are media professional associations, communication academia, and nongovernmental organizations promoting social justice and democratic values. Consistent with a legal framework, the selected cases are also specified in the OFA Act of 2000. The Act indicates that not only the state sector but also three public sectors would join the NBC selection process; that is, media professionals, academia and NGOs. As Patton (2002) recommended, sampling politically important cases intends to “increase the usefulness and relevance of information where resources permit the study of only a limited number of cases” (p. 241). Those groups are, for example, the Campaign for Popular Media Reform (CPMR), the Thai Broadcast Journalist Association (TBJA), and the Federation of Broadcasting Media Professionals Associations.

Documents

The document samples were selected based on relevance and importance. Both primary and secondary data sources are used. The first primary data sources consisted of legal documents and government official reports during 2000-2006, such as the laws, ministerial rules and government mandates published in the *Royal Gazette* (the government official publication), meeting minutes, and official reports of the state agencies. The laws are heavily focused on communication matters, including the Constitution of the 1997, the OFA Act of 2000, the Radio and Television Broadcasting Act of 1955, and the Radio Communication Act of 1941. These documents were anticipated to provide the frameworks of broadcasting regulation in Thailand. Documents were especially useful in legal analysis (Chapter Five). Other governmental reports and publications during 2000-2006 were selected based on relevance and importance to the broadcasting reform. The main state agencies providing information related to communication and media policy are the Public Relations Department, the Office of State Council (where all draft bills are reviewed before being submitted to the Parliament), and the Office of the Prime Minister (acting as an interim secretary of the NBC selection panel).

Other primary document data were derived from media activism organizations, such as announcements, meeting reports, petition letters, annual reports, and newsletters. The Thai Broadcast Journalist Association (TBJA), for example, has published several books and annual reports related to press freedom and the broadcasting media industry. In addition to printed documents, they provided websites for publicizing their activities, petitions, and opinions on media reform issues, such as CPMR and TBJA.

Secondary data sources include journalistic articles and news reports in newspapers and news magazines covering the policy development phenomena, as well as academic research reports relevant to broadcasting reform. Journalistic articles and news reports during 2000-2006 were selected and were retrieved from online archives or in printed formats. Two major English newspapers published in Thailand, *Bangkok Post* and *The Nation*, were the main news sources. Other Thai news magazines, analyzing the issues of political economy and current affairs are also included, for instance, *Matichon Weekly*, *Nation Weekly*, *Post Today*, *Prachachart Thurakit*, and *Krungthep Thurakit*. Another major academic journal is *Journal of Communication Arts*, published in Thai by the Chulalongkorn University. There are other well known international academic journals that publish many articles relevant to Thai communication policy reform. The selected academic journals are those published from 1995 (when the Constitution of 1997 was drafted) to the end of the year 2006 (when the military seized power).

Informants

Since the research sought out in-depth details from the key informants, the samples were selected mainly for informative purposes. Their involvement in broadcasting policy reform is the main criteria. The sampling strategy, thus, involved snowballing—“an approach for locating information-rich key informants or critical cases” (Patton, 2002, p. 237). As stated previously, the researcher combined both the snowballing technique and searching for key informants from newspaper articles. Since the project is a policy study, one major informant group was policy-decision makers. Interviewing these informants provided data regarding government policy and bureaucrats’ actions regarding broadcasting reform. In addition, the project aimed to investigate the involvement of media activist groups in the reform. Consequently, the

other key informants were media activists, communication academics and journalism professionals.

To select these interviewees, the researcher searched newspaper reports indicating news sources being quoted or engaging in media reform issues. The document data sources provided some information related to the informants who had rich information related to the phenomena of this study. The review of documents added additional interviewees. Also, snowballing provided additional lists, since the researcher asked the interviewees to refer to other key policy informants. This chain of recommended interviewees was limited to those who are news sources and representatives of the stakeholders involved in the policy reform; for example, the representatives from three groups of participants listed in the OFA Act of 2000. Therefore, five to six informants holding the positions of secretary general or director of the organizations were interviewed. This included media professional associations, communication scholars, nongovernmental organizations (such as the Thai Broadcast Journalism Association (TBJA), the Campaign for Popular Media Reform (CPMR), and Federation of Broadcasting Media Professionals Associations). In addition to the media reform advocates, two to three NBC candidates and two senators were interviewed, since they were policymakers and engaged directly in the NBC selection. In total, the researcher conducted 27 interviews (see the List of Informants in Appendix E).

Access and Entry

The National Library houses all government official publications, including the *Royal Gazette*. Primary documents were also acquired from organizations, either state agencies or media activist groups. The Thai government initiated an e-government policy in 2001, which required all state agencies to provide major documents and information online. The website of the Office of State Council, for example, provides public access to laws and state regulations, mostly in the Thai language. Other media activist groups make their information available either in print or online or in both formats. The researcher acquired the documents from the media activist organizations before or after conducting interviews with the informants. For secondary data sources, such as newspaper archives and academic journals, the researcher acquired them via the Internet both from the

databases subscribed to by the Florida State University (English language journals and publications in communication policy), and from universities in Thailand (Thai language journals and publications were both in printed and online formats). Thai news archives were retrieved from the database of the Matichon E-library.

To access the interviewees, the researcher's personal network was an advantage. Since the researcher once worked as a political reporter (at *The Nation*, an English newspaper published in Thailand) and has been a communication scholar in the universities in Thailand for more than seven years, the researcher has a personal network with some representatives from the journalism professional associations and from among communication scholars. Drawing from personal acquaintances, snowball sampling is made easier. The technique assisted the researcher in accessing other informants, since the previous interviewees could recommend other informants. Additionally, most informants were public figures, either policy analysts or advocates, who have experience with both journalistic and research interviews; thus, they often speak on the record and were accustomed to interview protocols.

Data Collection

For the purpose of data triangulation, this study employs multiple methods of data collection and analysis in order to enhance the trustworthiness of the study (Denzin, & Lincoln, 2003). The study applies two modes of data gathering: document review/analysis and in-depth interviews.

Document Data

Policy documents were collected at several libraries and government office in Bangkok, Thailand, such as the National Library, the Library of the Parliament, and the Secretarial Office of the Prime Minister. Other rules and state mandates were also available online on the website of the Office of the State Council and some other official government websites. Some document data, particularly in an online format, were collected in both the U.S. and in Thailand. In the U.S. sources from online archives—such as laws, journalistic articles, and international academic journals—were collected prior to the interviews conducted in Thailand in the summer of 2007. Other primary data, particularly organizational documents, were collected in Thailand, since the researcher

accessed the organizations there for both collecting the primary document and interviewing the key informants. Secondary data sources in Thai language, such as journalistic articles and research reports, were also retrieved from the databases at Thammasat University Library, Chulalongkorn University Library, and Thailand Development Research Institute (TDRI).

Interview Data

Rubin & Rubin (2005) suggest that the goal of conducting an interview is to examine the research topic in depth and in detail by following up on answers given by the interviewee during the conversations; thus, each interview is an extended discussion. Though it could be an extended discussion, a set of open-ended interview questions should be developed prior to the conversation. The open-ended interview questions used here encouraged free and unrestricted responses from the participants (see Appendix F for interview questions). The researcher conducted semi-structured interviews rather than unstructured interviews. Semi-structured interviews refer to loosely structured interview guides with questions prepared before conducting interviews which are organized around several essential issues; whereas in unstructured interviews the researcher keeps his or her mind open to accept and understand any situation that may arise at the settings (Kvale, 1996). The semi-structured interview allows the researcher to ask questions based on the interview protocol, yet the questions could be changed and/or omitted and other unprepared questions might be asked depending on the situation. As Dezin & Lincoln (2003) suggest, an interview is an accomplishment of the negotiation between interviewers and respondents shaped by the context and situation.

Since the researcher asked the interviewees to refer other informants for this study, the list of the interviewees (provided in Appendix E) exceeded the numbers proposed previously. Although the researcher was advised to conduct each interviews not exceeding more than 45 minutes, in practice, each interview eventually lasted upward to more than an hour. The face-to-face interview was mainly held at the interviewees' work place in Bangkok, Thailand during the summer of 2007. Three telephone interviews (approximately 30 minutes) were conducted as a substitute method, since the arrangements in person were less practicable due to interviewees' tight schedules and

overseas travel. Mostly, the interviewees were contacted by phone or e-mail to schedule the time and date of the interview. At that time a list of interview questions was provided in order to allow them to understand the purpose, scope and focus of the interview. Some key informants, particularly those from government agencies, required a formal letter attached with the questions prior to scheduling the conversation. In addition to note taking, a digital audio recorder was used during the interview session with permission from the interviewees, so as to validate the accuracy of the information. All interviews were conducted in the Thai language.

Data Analysis

In examining the debates about media reform and the contribution of media activism, the researcher compared and analyzed the document and interview data. Units of analysis and units of data collection are different (Stake, 1995). The units of analysis or the cases selected to study are the media activist groups. The units of data collection are the documents being reviewed and the key informants being interviewed. In order to analyze each unit of analysis the researcher reviewed relevant documents and interviewed key persons (i.e., unit of data collection).

Three main types of analyses are policy analysis, stakeholder analysis, and case analysis. Policy analysis was conducted in two parts. First, a description of the historical context in the political economy of the Thai broadcasting media was carried out to gain a better understanding of the background of the Thai media, origins of Thai broadcasting, government control of media, ownership and regulation structure, as well as functions of broadcasting media in the Thai society (details in Chapter Four). The development of Thai civil society and media activism was also included (details in Chapter Six). Second, an analysis of legal documents provided comparisons of the regulations before and after the reform on core issues: the concept of media freedom, media ownership, government intervention in media work, censorship, and the restructuring of the media system and management (details in Chapter Five).

In addition to policy analysis, stakeholder analysis was also utilized to gain comprehension of the political forces involved in the broadcast policy reform. Mitchell et al. (1997) articulated three attributes defining stakeholders: power, legitimacy and

urgency. The stakeholders have interests which mobilize them to protect or enhance those interests. Power and legitimacy then assist them to motivate their actions. The research applied Bryson's (2004) strategy to analyze the stakeholders in Thai broadcasting reform: how their power and interests led them to influence the policy decision making, particularly the formation of the new regulator (details in Chapter Five).

Moreover, case analysis was employed to focus on certain media activist groups (details in Chapter Six). Case analysis included the media activists' goals and objectives in participating in broadcast restructuring, as well as their use of strategies, resources and access to policy-decision makers. Furthermore, similar schemes (of analyzing goals, objectives, strategies, resources and access) were applied in a cross-case analysis in an attempt to compare and contrast different media reform advocates.

Data analysis was based on the research design explained above. The analysis gave the researcher the opportunity to identify whether certain ideas or opinions were linked to media democratization and broadcasting reform, as well as the role of media activism in the reform. Miles & Huberman (1994) suggest a process of data analysis, data reduction, data display, and verification. Data reduction is a process of rearranging and organizing data. The document data were organized by coding, teasing out themes and making clusters. The primary data, such as rules and regulations, were coded under certain topics, such as press freedom, media structure, ownership structure, state intervention or censorship. The data were then compared across the regulations in order to find changes occurring during the time period studied. Secondary data such as journalistic articles were also coded by different stances of each stakeholder when debating media reform issues, such as their goals and objectives in supporting media reform.

Similar to document data, interview data were coded after being transcribed. The interview questions were already arranged based upon the research questions and themes; therefore, while the researcher did the transcription, the data were also coded, rearranged, and managed to fit in the analysis and writing in each chapter. Instead of translating all the transcription, the researcher was advised and chose to code and analyze the Thai language transcription with English words so as to seek out the themes and patterns.

Later, only the selected quotes were translated into English in order to provide evidence while writing the dissertation.

Some similar items and themes supplied by document data (especially organizational documents) were also explored and included in the analysis of interview materials. All those data were sorted based on the categories used for the stakeholders (state, media scholars, media professionals and NGOs) and for the themes stated above. Taking both the documents and the transcriptions together, the researcher then analyzed the discourse of the stakeholders including their objectives, rationales and their expectation of changes in media reform. Combining news archives, organizational documents and interview materials, the researcher sought patterns in the involvement of media activists, their strategies, their actions and an evaluation of their strategy.

Data analysis is based on the evidence gathered by the researcher. Patton (2002) explicated two kinds of evidence in qualitative research: *emitt* and *etic*. When a researcher only records and presents what the respondents say and do using the respondents' perspectives and language, the evidence is *emitt*. But when a researcher uses his/her words and viewpoints to describe the phenomenon, the evidence is *etic*. This policy analysis project included both types of evidence. The researcher attempted to include the voice of the interviewees so as to allow the reader to make his/her own judgments. However, *etic* evidence should not be ignored, since the interviewees might not disclose the details of some controversial issues. The researcher then applied *etic* evidence—interpretation and judgment. The researcher should be aware of her role in analyzing qualitative data; as Potter (1996) warned that interpretation is not to find “ultimate, defensible truth; there are only interpretations of it. Therefore, objectivity must not be viewed as a fixed position reflecting truth, but instead as a relative position on a continuum.” (p. 85)

Reliability and Validity

Every researcher has to accept that no research design is perfect. When researchers select certain research studies, designs, methods of data collection or, sampling strategies, they need to justify particular alternatives they choose. The nature and scope of qualitative inquiry limits the findings of qualitative research to some extent.

Qualitative inquiry allows little or limited generalization. In particular, a case study is not representative of a whole population, though a typical case is selected in many studies (Yin, 2003). One limitation of this study, thus, is that generalization to other broadcasting policy contexts is restricted. Meanwhile, the researcher realizes that qualitative research in general and case study research in particular is subjective, despite the advantage of qualitative research that allows the researcher to go back and forth between her thoughts and data, to draw on other scholars' ideas and to examine her reflections to develop themes or findings. A case study is, still, highly personal research, since the researcher has studied the case in depth (Stake, 1995). The use of triangulation minimizes misinterpretation and enhances reliability and validity, but does not entirely get rid of subjectivity. In order to minimize the amount of researcher subjectivity, a technique of 'reflecting the researcher's role in the study' is suggested (Stake, 1995; Patton, 2002; and Denzin & Lincoln, 2003). Also, the written results presented in this study are the researcher's interpretation of the phenomenon. Its objectivity should not be viewed as "a fixed position reflecting the truth, but instead as a relative position on a continuum...[where]...objectivity is a position that is closest to the phenomenon being examined" (Potter, 1996, p. 85).

Another limitation is the scope of the study, which involves policy analysis. It is less possible to maximize both breadth and depth in a policy study within limitations of time and funding. When the researcher chose to study Thai broadcast restructuring in depth in a particular phenomenon (establishment of the NBC), she already left out some other aspects of the reform of communication policy.

For either qualitative or quantitative inquiry, part of analysis is interpretation. In a quantitative inquiry, researchers make interpretations based on numerical data, using statistical tools to reach their findings. In contrast, qualitative research deals extensively with the interpretation of interviews, observation notes, and context. Thus, the tasks of analysis involve mostly coding and finding themes and patterns. In this study, the analysis is mainly descriptive due to the qualitative mode of inquiry employed. One question often raised in qualitative research design is: how can a researcher be confident that the data and interpretation is reliable and valid? Validity and reliability are the main concerns in the quality of research study. In quantitative research, validity and reliability

are scrutinized through the research design, conceptualization of constructs, operationalization of concepts and variables, as well as instrument of measurements (repetition of experiment and analysis with statistical tools). Qualitative inquiry has similar concerns about the quality of the research study, but in terms of credibility and trustworthiness of the findings.

Careful design of the case study assists the researcher by enhancing credibility and trustworthiness. Yin (2003) suggests an embedded single-case and multiple-case design instead of a holistic single-case one. Embedded multiple-case design is the study of multiple cases within multiple contexts; for instance, a comparative study of various stakeholders (stakeholder analysis) involving media reform in two different countries. Instead of applying a single case design, this study applies an embedded single-case design; that is, multiple units of analysis (cases) within a context.

Additionally, triangulation is utilized to increase credibility and trustworthiness of the data and interpretation. Triangulation is a rationale for using multiple sources of evidence. It is the application of multiple sources of data or multiple designs and methods (Stake, 1995; Patton, 2002; Denzin & Lincoln, 2003; Yin, 2003). Stake (1995) suggested four facets of triangulation: data source triangulation, methodological triangulation, investigator triangulation, and theory triangulation. In this study, the researcher employs multiple data sources (primary and secondary document data and interview data), and two methods of data collection: review of documents and interviews. Multiple modes of data collection yield a variety of data sources such as legal documents, organizational documents, and interview notes. Each source of data has different strengths and weaknesses. Document data are stable, unobtrusive, and provide broad coverage, which the researcher can repeatedly review and ask for multiple coding. It is inevitable that document data are selective records and edited (and probably biased to some extent); also some confidential documents are difficult to access. Therefore, to ensure the trustworthiness of findings, conversations with key informants should assist the researcher in confirming the analysis. Data from interviews also has both strengths and weaknesses. It is targeted or focused directly on cases which the researcher intends to study. It also provides insightful information about the cases. However, the researcher is aware of the weaknesses of this data since conversations are unavoidably subjective and

responses could mix interviewees' opinions with fact. Also reflexivity, in which interviewees tell researchers what they expect to hear, is another concern. All of these could be reduced by careful questions, the structural format for conducting the interview, and systematic and multiple analyses.

Lastly, language difference is another concern. Most of the documents and interviews were in the Thai Language; thereby, translation inevitably results in the use of the researcher's own words. Translation also made it difficult to perfectly express the interviewees' opinions in the real sense. However, the researcher attempted to maintain reliability by checking translations with other Thai scholars in Florida and native speakers in terms of appropriate expression. Some phrases were provided in English by the interviewees; for example, "we have to corrupt the way to glory" and "don't give a damn."

This chapter outlined a case study research designed to study media democratization in the Thai broadcasting reform. This policy study applied document reviews and in-depth interviews for data collection. Three main analyses, legal analysis, stakeholder analysis, and cases analysis, were used in exploring the debates of Thai broadcasting reform, media democratization and the involvement of Thai media activist groups. The following chapters provide details of the analyses and the findings. A historical context of the Thai media is explained in Chapter Four. To explore the debates of Thai media reform, legal analysis of the laws relevant to broadcasting reform and stakeholder analysis are provided in Chapter Five. Three cases of media reform advocates are analyzed in Chapter Six. The seventh chapter consists of the discussion of the findings followed by the conclusion in Chapter Eight.

CHAPTER FOUR

THE HISTORICAL CONTEXT OF THAI BROADCASTING

Before the analysis of Thai broadcasting reform, a historical overview of Thai media and media policy are provided in this chapter. Knowledge of the political economy of the media in Thailand and the background of Thai state policy in broadcasting media will assist the reader in better understanding media democratization and broadcasting reform in a Thai context. More current details are elaborated in the analysis chapters that follow.

The chapter is divided into two main sections. The first section will discuss Thai state policy in mass media regulation, and the background of print and broadcasting media including ownership structure and regulation structure. The second section will outline the development of broadcasting policy reform, which was seriously initiated after the May crisis in 1992, especially the drafting of the Constitution of 1997, and has been continuing for a decade.

Political Economy of Thai Mass Media

Southeast Asia has a variety of political and economic systems, ranging from totalitarian (such as Burma), capitalistic socialism (such as Vietnam), soft-authoritarian (such as Singapore, Malaysia and Indonesia) to semi-democracy (such as Thailand and Philippines). Even though it is called semi-democracy, it should also be noted that Thailand since 1932, which was the end of absolute monarchy and the advent of a democratic system, has witnessed some 22 coups³ and failed coups (Vitit, 1998). Multi-party coalition governments have not proven to be very stable, and governments, led by a Prime Minister, can change several times before the completion of their four-year term. The change could be either dissolution of the parliament by the Prime Minister or a coup by the military. It is almost customary for each military junta to issue orders concerning the media when it comes into power. In 1991 right after the coup, the junta under the name of National Peace-keeping Council (NPKC) ordered the owners and editors of newspapers to report to the Council to listen to its instructions concerning presentation of

³ The 23rd coup was in September 2006

news and control over news reported by the press (Vitit, 1998). The recent coup in September 2006 repeated history. The Council for Democratic Reform (CDR)—the military junta—asked for “cooperation” from the media and sent troops to guard the front of every television station in Bangkok for a month. Freedom Against Censorship Thailand (FACT, 2007) also reported that Thai website censorship jumped by more than 500% four months after the CDR ordered web-blocking of sites critical of the coup. The state’s attempt to control mass media, particularly broadcasting, has continued since the advent of Thai mass media.

The Advent of Mass Media

Print media. From the very beginning, the print media were largely in private hands, and this has remained the case until today (Vitit, 1998). The press was introduced to Thailand by the American medical missionary, Dr. Dan Beach Bradley, in 1832. He began publishing Thailand’s first newspaper, *The Bangkok Recorder*, in 1844. Fifteen years later the first government newspaper, *Royal Gazette*, was launched (Daradirek, 2000). From its inception, the press enjoyed a relatively high degree of freedom of expression. In part, the monarch at that time (King Mongkut, or Rama IV) did not know what to do with the content of the newspapers and could not see that it would have any effect or influence on the mostly illiterate Thai people. After the 1850s, the King began to realize the impact of newspapers on the increasing urban population, but still did not suppress the freedom of the press. This is not to say that the Thai government allowed freedom of the press throughout the country. Rather, when the government succeeded in modernizing Thai law to Western standards, the government started to use law as an instrument to curb “undesirable” freedoms of the press (Thanet, 1997).

During the initial period, the newspaper was mostly owned by foreigners, and its readership was confined to a well-educated group—foreigners, the Thai Royal Family, and high ranking state officials. Some young members of the Royal Family, who had been educated in Europe, also owned and edited either newspapers or magazines. When the country started westernizing during the King Chulalongkorn (Rama V) era (1868-1910) so as to prevent the country from Western colonialism, the newspaper publishing and consumption increased. They were not only published in Thai, but in English and

Chinese as well. A western observer commented that even under the absolute monarchy the Thai press was free. Especially during King Vajiravudh's (Rama VI) reign, the press became a popular forum for writers and journalists to express their political views freely. Some could even criticize the King. During that period, 22 daily newspapers and 127 periodicals were published. Still, many people used this media as a propaganda tool. Also, because of supposedly sensational and irresponsible reports, the Documents and Newspaper law of 1922 was promulgated requiring every publication to obtain permission before publishing (Daradirek, 2000).

After the end of the absolute monarchy by a coup d'état in Jun 24, 1932, several newspapers were closed down and many journalists were arrested. The "democratic" government enacted more press laws and restrictions than the absolute monarchy. This included censoring news, prohibiting publication of news from unapproved sources, and requiring editors to have at least a high-school education. The Press Act of 1941 gave the interior minister power to censor and close printing houses (Daradirek, 2000).

Because Thailand was never colonized, Thai press has experienced either direct or indirect intervention from every form of government, especially those with a military background. From the 1960s to late 1980s, the government had the power to close printing houses for alleged national security reasons. Editors had to have a clear background in order to receive a newspaper printing license. The Press Act was promulgated in 1941 and was amended several times in 1942 and 1945 (Vitit, 1998). Even when the censorship was removed, the government still kept its power to shut down the press. However, implementation of the rules depended on the political climate. The military governments frequently did exercise power by closing the newspapers that criticized them harshly. Even with the restrictions, the press has challenged military governments from time to time. During a political riot in May 1992, *The Nation*, an English newspaper, published a photograph showing the police beating a protestor. This picture contrasted with information that television broadcast (television stations were fully controlled by the military junta). This political crisis led to the creation a major wave of both political and broadcasting media reform, which will be described in a later section of this chapter. Nonetheless, the power of authorities to close newspapers was ended with the proclamation of the Constitution of 1997, section 39, forbidding the

government from closing down the mass media (the analysis of legislation will be provided in Chapter Five).

From the 1980s on, the degree of openness and cooptation between the press and the government has varied depending on the character of the authorities in power. Even the military governments have allowed different levels of press freedom. Chan (2002) called it cooptation—media is privately owned but its watchdog role is not strong. The state induces the media to be neutral or supportive of government. Neither laissez faire nor cooptation typifies the Thai press. It enjoys a high degree of freedom compared to its counterparts in Southeast Asia. Its watchdog roles are crucial. Criticizing and investigating the government administration are usually part of national newspapers' role. Instead of closing printing houses, some authorities sue the newspapers for a large amount of money. Some authorities apply pressure through the paper's business executives or withdraw advertising. Thaksin Shinawatra, the former PM who also owned one of the biggest communication companies in Thailand, Shin Corp., did this while he was in the post. In sum, the non-military governments compromise with newspapers since they know that the newspapers hold credibility with the public.

Broadcasting Media. In contrast to print media, radio and television broadcasting were initiated by the Thai government in the 1920s and 1950s respectively. This has provided the groundwork for pervasive state control of broadcasting (Vitit, 1998). They have followed the model of a state monopoly, similar to post and telegraph services and other types of public goods.

Thai broadcasting was developed very early in comparison to many other Asian countries, since it was viewed as a central part of the political strategy of the Thai authorities (French & Richards, 1996). Telegraph radio from Great Britain was introduced into Thailand by the Royal Thai Navy in 1907. The Navy set up two radio stations for official purposes. Until 1928, the Post and Telegraph Department (PTD) ran a 200-watt radio broadcasting station with a 37-meter wavelength (Daradirek, 2000). After the end of the absolute monarchy in 1932, the government used radio to educate the public about democracy, and radio became rapidly a state propaganda tool for the government (Ubonrat, 1992). In 1933, the government set up the Propaganda

Department, later named the Public Relations Department (PRD), and transferred all the radio broadcasting from the PTD to the PRD. In 1941, Radio Thailand, under the control of the PRD, was established and became the official government broadcasting station. After the end of World War II, many government agencies established more radio stations (Daradirek, 2000), including the military, National Police Bureau, the Ministry of Education, and the Mass Communication Organization of Thailand (MCOT).

The idea of introducing television broadcasting began around the late 1940s. The reasoning of the Prime Minister, Field Marshal Plaek Pibulsonggram (1938-1957)⁴, was that television was the latest symbol of modernity and national development. The PM also used the media to enhance his political and cultural legitimacy. This project of installing a television station was resisted by many members of the Parliament as not suitable and not addressing the important problems that faced the nation. Also the cost of a television transmitter was almost equal to the combined budgets of two ministries (Thanet, 1997). Because of the criticism, the government had to organize the television station as a private enterprise; hence, Thai Television Co. Ltd was established in 1953. It started operation in 1955 as Channel 4 in Bangkok (Ubonrat, 1999a). However, the board of Thai Television still consisted of army generals and bureaucrats, using money from the military budget and excise taxes on liquor, cigarettes, lottery and sugar from the Department of Revenue. Thai Television was the first company which was private but owned, operated and subsidized wholly by the government. It later was transformed into Mass Communication Organization of Thailand (MCOT), a state-owned enterprise, in 1987 (Thanet, 1997). In 2004, MCOT was successfully privatized and become a public company trading its shares in the Stock Exchange of Thailand, according to the government policy of privatization of state-owned enterprises. Still, its main stock holder is the Ministry of Finance.

In 1958, the Royal Thai Army (RTA) began a second television station, Channel 7, as a commercial operation. It also received a government subsidy from 1963 until 1967, when the RTA decided to provide its franchise to private concessionaires. Channel 7 was initiated by an Army Commander-in-Chief, Field Marshal Sarit Thanarat, because of rivalry among the authorities. He staged a coup in 1957 to seize power from PM

⁴ Years in the Premier post

Pibulsongkram and took the premier post. The new PM was then legitimately in charge of two television stations and a whole range of radio networks under the PRD and the RTA (Ubonrat, 1996).

Television in the beginning period broadcast only to Bangkok and municipal areas. Most programs were newscasts—promoting a positive image of the government—and entertainment such as drama, music, classical dances and movies. In 1967, the government allowed the private sector to have concession for television broadcasting (including Channel 3 by MCOT and Channel 7 by the RTA), but they were mainly privileged concessions with around 40-50 years of operation rights (Ubonrat, 1999a).

Even after the television had expanded into many channels (six free TV stations and a cable station) with more than 86% of Thai people watching television, and 36% listening to radio everyday (Thai Journalist Association, 2004) broadcasting media remained owned and strictly controlled by the state, since they were considered to be a part of the governmental system working to preserve and to fulfill the goals of national unity, stability and social order. Often, however, these goals have been twisted to serve the personal interests or political goals of the people in power.

The role of the broadcasting media was different from that of the press in challenging the authorities. The broadcasters were unable to resist orders from those in power, whether politicians, bureaucrats or the military, because of their absolute power over the broadcasting system. However, the same policy could not be applied to the press. Although the authorities could threaten to censor or shut down the printing houses from time to time, the press ignored or even announced the threat to the public (Thanet, 1997). With a commercial orientation and to avoid political problems, television program contents still are mainly entertainment, such as Thai drama, music videos, games and movies. Only a few news programs, documentaries, and local programs are aired.

Ownership Structure

Newspapers are predominantly privately owned and have little concentration in ownership. Some are family businesses, while some are run by journalists and business people. Newspapers derive their main revenue from advertising (80%). While the law requires every newspaper to register for a license, it also prohibits the government

subsidy of newspapers or foreign ownership of the media—foreign investors cannot have more than a 49% share (Vitit, 1998). Major daily newspapers are concentrated in Bangkok and are considered national newspapers. Local newspapers are published bimonthly. Around 80% of the total circulation of newspapers in Thailand is printed in the Thai language. The rest are printed in other languages, mainly English, Chinese and Japanese (Daradirek, 2000). During the early 1990s the economic boom helped increase the number of print media, especially business newspapers and periodicals. However, the economic crisis and currency devaluing in 1997 led to financial problems in the newspaper business. Data from UNESCO indicate that the number of daily newspapers decreased from 44 in 1997 to 25 in 1998 (Daradirek, 2000). Newspaper circulation in 1999 was 4.4 million, or around 65 per thousand people, according to the United Nations Statistical Yearbook of 2001.

While most print media have been owned by the private sector since their advent, broadcasting media were regarded as mechanisms for national unity and stability as well as government public relations tools. Thus, television and radio networks were viewed as government property rather than public resources. The Thai government assumed this public utility should be manipulated, operated and provided by the state, similar to other public utilities such as the water supply, electricity and transportation. Besides, the historical background shaped the political patronage of broadcasting in Thailand. Thus, ownership of radio and television stations rests generally in the hands of the state, principally under the supervision of the PRD (administered by Office of the Prime Minister) and the Ministry of Defense. There is also a state-owned enterprise, MCOT, which owns a number of radio stations and television channels. Although MCOT was privatized and became a public company in 2004, the main shareholder is the Ministry of Finance.

Table 4.1 and 4.2 shows the ownership structure of television networks and radio stations around the country. The Ministry of Defense alone owns more than 200 radio stations and two free TV channels; Channel 5, operated by TorTorBor (a company established by the Army), and Channel 7, a license granted to a private company, BBTV. The PRD owns 145 radio stations and one television channel, Channel 11 (non-commercial). MCOT owns around 60 radio stations and two television channels; Channel

9, operated by itself, and Channel 3, licensed to a private company, BEC. MCOT also granted a cable television license (pay TV) to a private company, UBC. These three state agencies alone control the majority of the mass communication channels in Thailand.

Table 4.1: Ownership structure of Thai radio stations

<i>State Agencies</i>	<i>Numbers of Radio Stations</i>		
	Bangkok	Provincial	Total
Ministry of Defense			
Headquarter	5	12	17
Army	24	104	128
Navy	4	17	21
Air Force	4	32	36
Ministry of Transportation & Comm.			
Post and Telegraph Department	4	8	12
Metrological Department	1	5	6
Harbor Department	-	1	1
Office of Prime Minister	-	-	-
Public Relations Department	11	134	145
Mass Communication Organization Of Thailand (MCOT)	9	53	62
National Police Bureau	3	41	44
Ministry of Foreign Affairs	1	-	1
Ministry of Agriculture	1	-	1
Department of Fisheries	-	4	4
Ministry of Education	6	9	15
Parliament	2	14	16
Others	3	11	14
Total	78	445	523

Source: Office of National Broadcasting Administrative Commission, Public Relations Department, and Sopit (2005).

Table 4.2: Ownership structure of Thai television networks ^a

<i>State Agencies</i>	<i>TV Stations</i>	<i>Concession Period</i>	<i>Fee (million baht) ^b</i>	<i>Profit sharing</i>
Royal Thai Army (RTA)	Channel 5 (Operated by RTA by leasing airtime for programs and commercial ads)	None	None	none
	Channel 7 (Granted a concession for BBTV)	56 years (1967-2023)	Total: 4,670	none
Office of Prime Minister (OPM)	iTV ^c (Granted a concession for ITV)	30 years (1995-2025)	230 per year Total: 7,790	6.5% of revenue
Public Relations Department (PRD)	Channel 11 (Operated by PRD by leasing airtime for corporate advertisements and for programs)	None	None	None
	TTV (subscription TV) (Granted a concession for World Star TV, The Nation Groups operated 3 channels)	25 years (1996-2021)	5-27 per year Total: 400	5.5% of revenue
Mass Communication Organization Of Thailand (MCOT)	Channel 9 (Operated by MCOT by leasing airtime for programs and commercial ads)	None	None	None
	Channel 3 (Granted a concession for BEC)	50 years (1970-2020)	17-244 per year Total: 3,207	None
	UBC (subscription TV) (Granted a concession for UBC)	25 years (1990-2014)	1.5-30 per year Total: 420	6.5% of revenue

Source: Office of National Broadcasting Administrative Commission, Public Relations Department, and Sopit (2005).

^a The data does not include direct satellite broadcasting, which is operated by private companies under state permission (such as ASTV, PTV), and other local cable televisions.

^b The exchange rate is approximately 35-40 baht per one U.S. dollar

^c Its concession was revoked in March 2007 due to its incapability to pay the fee. It became TITV under OPM supervision and was become a public service broadcaster (Thai PBS) in 2008.

There is no doubt why the government has successfully propagandized the Thai public for a long period of time. This situation differed markedly from the case of the print media, which are owned largely by the private sector. Although they owned and operated the stations, many state-owned broadcasters have moved towards granting concessions to the private sector to produce and run programs, i.e. leasing airtime. However, the situation remains that of a state monopoly under various government agencies or state enterprises.

Therefore, not only political actors but also business actors were key stakeholders in manipulating broadcasting media. Although most broadcasting media are in the hands of government and state-owned enterprises, some television stations granted a license to private companies as part of a patronage system. The companies developed good relationships with the military or the government when the concessions were granted earlier, and so concessions were prolonged for more than 50 years. For example, Bangkok Broadcasting & Television Company (BBTV) has operated Channel 7 under a license from Royal Thai Army (RTA) since 1967. Likewise, Bangkok Entertainment Company (BEC) has been granted a license from MCOT since 1968 (Sopit, 2005). Some of these concessionaires had enjoyed being a middle man, leasing air time to other program producers for a high price without any real-cost considerations. The state did nothing, though they knew it might not be a fair deal (Ubonrat, 1999a). Hence, entertainment became the main goal of program production, since it guarantees attractiveness to the audience, which in turn draws advertising revenue. Most of Thai broadcasting programs, hence, are mainly entertainment and contain news solely for state propagandizing purposes.

Ownership of radio stations is also similar to television stations. Although they are established and owned by the state, many FM radio stations located in urban areas are either granted a license (to operate the whole station) or their airtime is leased to private companies. Contracting both radio and television stations to private concessionaires not only reduces the burden of production and the stations' expenses but has brought a massive amount of revenue to the state agencies as well. An Army General told the researcher that for urban areas, such as Bangkok, granting a license or leasing airtime was more profitable for the Army than operating the stations on their own. However, the radio

concessions are not as long as television concessions. They are around 2-3 year contracts (personal communication, July 27, 2007).

Since the state is the owner of all broadcasting stations, it allows three types of stations: allocative control, operational control, and revenues and franchise. Allocative controlled stations are operated by the state and receive revenue from state budget allocation, the leasing of airtime, and from advertising. Operational controlled stations contract all air time to the highest bidder for 5-10 years⁵. In this case, the state agencies receive an initial lump sum installment and a percentage share of monthly revenue. The third type of stations is operated like a business corporation with the licensee supplying the capital investment to establish the station and also paying an installment fee and a percentage of monthly revenue to the state agencies that own the stations (Ubonrat, 1992). It should be noted that around 200 radio stations under the control of the military are not required to send their revenue to the Ministry of Finance nor report to the government, as it was stated in the decree by the PM Sarit Thanarat (1958-1963)⁶ (Major General Surasak Kanjanarat, personal communication, July 27, 2007). Each radio station would gain an estimated 10 million baht⁷ (around \$250,000), which means the military radio stations alone would accrue revenue of \$50 millions yearly, at the least.

To summarize, the ownership structure of the print media has been different from that of the broadcasting media since their origin. Though the government swept all the broadcasting media into its hands for public service and national security/unity reasons, the operation schemes of Thai broadcasting have focused on government public relations and commercial purposes. It should be noted that there has been no room for public or civic groups to share space in the Thai broadcasting media system.

Regulation Structure

As stated before, the Thai press has enjoyed a high degree of press freedom compared to its counterparts in Southeast Asia countries. The 1999 survey by Freedom House ranked Thailand and the Philippines with the lowest restriction scores among 10

⁵ The period of the contracts was reduced to 2-3 years after the proclamation of the OFA Act in 2000.

⁶ Years in the Premier post.

⁷ The estimation is based on the researcher's experience of contracting a university radio station, where she worked in 2000. At that time the radio station contracted 70% of airtime to a private company with an installation fee of 2 millions baht, excluding advertising revenue.

Southeast Asian countries (Daradirek, 2000). However, the ranking changed after the coup in 2006. According to the Global Press Freedom 2007 report, Thailand was ranked 26th among 40 Asia countries and classified as a “partly free” press. Vitit Muntrabhorn (1998), a Thai law professor, pointed out that the enforcement of media laws is dependent upon the political climate. There are several laws regulating print media, such as, the Press Act of 1941 (as amended in 1942 and 1945), the Copyright Act of 1994, the Criminal Code of 1956 (as amended in 1992), the Civil and Commercial Code of 1924, the Protection of Official Secrets Act of 1940, the Prevention of Communist Activities Act of 1952 (as amended in 1969 and 1979), and the National (News) Intelligence Act of 1985 (Vitit, 1998).

Most of these acts are out of date and contradict the communication rights stated in the Constitution. The Press Act of 1941 required an editor, printer, publisher or proprietor of a newspaper, who has to be a Thai citizen, to notify the police of their intention to publish a paper. It also gives broad powers to the authorities to ban publications, censor content and revoke licenses. However, this contradicts the Constitution of 1997 that required a court order to close publications. If the authorities wanted to oppress the press, they could apply other laws such as the 1985 National (News) Intelligence Act or the 1952 Prevention of Communist Activities Act to censor news detrimental to national security (Vitit, 1998; Daradirek, 2000).

Hence, with a semi-democracy the authorities might enforce or not enforce the laws depending on the political situation. They would allow some room for critics but if the press cross over a line, i.e. are seen as too aggressive, the government would warn or sue them. Nowadays, shutting down publications is rarely done. Common situations are “claims for high damage against the press; imposition of suspended sentences and fines on editors; and using the broad criminal law provision of public interest...for prosecution of newspapers” (Daradirek, 2000, p. 438). One reason for these actions could be that the state does not fully control the print media because of its ownership structure; thus, the authorities are not able to direct the content as with the broadcasting media.

At the beginning of the broadcasting media (1948-1955), there were three major policies related to the media and politics in Thai society. First, the press was censored and widely suppressed (despite the fact that the majority of them were critical of the

military status quo and supportive of a parliamentary democracy). Second, the military government created a country-wide radio network in an effort to launch its “ideological state apparatus” to counter press criticism and political opposition. Third, the Anti-Communism policy after WWII was the core effort to eliminate those who spoke against the military government (Ubonrat, 1996, p. 183). During that period, the military government proclaimed several laws to regulate broadcasting, such as the Broadcasting Act of 1955 (as amended in 1965, 1978 and 1987), the Radio Communications Act of 1955 (as amended in 1961 and 1992), the Act for the Control of Business concerning Tape and Television Material 1987, including the Copyright Act of 1994, the Criminal Code of 1956 (as amended in 1992), the Civil and Commercial Code of 1924, as well as the Consumer Protection Act 1979 (Vitit, 1998).

The Broadcasting Act and the Radio Communications Act give the state full control over the allocation of radio frequencies and channels, licensing, and program content. Radio frequency and channels are allocated by the PTD, while PRD has the authority to grant licenses to private broadcasters, which it may revoke subject to appeal. However, the laws do not apply to broadcasting by government channels, i.e. PRD, PTD and Ministry of Defense. In addition, Decrees No.15 and 17 of 1976 required radio and television stations to transmit state news at certain times of the day and imposed strict conditions on the content of programs and advertising via the stations (Vitit, 1998).

In 1974, the government established the National Broadcasting Executive Board (NBEB) to be a pre-censorship organ to control all aspects of broadcasting. NBEB was later replaced by the National Broadcasting Administrative Commission (NBAC) in 1992. Still, the state ownership and regulatory structures did not change. NBAC’s authorities were to consider and give permission to establish or remove broadcasting stations, and lay down rules concerning the supervision of programs, advertisements and commercials (Vitit, 1998). One such rule, for example, is that to be a broadcast anchor or announcer one had to take an announcement test at a PRD office to acquire a broadcaster permit card. In addition, radio stations around the country are required to air news fed from the PRD’s central studio twice a day at 7:00-7:30 AM and 7:00-7:30 PM

To date, although the revoking licenses of stations has seldom occurred, many stations exercise self-censorship, either reducing the aggressive tone of coverage or

changing the commentators. Control comes not only from the state mechanisms but also from business and advertisement deals provided by conglomerates and corporations identified with politicians and/or political parties. Interference could come through media owners or owners of broadcasting frequencies, through patronage relations or advertising deals, or even through state mechanisms as explained above. For instance, the government, after leasing some stations to private companies, simply sent signals to operators, such as by phone or sending a letter, that certain stories or programs contained negative, radical opinions or sensitive issues (Thanet, 1997). For example, in August 2003, an AFP (Agence France Press) report detailed that most broadcasting media had been asked not to report a story—that the son of the PM Thaksin Shinawatra was accused of cheating in a test at the college—by either ministers or other government officials who had personal ties with media bosses. However, the story appeared in international news agencies, Thai newspapers and websites (Thai Journalist Association, 2004). A conversation with some broadcasters disclosed that a call from the authorities (such as chief of staff, ministry secretary, and the like) warning or guiding the stations about certain news or reports is a common phenomenon (personal communication, May 20 and June 12, 2007).

Some media operators have adjusted programs for commercial considerations or allocated more airtime to the views of business, patronage and the government. Some news-analysis programs have also been removed from the stations' program schedule, because they would not compromise with the authorities. Chemsak Pinthong, a former news analyst and former senator (2000-2006), indicated that his current-affairs talk programs were removed from TV channels during Prime Minister Thaksin's period because of his harsh criticism of the PM (personal communication, August 3, 2007).

Another example was that the RTA, the owner of a radio station (FM 96.0 MHz.) in Bangkok, refused to extend the contract of a radio program aired by a private company. The Army stated that it wanted the frequency back for its own programs. The cancellation, however, occurred after the company aired an interview with a Deputy Prime Minister, who criticized some of the PM's decisions (and later resigned the post). This interview later led to PM Thaksin's complaint about how the media worked. After facing critics and pressures from public debate on this matter, the Army agreed to extend

the program's contract for another year (Thai Journalist Association, 2004, p. 14). Since the contracts can be changed depending on the state's caprice, many companies which have received concessions to operate a channel try to avoid presenting news that is critical of the government or its agencies.

Control of the broadcasting media plainly was not following the laws. A variety of forms of interference, intentionally or unintentionally, has been taking place both in media policy and content. Various reactions result: self-censorship, allotment of more space or airtime to the government or politically influential business groups without consideration for other parties, and expansion of sensational news emphasis on entertainment and highly personal matters (such as rape cases, an elite new album, love affairs of celebrities) (Thai Journalist Association, 2004, p. 21).

Development of Broadcasting Policy Reform

The Thai communication system and resources have been regulated by the government since the beginning of mass media in Thailand. The logic behind the regulation is that the radio spectrum is a limited public resource; therefore, its use must be controlled by the state to ensure the most effective use and hence the greatest public benefit (McCargo, 1997). This view of state authority is similar to the British communication system in its early stages, when the British postal service started and provided service under government control (Spyrelli, 2003). Although the state in Thailand has claimed to adopt a 'public service approach' to radio and television administration, in reality, the state-owned radio and television stations are more directly responsible to the state than to the public. Broadcasting networks have been key instruments used by the state in the fight against colonialism and communism. Thai broadcasting media have become a state public relations tool and a business benefit for the entertainment industry. The media environment has been characterized by patronage authoritarianism and privileged capitalism (Ubonrat, 1999b), which have been important obstacles to progressive changes.

The quality of mass media is considered to be an indicator of the health of a democracy. The background of Thai mass media demonstrates that broadcasting media are incapable of providing a public sphere for Thai society. Ubonrat (1996) called it a

dual system which is owned and controlled in part by the state and in part by commercial enterprise. The student revolution in October 1973 brought down the military dictator, Field Marshal Thanom Kittikachorn (1963-1973)⁸. The quest to restructure broadcast ownership was initiated after 1973, but the government at that time neither restructured the dual system of broadcasting nor relaxed its censorship. The authorities, instead, established the National Broadcasting Executive Board (NBEB), later replaced by the National Broadcasting Administrative Commission in 1992 (after the May crisis). The Commission is still replete with government representatives. It is chaired by the Prime Minister or Deputy Prime Minister entrusted by the PM. PRD, under the supervision of the Office of Prime Minister, serves as the secretarial office of the Commission. It exercises large censorship and regulatory powers. For instance, the Commission considers and grants permission to establish or remove broadcasting stations and lays down rules concerning the supervision of programming, advertisements and commercials (Vitit, 1998).

Near the end of the 1980s, political forces had little impact on the structure of the Thai communication system. But the economy was the main force challenging the status quo. The economic growth during the Asian miracle in the early 1990s spurred the demand for better telecommunication infrastructures (see Appendix A for a summary of the reform timeline). Also, the global trend of communication liberalization caused the government to lose its grip on communication systems and regulations. Particularly, Thailand joined the WTO's Negotiating Group on Basic Telecommunications in 1996 (Sakkarin, 2000). However, the liberalization happened only in telecommunications, resulting in privatization and expansion of infrastructure, including telephones, satellite dishes, and optical fibers for data transfer.

The quest to restructure Thai broadcasting media strengthened again after the 1992 May crisis, but it was almost twenty years after the 1973 student uprising. Ubonrat Siriyuvasak, a communication policy professor, concluded that the socio-political context in 1973 did not assist in restructuring the broadcasting media in comparison to the similar uprising in May 1992. This is partly because of the drive for political reform in 1992.

⁸ Years in the Premier Post

A Significant Shift in May 1992

After the student movement in 1973, the Thai political climate fluctuated. By the end of the cold war, the fear of a communist threat was replaced by new economic model of capitalism. During the 1980s, continual economic and social change led to a growth of the middle class, in turn increasing the demand for communication infrastructure. Telephones, both land line and wireless, cable television (subscription TV) and satellite dishes proliferated. By the end of the 1980s, Thailand was expected to be one of the New Industrialized Countries (NICs) following Singapore, Taiwan and South Korea. At that time, the political climate was open and more democratic.

After being the Prime Minister for eight years, General Prem Tinnasulanon, a former Army commander, refused to take the post when the political parties invited him again in 1988. As a result, General Chatchai Chunhawan, chairman of the Chatthai Party, took the post, since his party had won the majority of seats in the House of Representatives. He became one of a few elected PM serving for almost a full term. However, power was taken by the military generals in February 1991, because his cabinet was accused of corruption. The 1991 coup occurred after there had been no coup for almost a decade. The military junta—lead by the Army Commander-in-Chief, General Suchinda Kraprayoon—under the name of the National Peace-keeping Council (NPKC) seized power and appointed Anand Panyarachun, a business executive and a former diplomat, to be the interim Premier.

Every time amidst an erratic political situation in Thailand, when all television stations are suddenly tuned to a full screen of the national flag without any announcement, the public can expect a political confiscation by the military. Later, every station has to broadcast the coup announcement until the military permits a change. They accomplish that by the military transmitting their signals from army-owned Channel 5 to the other channels (3, 7, 9 and 11). The broadcast is in a special program (Thailand's Special Events Television). All the administrators of the television channels have to follow military order to broadcast news from Channel 5. For example, this situation was also copied during the night of September 19, 2006, when the Coup seized power from Prime Minister Thaksin Shinawatra. Other television channels were requested to collaborate by broadcasting the signal from Channel 5, while all television stations were

guarded by a military troop placed in front of every station. All regular programs were forestalled and replaced by a documentary about the King accompanied by the music authored by the King (“Coup d'etat,” 2006).

It is also almost customary for each junta to issue orders concerning the media when it comes into power. In 1991, NPKC by its Order No.14, also threatened closure of newspapers if their coverage had not passed the screening of the Council. It also ordered the owners and editors of newspapers to report to the Council just after the coup to listen to its instructions concerning presentation of news and control over news reported by the press (Vitiit, 1998). However, this order ended after the end of May crisis in 1992.

The NPKC promised to set up a general election within a year. By the end of the election in April 1992, some political parties in conjunction with the military junta appointed General Suchinda Kraprayoon, the Army commander and NPKC member, to be PM. This situation was unacceptable to most of the Thai public, although the public seemed to be in harmony with the coup early in 1991. The political protest started in May 17, 1992 by the opposition parties, led by Major General Chamlong Srimuang, chairman of the Palangdharma party. There were masses of people in the streets of Bangkok demonstrating against the appointment of the Army commander-in-chief as the Prime Minister. The situation got worse when all the state broadcasting media news reports conflicted with the pictures printed on the front page of *The Nation* newspaper on May 19, 1992. While the government media broadcast that the protesters had created a riot in the street and that they destroyed national unification, the front page picture showed a protester being clubbed by four policemen. The military government’s effort to close Thai public accessibility to information in 1992 failed. The communication infrastructure, especially the telecommunication network and services, which had proliferated a couple years before, had enhanced the facilitation of information flow and exchange of ideas, particularly the ideas of political and economic reform (Sakkarin, 2000). The Thai middle class mostly sought the actual information from international newscasts, such as CNN and BBC, broadcasting via cable network or satellite, as well as word-of-mouth communication spread through mobile phones from friends to friends. This information drew more people to support the demonstration. It was estimated that more than a hundred thousand people attended the street protests during May 17-19, 1992. The press

later called the crisis Black May because it was the second bloody political event since the student uprising in 1973. Some observed that the middle class workers supporting the demonstrations were the same students who stood against the military dictatorship in 1973. The May Crisis ended after the King intervened to put an end to the conflict. Every station broadcast the meeting of the King with both General Suchinda and Major General Chamlong from the Royal Palace.⁹

The end of the May crisis restarted the media reform movement, as the Thai public began questioning how and why events had been distorted in television news broadcasts. The main assertion was the public's right to know, guaranteed by the Constitution. From time to time the broadcasting media had played a mouthpiece role for the government in repressing the civil movement. The student uprisings in 1973 and 1976 were crucial examples. However, in the May crisis of 1992, the suppression of the broadcasting media became an international issue due to the use of new communication technology. International media such as CNN and BBC World Television broadcast to Bangkok residents via Direct Broadcast Satellite (DBS), revealing the actual situation (Atkins, 1995, p. 1). After the event, the reform of state broadcasting media became a critical agenda item pressuring every government. Ubonrat (1996) believed that the government after May 1992 accepted this issue better than after the 1973 student uprising because of the role of powerful civil groups consisting of media professionals, academics, business and the middle class. Also, Thirayut Boonmi, a Thai socio-political analyst, pointed out that it was the political juncture when the Thai public consciousness of democracy began to grow (as cited in Ubonrat, 1996, p. 192).

Following the collapse of the military junta, NPKC, in May 1992, a new television station, independent Television (iTV), was launched in 1995. The Office of the Prime Minister allowed an open bidding process rather than a patronage concession system. The instigation of a new television station was considered to be a response of the state to the public outcry for free and independent broadcasting media. However, one station did not represent the democratization of broadcasting media in the opinion of media movement groups. Hence, they took the opportunity to launch a campaign to

⁹ The researcher writes also from her direct experience as a political reporter (1991-1994) at *The Nation* newspaper.

democratize the whole broadcasting system. Extensive lobbying and campaigning resulted in a major step towards a more open and democratic media: the inclusion of a section in the new Constitution of 1997 that provided for a thorough reform of the broadcasting industry. It also allowed for the establishment of a new independent regulatory agency to act as a regulatory body to allocate broadcasting licenses to a variety of bidders under the guidelines of the new broadcasting law (“Media at the Crossroads,” 2001). Several communication bills were promulgated after the new Constitution, such as Organization for Frequency Allocation Act of 2000 (OFA Act), and the Telecommunication Business Act of 2001. The OFA Act of 2000, in particular, required the establishment of new regulators—a telecommunication commission and a broadcasting commission, separately—to handle the telecommunication and broadcasting industries. It was the beginning of a transformation of the communication structure, both the ownership structure and regulatory structure, from the government’s hand to the new regulatory bodies.

In conclusion, the early period of media reform was characterized by the democratization of the country’s politics, particularly the increasing public awareness of their right for communication. Democracy, which the Thai public sought, was left not only in the hands of representatives. Rather, civil society groups became aware of the importance of their participation in policy making. Changes in the regulatory framework and institutions, as stated above, assisted in enhancing Thai political and media democratization. The next chapter will analyze in detail the Constitution of 1997 and the OFA Act of 2000, as well as the relevant stakeholders in the process of forming a new regulatory body.

CHAPTER FIVE

REGULATORY DEBATES AND MEDIA REFORM

The historical outline in the previous chapter demonstrated that the Thai broadcasting system was monopolized by the state from its beginning until today, but the socio-political conditions led to public consciousness supporting democratization of the media. Particularly, the May Crisis in 1992 created a significant change in both the country's politics and mass media. The drafting of the 1997 Constitution also triggered the first major wave of public participation in political issues. The Constitution led to the initiation of a new independent regulatory body, a sign of an institutional restructuring of the broadcasting system. The organic law, the OFA Act of 2000, started debates and struggles for media reform among different stakeholders. While the entrenched authority (i.e. military, bureaucrats, and media business) could not ignore the institutional restructuring, they tried to protect their interests throughout the process of forming a new independent regulator.

In this chapter, two main analyses are discussed: legal analysis concerning media reform, and stakeholder analysis of the reform of the broadcasting structure. It intends to address the research questions: *what are the key debates in Thai broadcasting policy reform* and *how has the reform of the Thai broadcasting media contributed to media democratization*. The discussion is composed of six main parts. The first four parts focus on legal analysis: the obsolete broadcasting bill which allows the state agency to control the broadcasting system, the Constitution of 1997 which initiated the institutional restructuring, the OFA Act of 2000 (detailing of the function, composition and responsibilities of the new independent regulator), and the deliberation of drafts of the Broadcasting Bill. The last two parts discuss the concept of an independent regulator and the process of selecting the National Broadcasting Commission. The focal analysis includes a stakeholder analysis of those involved in selecting the commissioners.

The researcher contends that the key debates among the stakeholders of Thai media reform were about regulatory frameworks. While the obsolete broadcasting law still empowered the government agencies in controlling the broadcasting system, the 1997 Constitution initiated a change. The provision also followed with another organic

law requiring the establishment of a new independent regulatory agency, which became the main battleground of the interested stakeholders.

Thai State Perspective on Communication Regulation

As explained in the discussion of the regulatory structure in Chapter Four, for more than five decades Thailand has had only one law, the Broadcasting Act of 1955, to regulate the whole broadcasting industry. The law was amended most recently in 1987 with the Third Amendment. The main impact of this principal legislation was that there is substantial control by the state over the allocation of broadcasting channels and the content of programs. Some restrictions were removed but some are still enforced, such as the obligation of radio and television stations to transmit government news at given times of the day. The obligation has been enforced since 1976. Some other communication laws empowered state control of communication resources. In this section, discussion of the laws will provide evidence of way the laws replicate the Thai state's perspective on regulating communication goods.

Crucial characteristics of the Broadcasting Act of 1955 are that broadcast licensing is reserved for government agencies. Licenses are issued under the authority of the Public Relations Department (PRD), while the Post and Telegraph Department (PTD) has the authority for radio frequency allocation. However, the law did exempt the state broadcasting by government channels, particularly those under the supervision of PRD, PTD and the Ministry of Defense. Providing television and radio broadcasting required a license from the licensing official, which is the Director General of PRD, under the supervision of the Office of the Prime Minister. The granted license may be revoked subject to appeal by an affected party to the Director-General of the PRD. The licensing official, the registrar or other mandated person, may enter any building, premise or vehicle to examine any radio or television set, television or radio broadcasting services or related devices (Vitit, 1998).

Although the law designated a commission to regulate broadcasting programs and their contents, the board consists mainly of government officials. The National Broadcasting Administrative Commission (NBAC) was established by the Regulation on Broadcasting in 1992 to oversee the broadcasting process, in lieu of an earlier

commission (National Broadcasting Executive Board or NBEB, established in 1973). It is chaired by the Prime Minister or Deputy Prime Minister entrusted by the PM and has representatives from both governmental and non-governmental organizations. This commission considers and grants permission to establish or remove broadcasting stations and lays down the rules concerning the supervision of programs, advertisements and commercials. It can also hear complaints against the personnel of the station and has the power to order the station to make a written clarification, issue a warning, suspend a program in question, revoke a broadcasting license, or order the station to cease operation (Vitit, 1998; Ubonrat, 1999a).

The 1955 Broadcasting Act is old and obsolete, even with the Third Amendment added in 1987. For national security reasons, the Act allowed only governmental entities such as the Ministry of Defense, the National Police Bureau, the PRD, and the Mass Communication Organization of Thailand (MCOT) to operate and control all the country's broadcasting. Thus, frequency allocation, licensing, and broadcasting management in Thailand have so far been centralized and manipulated by a small number of high-ranking officials. Critics have questioned whether such procedures have been carried out for the public interest or for particular interest groups.

In addition to the 1955 Broadcasting Act, the Radio Communication Act of 1955 (as amended in 1961 and 1992) gave authority to the PTD to assign radio frequencies to all state agencies, both for broadcasting and telecommunication. This act focused more on radio communications and related equipment than radio and television broadcasting. Installation of a radio communication station requires a license. However, it did not apply to government offices. The Director General of the PTD had the power to impose conditions in regard to the installation of a radio communication station and was in charge of specifying the frequencies to be used by that station. Considering modern technology, and the need for liberalization, Ministerial Regulation No.24 of 1987 stipulated that there is no need for a license in regard to cellular paging, cordless microphones, cellular phones of a certain size, and equipment to transmit video signals and satellite linked television (Vitit, 1998). However, after the establishment of the National Telecommunications Commission (NTC) in 2004, the PTD was terminated and transferred to the NTC office. Therefore, all the PTD rulings and regulating tasks

concerning radio communication and telecommunication, such as the granting of licenses or frequency allocation for telecommunication purposes, became the responsibility of NTC. The formation of the NTC, an independent regulatory body overseeing the telecommunication business, is beyond the scope of this study; but the conception of the independent regulatory agency (IRA) in the 2000 OFA Act will be discussed later in this chapter.

The Thai legal framework has the perspective that communication regulation is a governmental effort to control political and economic affairs in order to prevent accountability to the public interest. As previously discussed in Chapter Two, Majone (1990) and Spyrelli (2003) differentiated two perspectives of communication regulation: government social service and market competition. The Thai state regulates its mass media with the governmental social service perspective, without stressing market competition or diversity of access. Nonetheless, the social service perspective has been misinterpreted. In principle, the state regulates and provides this public good in the public interest. In practice, communication means have become a state mechanism employed by the powerful elite for their political purposes instead of serving the public interest. That was apparent when the country faced a political crisis in 1992. The state's distortion of information ignited a quest for autonomy of the broadcasting media.

The 1997 Constitution and the Initiation of Media Reform

Since the first Constitution of Thailand in 1932, there have been 16 Constitutions. In the past, after the military seized power of the government, they typically appointed a committee to draft a new Constitution. It was typically composed mostly of groups of bureaucrats, military, and politicians who were in power at that time. Only a few intellectuals and civic groups could be involved. However, the 16th constitution, the Constitution of 1997, was different from the earlier Constitutions both in process and substance. The following section highlights the 1997 Constitution, particularly the section regarding mass media and communication rights, and the initiation of media reform.

The People's Constitution

The Constitution of 1997 was widely known as the people's constitution, since it was drafted by a ninety-nine-member committee composed of representatives from the

elected provinces and prominent people from various walks of life around the country. The drafting committee did not consist of parliamentarians, since it was felt that the latter would not be able to perform the task independently and without the influence of vested interests. For the first time ever in Thai history, the drafting process was open to broad public scrutiny and consultations throughout the country before the final version was put to vote in the parliament (Vitit, 1998). The Constitution was drafted after the severe political crisis in May 1992, when many politicians, bureaucrats and military earned a poor reputation among the Thai public. Consequently, this provision brought about the restructuring of political institutions with less influence from the status quo.

This constitution was much stronger than previous constitutions in terms of public participation, accountability and transparency. It included 40 sections containing Rights and Freedom Regulations, 22 sections for monitoring the government and 70 other new sections. All of these strengthened the power of the popular sector. For example, for the first time ever Thai citizens can invoke the Constitution in court if their rights under the Constitution have been violated (provided in the Section 28). For the first time, the Senate is to be elected (previously the Senate members were appointed by the PM), thus undermining the stranglehold of unelected appointees close to the PM and other channels of political or economic patronage. In addition, the Constitution introduced several new independent agencies to monitor politics and state administration, such as the Election Commission, the National Counter Corruption Commission, the Constitutional Court, the Administrative Court, and the Ombudsmen (Vitit, 1998).

Not only did political reform emerge, but also media reform emerged in the process of drafting the Constitution of 1997. The Constitution included sections protecting the freedom of media employees and the media from government censorship in Chapter III: Rights and Liberties of the Thai People. Also for the first time, Sections 39, 40 and 41 made possible a degree of media liberalization by requiring an independent regulatory agency (IRA) to regulate national communication policy and industry. Details of the IRA concept will be elaborated later in this chapter.

Section 39 of Chapter III details the public's freedom of expression and freedom of the press:

“A person shall enjoy the liberty to express his or her opinion, make speeches, write, print, publicize, and make expression by other means.

The restriction on liberty under paragraph one shall not be imposed except by virtue of the provisions of the law specifically enacted for the purpose of maintaining the security of the State, safeguarding the rights, liberties, dignity, reputation, family or privacy rights of other person, maintaining public order or good morals or preventing the deterioration of the mind or health of the public. The closure of a pressing house or a radio or television station in deprivation of the liberty under this section shall not be made.

The censorship by a competent official of news or articles before their publication in a newspaper, printed matter or radio or television broadcasting shall not be made except during the time when the country is in a state of war or armed conflict; provided that it must be made by virtue of the law enacted under the provisions of paragraph two.

The owner of a newspaper or other mass media business shall be a Thai national as provided by law.

No grant of money or other properties shall be made by the State as subsidies to private newspapers or other mass media” (Constitution of the Kingdom of Thailand, 1997, pp. 9-10).¹⁰

Although freedom of communication is stated in previous constitutions, regulations regarding media employees (section 40, 41) were for the first time included in the Constitution. Also other laws related to media and the press had never had these concepts. Section 40 decreased state control of the broadcasting media by indicating that there would be an independent public organization to assign licenses and regulate and supervise the frequencies of radio, television and telecommunications. It stated:

“Transmission frequencies for radio or television broadcasting and radio telecommunication are national communication resources for the public interest. There shall be an independent regulatory body having the duty to distribute the

¹⁰ English version was translated and could be retrieved from the Office of the Council of State’s website

frequencies under paragraph one and supervise radio or television broadcasting and telecommunication businesses as provided by law.

In carrying out the act under paragraph two, regard shall be had for the utmost public benefit at national and local levels in education, culture, State security, and other public interests including fair and free competition” (p. 10).

Section 40 also indicates that the frequency spectrums for radio, television and telecommunication transmission were “national communication resources” for the public benefit. It emphasizes that the radio spectrum was not a governmental resource. Thus, the former owners of broadcasting, mainly the government and military, were to cede some of their frequency bands to the public. Freedom of the press is also emphasized in the Section 41.

“Officials or employees in a private sector undertaking newspaper or radio or television broadcasting businesses shall enjoy their liberties to present news and express their opinions under the constitutional restrictions without the mandate of any State agency, State enterprise or the owner of such businesses; provided that it is not contrary to their professional ethics.

Government officials, officials or employees of a State agency or State enterprise engaging in the radio or television broadcasting business enjoy the same liberties as those enjoyed by officials or employees under paragraph one” (p. 10).

It should be noticed that before the time Sections 40 and 41 of the Constitution were enforced, the Broadcasting Act of 1955 authorized the state to hold all broadcasting licenses and allocate radio frequencies. The Act, then, should be amended so as to eliminate conflict with this new provision. These sections of the people’s Constitution were intentionally created to diminish the state monopoly of the broadcasting media and to protect press freedom.

Initiation of Media Reform

The idea of media liberalization in Section 40 of the 1997 Constitution was initiated by Dr. Somkiat Onwimon, an elected member of the Constituent Assembly in

1997. He explained that his idea of liberalizing the broadcasting media was induced by the problems he had faced in his career as a broadcast program producer and news anchor. After resigning from a political science professorship, he entered broadcasting news production in 1987, and became renowned for changing the face of broadcast news reporting. That is, he changed the television news format from reading government news releases or business public relations clips to news scoops covering issues of public concern. Television news after his revolution became more competitive and interesting. It attracted larger audiences resulting in an increase of nightly-news hours on almost every TV station from 30-minutes to one and one and a half hours within a year. A couple years later, MCOT did not renew the contract of his news program so he had to move to another station, starting a new contract with RTA at Channel 5. Decision making was not based on the quality of the program content, rather mainly on how good a relationship the media executives had built with the state agencies. A patronage system involving to money under the table has pervaded the media industry. He explained:

“In order to get a job, we needed to corrupt our way to glory. This made me feel frustrated. When I was elected to be a member of the Constituent Assembly in 1997, I thought it was a chance to solve the problems of my career and convey my anticipation into practice. Then I started drafting the section of media reform and the ideas were developed in details later after several arguments among the Constituent committee. It still conveyed the idea of liberalizing broadcasting media as I expected” (Somkiat Onwimon, personal communication, May 24, 2007).

He revealed that during the process of the Constitutional drafting, there had been numerous public hearings around the country. Although he initiated the idea of making a national resource of the radio spectrum and an independent regulatory agency, he did not want them become prominent issues gaining wide public attention. “I did not keep it secret, but I did not allow the issue to draw much public attention. This is because if it was in the limelight it would be widely discussed and would draw attention to the status quo; then that section (40) might be aborted,” he explained (personal communication, May 24, 2007).

Until the Constitution was enforced in 1997 and many organic laws were drafted, the idea of liberalizing the broadcasting media received very little public attention. The general public, politicians and bureaucrats gave more weight to a political reform agenda than a media reform agenda. Only a few communication scholars and media activists started to pay attention to this particular issue. Supinya Klangnarong, secretary general of Campaign for Popular Media Reform (CPMR), disclosed that during the three years of drafting an organic law following Section 40 of the 1997 Constitution, neither the general public nor the state paid much attention to this section (personal communication, July 13, 2007). Therefore, the drafting committee of the law relating to Section 40 establishing independent regulatory agencies consisted of communication media scholars, legal scholars, and some other interested bureaucrats from PRD and PTD. Somkiat Onwimon explained that he, later an elected senator, was appointed to be on the committee of the parliament to draft the bill (the OFA Act of 2000), since many parliament members knew that he initiated the idea (personal communication, May 24, 2007).

It should be noticed that although the committee included some government representatives from the Office of the Prime Minister, the National Council of Security, and the military, they showed only a mild reaction to the issue, particularly the military. One reason could be that the military had an unpleasant image among the public after the bloody political crisis in May 1992. Aggressive reaction to the media reform issue was not a wise strategy. In addition, during 1997-2000 the media business groups and media workers had no idea what would be changed in the broadcasting system, since they paid little attention to it.

In conclusion, the 1997 Constitution not only initiated reform in Thai political institutions, but also initiated restructuring of media institutions. Prohibition of news censorship was mandated in the Constitution. Also, the concept of an independent regulatory agency was introduced for the first time. This included the first time that the Constitution guaranteed freedom of the press and protected journalistic integrity. Nevertheless, when the 1997 Constitution was enacted, several obsolete bills had to be amended and new bills needed to be promulgated. A significant one following Section 40 was the Organization for Frequency Allocation Act of 2000. Others were telecommunication and broadcasting business bills. The Organization for Frequency

Allocation Act or OFA Act aims to reconstruct the communication system. Its provisions include formation, responsibilities, and authority of the independent regulatory agency, and tools for regulating the telecommunication and broadcasting industry.

Before discussing the OFA Act of 2000 in detail in the next section, a depiction of the different but relevant bills are drawn so as to give the reader an ample comprehension of the legal framework of the Thai communication reform process. As shown in Figure 5.1, the anticipated process of communication regulation after the enactment of the 1997 Constitution was outlined. Section 40 of the Constitution required an enactment of three main organic laws; that is, the OFA Act of 2000, the Telecommunication Business Act of 2001, and the Broadcasting Business Bill.

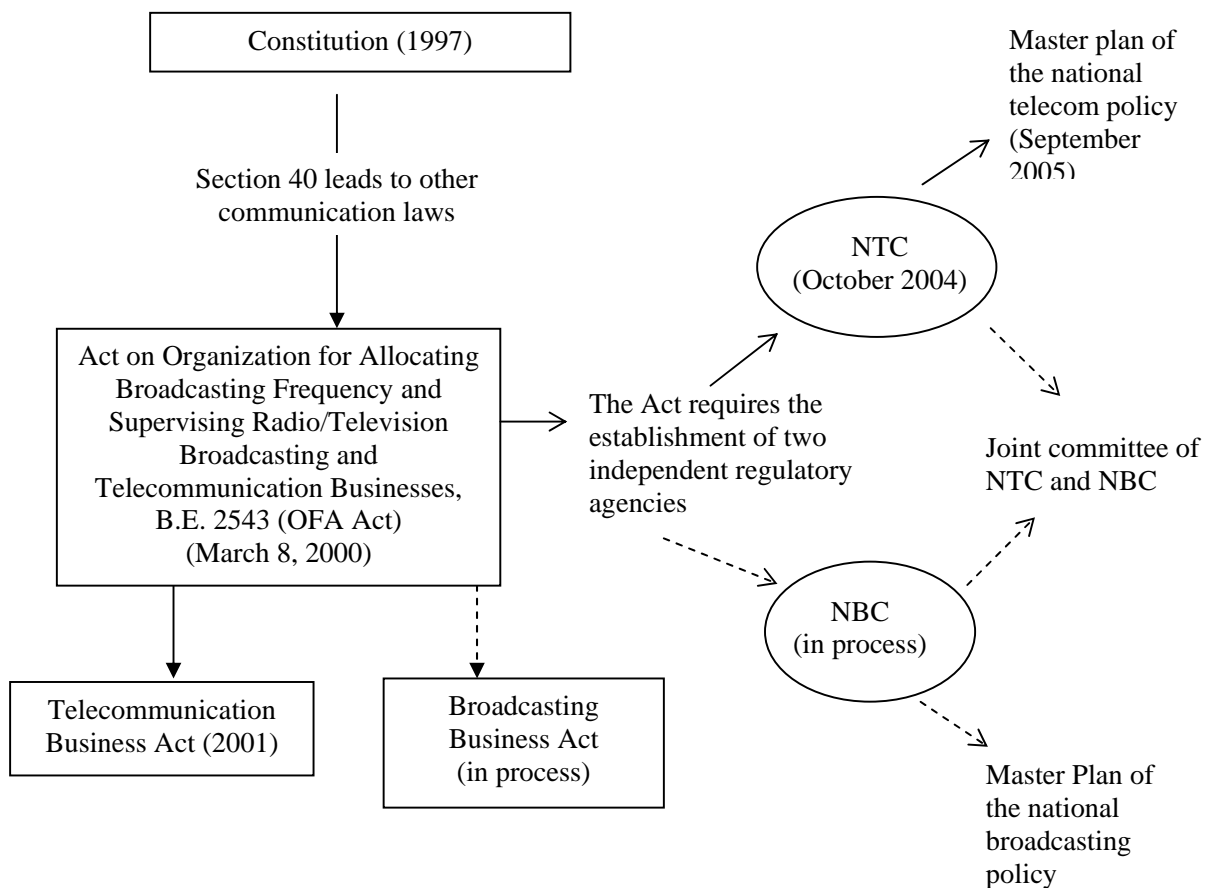


Figure 5.1: Regulation process of Thai communication reform (1997-2006)

During the past decade (1997-2006), only the telecommunication part of this plan was successfully completed, both the Act and the establishment of NTC. The dotted lines indicate that the process of broadcasting regulation, both legislation (Broadcasting Business Bill) and formation of an independent regulatory body (NBC establishment) was stalled. The delay also affected the whole communication system, since both NTC and NBC should have a joint committee to oversee the convergence of the telecommunication and broadcasting industries.

Organization for Frequency Allocation Act of 2000

The main issues concerning broadcasting reform are freedom of expression, radio spectrum reallocation and the new independent regulators. Since ownership and regulation structures were the main obstacles in liberalizing the broadcasting media, the Act on Organization for Allocating Broadcasting Frequency and Supervising Radio/Television Broadcasting and Telecommunication Businesses, B.E. 2543, or the 2000 Organization for Frequency Allocation Act (OFA Act) was enacted with the intention of creating a new regulatory agency which was expected to be independent from the state and business concessionaires. According to the 2000 OFA Act, radio spectrum allocation, granting licenses, ruling and regulating the communication system and industry all would be done under new regulatory agencies: National Telecommunications Commission (NTC) and National Broadcasting Commission (NBC).

The 2000 OFA Act consists of five titles: definition, NTC and NBC administrative offices, frequency management, evaluation of the regulators' performance, and relationship with the parliament and the government. Chapter I and II of Title II provide for the establishment of NTC and NBC; including their eighteen main missions (Section 23 and 51) as follows:

- To set policy and formulate a Master Plan for Telecomm/Broadcast Development
- To set criteria and categories of telecomm/broadcast services
- To permit and regulate the use of the spectrum for telecomm/broadcast services.

- To grant licenses for and regulate telecomm/broadcast services.
- To set telecomm/broadcast licensing requirements and procedures.
- To set standards and required technical specifications.
- To set interconnection principles and processes.
- To formulate a telecomm/broadcast tariff structure and services.
- To formulate and manage a numbering plan (NTC)
- To formulate criteria on consumer protection.
- To formulate measures to assure individual privacy and freedom in communication.
- To formulate criteria for protection and the right to provide telecomm/broadcast services.
- To formulate measures to prevent monopolization or unfair competition.
- To formulate measures to promote fair and free competition.
- To set rules on the establishment of NTC/NBC, personnel management, budget, finance and assets and other NTC/NBC's activities
- To approve NTC/NBC's expenses including a fund to be set aside under Section 51
- To submit its annual reports to the Cabinet, the House of Representatives and the Senate and make them widely known to the public.
- To give advices to the government on telecommunications services both on national and international levels (Act on Organization, 2000).¹¹

Both NTC and NBC have to set up a master plan for national telecommunication and broadcasting policy. It was the first time that the government master plans had to be open for public hearing and comment before being implemented. A telecommunication master plan was launched in 2005. The broadcasting plan was not yet drafted. The mission of these regulators was partly transferred from the duties of PTD and PRD. The new institutional structure of regulation was created to regulate the communication industry under the principles of market competition (free and fair), public accessibility and participation. It intended to solve the problems of a state monopoly in

¹¹ This Act was published in the *Royal Gazette* volume 114 Part 16(a), dated March 7, 2000. The researcher summarized and translated from a Thai version retrieved from the Office of the Council of State's website.

communication services as well as disengage the state-owned structure of the broadcasting industry. The 2000 OFA Act also required usage of broadcasting frequencies for different purposes. If the independent regulators had accomplished their missions, the application of broadcasting frequency would be divided into three purposes, commercial, state and public service, and community service. To make this possible, the current broadcasting frequencies, both television and radio, used by the state agencies (PRD, MCOT, military, etc.) have to be returned for rearrangement by the NBC. The law also required NTC and NBC to set up research and development funding to subsidize public and community service broadcasting. However, content regulation, ownership and concessions are not discussed in detail. All these issues will be delineated by the NBC. Although legislation reform led to several changes in the broadcasting system, the current operators and broadcasting services are still not affected by the new policy until the end of each concession or contract, as stated in the Transitory Provisions of the 2000 OFA Act. During the transition stage of establishing the NTC and NBC, neither new licensing nor broadcast frequency rearrangement is permitted (see Appendix D for more details).

The statements presented in the OFA Act of 2000 reflected the ideas of democratization of the communication structure: market competition, diversity, consumer protection, etc. It created changes in various aspects of communication, especially broadcasting structure; for instance, freedom of the press, distribution of the radio spectrum, creation of a regulatory body and its authority to acquire and allocate frequencies and grant licenses.

Table 5.1 compares the aspects of broadcasting policy and regulation between the old communication laws and the new laws including some parts of the 1997 Constitution. Prior to the promulgation of the people's Constitution in 1997, Thai legal framework of mass media allowed the state to monopolize the broadcasting media and limit press freedom. Closing down printing houses or broadcasting networks could be done by a ministry order, but the 1997 Constitution and the OFA Act of 2000 prohibit this action. Also, allocating radio frequencies is under the authority of the PTD; the 2000 OFA Act suspended the PTD and created a new IRA to rule and regulate the communication industry. This includes allocating radio frequencies, issuing licenses and ruling the telecommunication and broadcasting business.

Table 5.1: Side-by-side analysis of Thai broadcasting policy and regulation

<i>Issues</i>	<i>Before 1997</i>		<i>After 1997</i>	
	<i>Detail</i>	<i>Law</i>	<i>Detail</i>	<i>Law</i>
Freedom of the press	Registered or granted license by the state Power to close down the media (by state order)	Press Act of 1941, Broadcasting Act of 1955 (section 5)	Prohibits the state from closing down media Grants broadcast license by the new regulatory body	The 1997 Constitution (section 39) OFA Act of 2000
Possession of Radio frequency	The state resources, public utilities under the state control	Broadcasting Act of 1955, Telegraph and Telephone Act 1934	National communication resources for public interest	The 1997 Constitution (section 40)
Regulator	PTD, NBEC under PRD, Does not apply to military	Broadcasting Act of 1955, Radio communication Act of 1955	Independent regulatory agencies (NTC and NBC)	The 1997 Constitution (section 40) OFA Act
Acquisition of regulator	Appointed by the PM	Broadcasting Act of 1955 Ministerial rules	NBC selection panel, Finalized by the Senate	OFA Act (section 9, 10)
Allocation of radio spectrum	PTD Does not apply to Ministry of Defense	Telegraph and Telephone Act 1934, Radio communication Act of 1955	Joint committee between NTC and NBC	OFA Act (section 23, 51)
Broadcast licensing	PRD, does not apply to state broadcast operator	Broadcasting Act of 1955 (Section 14)	NBC	OFA Act (section 23)
Broadcasting operation	State, private concessionaires (commercials)	No law stated the proportion of broadcasting service	Proportions of the operation 20% community 40% state and public service 40% commercial	OFA Act (section 26)
Oversight	Office of PM, military	Ministerial rules	Annual reports of NBC and NTC the Parliament and the public	OFA Act (section 23)
Content regulation	NBEC	Broadcasting Act of 1955	NBC	OFA Act (section 23, 26)
Ownership and business	State(PRD, MCOT, military) plus private concessionaires	Broadcasting Act of 1955	States, private, public, community	OFA Act of 2000
Public participation	No law open for public participation in the regulatory process		NBC selection process, public hearings of NBC regulations and rulings	OFA Act (Section 9, 24)

Source: Vitit (1998); Constitution of Thailand (1997); the 2000 OFA Act.

A diversity of ownership structures was another focal point. Broadcasting operations, previously owned and operated only by the state agencies with some privileged concessionaires, are required to be divided among state (40%), business (40%) and civil sectors (20%). The last but most significant issue is the formation of the independent regulator. Previous laws allowed for a state regulator, but under ministerial rules or controlled by the politicians. The 2000 OFA Act tried to shape the regulating body by welcoming a variety of relevant stakeholders to participate in the formation of the new IRA.

Opening space for a variety of interest groups to participate in the selection of the Commission brought a new facet of state policy and regulation. It led to institutional restructuring, including regulation, management and operation. Regulation was not only a one-way force anymore. It was not simply command and control by government or its agencies, such as when the PRD acted as both a regulator and an operator. Rather there were various objectives and strategies. The policy decision making process allowed (by law) bargaining and interaction among stakeholders. Thus, not only were the government and industry agencies being regulated involved in broadcasting policy and regulation, but other parties had also jumped into the field. Several entities, whose agendas were included, when the law permitted more participants, were media professionals, communication scholars and non-governmental organizations.

Actually the struggle among the interested participants had occurred during the legal process of forming the Constitution of 1997 and OFA Act of 2000. For example, journalism professionals and communication scholars were successful in incorporating their ideas, i.e. separating regulatory bodies between telecommunication and broadcasting, in the 2000 OFA Act (Ubonrat, 2001; Supinya, 2000). The struggle has been more intense in the process of forming the regulatory bodies. More and more actors have tried to be involved in the reform, particularly in the selection of NBC's commissioners.

Broadcasting Business Bill

Whereas the battleground among the stakeholders focused on the establishment of the IRA, another legislative arena was drafting the Broadcasting Business bill because it

was a significant mechanism for ruling and regulating the Thai broadcasting industry. As mentioned earlier, the old Broadcasting Act is obsolete and there have been several attempts to replace it. During the decade of the reform (1997-2007), several bills were proposed and withdrawn; for instance, the Council for Broadcasting Professionals bill and the Public Service Broadcasting bill. Among those bills, the Telecommunication Business Act of 2001 and the Broadcasting Business bill are the most important mechanisms passed to facilitate the authority of the independent regulators, both the NTC and the NBC.

The Broadcasting Business bill was first drafted in 2001. It had caused controversy among various stakeholders, since there were at least 3-4 drafts arising from different interest groups. For more than five years, they all were in the process of deliberation and negotiation in legislative offices including public hearings. Its first draft initiated by the cabinet was put into a public hearing in July 2002 (“First public hearing,” 2002). Another draft was proposed by two members of the House of Representative from the Chatpattana party in 2003. Meanwhile, the Thailand Research Foundation (TRF) proposed some legal issues relating to broadcasting business from its media reform research projects (Jed, 2004). Those drafts were in the process of consideration and revision including public hearings again in 2004. The drafted bill is still at the Office of the Council of State today (Grisanaporn Soempanich, personal communication, July 24, 2007). Another draft of the Broadcasting Business bill was proposed by a minister supervising the Office of the Prime Minister in July 2007 (Office of the Prime Minister, July 10, 2007). This draft has been submitted to the Office of the Council of State for a later public hearing and revision. It should be reviewed together with the others. Still, there is no progress.

The main differences in the Broadcasting Business bills are types of operators, ownership, licensing, technology, financial support and some other rules. They separate three different types of operators based on their purpose: commercial, state or public service, and community service. This implies that when the NBC functions, all the broadcasting frequencies would be returned to the new regulator for reallocation with the proportions of business 40%, state 40% and community 20%. Different types would be charged different license fees and allowed different contents and commercials. The

definitions of each type needs to be clarified otherwise there might be trouble later, since some operators could take advantage from the ambiguity. Some argue that this should be the responsibility of the new regulator determined on a case by case basis (“First public hearing,” 2002). Meanwhile, MCOT also contends that it should be exempted from licensing and NBC regulating as in the PRD, since it is also one of the state entities providing broadcasting services for the public interest (“MCOT ignores NBC,” 2004). Another argument is whether the owners or executive directors of broadcasting operators and licensees or their clans could or could not be members of any state council, parliament, and the cabinet. This includes foreign ownership. An ongoing argument is whether the percentage of international shareholders should not exceed 25 percent or 49 percent.

Since the various proposals were drafted many years ago, the current bill, proposed in July 2007, also concerns the stagnancy of establishing the new regulator, NBC, as well as technological advancement and convergences (Office of the Prime Minister, July 10, 2007). Some issues are stipulated in the recent bill. For example, it includes satellite and cable broadcasting, which do not use radio frequencies, in the law; three kinds of licenses (public service, community service, commercial service) issued for 7 years for radio and 15 years for television. As the new regulator has not been established, the new provision stipulated a temporary commission for issuing one-year broadcast licenses. This temporary regulator will expire when the NBC commissioners finally function (Nongnart, 2007). An ad hoc committee aimed to solve the problems of thousands of illegal community radio stations and illegal local cable television stations while forming the new broadcast regulatory agency was sluggish.

To this point, the researcher has provided the legal framework of Thai media reform in the previous four sections of this chapter. The legal analysis demonstrates that media reform began at the institutional level, where reformation was anticipated to change the face of communication regulation. The creation of the new regulator intended to follow the concept of democratization with a prominence of an autonomous regulatory agency and freedom of expression. In one sense, the intention of this policy reformation was regarded as a good but idealistic assumption that when implemented could yield

different results. In the following two sections, the researcher provides details of the IRA, both the general concept and its formation in Thailand. Then, the analysis of stakeholders in the NBC selections is given so as to understand the interests or agendas of the stakeholders involved in this stage of institutional restructuring (i.e. the implications of the idealistic assumptions about an independent regulatory agency).

Independent Regulatory Agency

The idea of an Independent Regulatory Agency (IRA) is not new in the administrative systems of Western countries. An IRA is established with the purpose of enhancing the effectiveness of state services and at the same time of advancing the public interest. Nevertheless, an IRA is a very new structure in Thai public administration. The Thai public administration structure is borrowed from the British model. The executive branch is headed by the Prime Minister. A cabinet composed of 30-35 ministers administrates 18 ministries run by bureaucrats. Before 1997, all of the public service and regulatory duties had been in the hands of the ministry, either government departments or state-owned enterprises under the supervision of the ministries. For example, general elections have been the responsibility of the Ministry of Internal Affairs; corruption investigations have been the task of the Counter-Corruption Committee under the supervision of Office of the Prime Minister. These include broadcasting and telecommunication services and regulations. For telecommunications, the Telephone Organization of Thailand (TOT) and Communication Authority of Thailand (CAT), state-owned enterprises under the supervision of Ministry of Transportation and Communication, provided telephone services, satellite, internet and data transfers until they were privatized in 2005. For broadcasting services, PRD, MCOT, the military and others have provided service and regulated the industry, as outlined in Chapter Four.

State agencies and enterprises faced substantial problems during the past decade. This is not only the case in Thailand. In the late 1980s, economic booms and globalization trends put pressures on many governments in developing countries to privatize or liberalize state services and public utilities. They were accused of the inability to provide public services both in quality and in quantity. Many analyses found the bureaucratic system had also been a hindrance since it was a monopoly and could be

readily corrupted. Hence, proposals for reforming public service aim to alleviate corruption and to improve efficiency and social benefits, e.g. accessibility, affordability, and better service quality. Major models for the reform are privatizing and “increas[ing] the independence of [the] regulation of public and private monopolistic operators to increase their transparency... [this]...would increase political accountability of the regulatory role and thereby reduce corruption” (Estache et al., 2006, p. 1). In Thailand, the establishment of IRAs, especially in the communication arena, is also consistent with its commitments under the WTO basic telecommunications agreement—the fourth Protocol to the General Agreement on Trade in Services (GATS)—signed in February 1997. The commitments include opening its international telecommunications market by the year 2006, and establishing both a transparent interconnection regime and a separate regulatory body (Grey et al., 2002, p. 12).

In addition to the agreement with the WTO, the 1997 Constitution created eight IRAs and mandated organic laws to establish another six IRAs. Noppadol (2005) categorized the IRAs mandated by the 1997 Constitution and other relevant laws into four groups based on their tasks: jurisdiction, administrative ruling, advisory, and others. The first three groups are obligatory according to the 1997 Constitution whereas the last group is compelled in other laws following the Constitution. First, the objective of establishing IRAs for jurisdiction is to create special courts for judging particular issues. These include the Constitutional Court, the Administrative Court, and the Criminal Supreme Court for Politicians. Second, the IRAs for administrative ruling are intended to scrutinize and make decisions regarding particular administrative tasks, which should be independent from the council of the ministries; for instance, the National Election Commission, and the National Counter Corruption Commission. Third, the advisory IRAs are expected to support other executive tasks, such as the National Human Rights Commission. The last category is the IRAs established according to other laws. Their tasks are dependent upon particular laws. NTC and NBC are categorized in this group with their purpose of ruling and regulating telecommunications and the broadcasting system. Other IRAs in the last category include the Council of National Economics and Social Advisory, Anti-Money Laundering Commission, and the Consumer Protection Agency.

Vitsanu Varanyu (2007), a legal scholar and vice president of the Administrative Court, remarked that independent regulators actually are one part of state administration. Previously, the Thai government decentralized state services related to territory and materials through the formation of state agencies, enterprises, and elected councils. Examples of territorial decentralization are elected councils of Provincial Administrative Organization and of Tambon Administrative Authority—similar to a county council in the U.S. local governments. Examples of materials decentralization are state hospitals and state universities—as non-business models. Included were other materials decentralization undertaken by state-owned enterprises—a half-business model. The Thai government is familiar with decentralization of the public services particularly public utilities with a half-business model. For example, Bangkok Metro Bus, Electric Authority of Thailand, Thai Airways, Thai Telephone Organization of Thailand (TOT), Communication Authority of Thailand (CAT), Mass Communication Organization of Thailand (MCOT), are all under the supervision of the ministries. Still, the government has never allowed ruling and regulation power to be decentralized to other agencies outside the ministries (personal communication, August 15, 2007).

The reason behind establishing IRAs is to decentralize the regulatory tasks of the state in parallel to public service tasks, so as to elevate the effectiveness of problem-solving, and increase the transparency and accountability of governance. That the establishment of the NTC and NBC caused the status quo to see that they are going to lose power would be understandable, particularly since both the operation and regulation of telecommunications and broadcasting have long been in state hands. More importantly, these two industries involve billions of dollars of state revenues; therefore, the shift to the new regulatory bodies are apparently resisted (Vitsanu Varanyu, personal communication, August 15, 2007).

Whereas most of the IRAs were either nominated (by the judges for the jurisdiction IRAs) or appointed by the Senate and the Prime Minister, NTC and NBC are the only independent regulators for which the designation is complicated and involves a variety of stakeholders. Differing from the FCC in the U.S. and Ofcom in the U.K., the NBC was designed to welcome participation from various interest groups. While FCC commissioners are appointed by the President and approved by the Senate, the NBC

candidates are nominated by the NBC selection panel and approved by the Senate. Besides, the FCC chairman is the key person directing the FCC policy and regulation in the U.S. communication industry with the majority vote of the five commissioners. On the contrary, the NBC chairman is selected by an agreement among the seven Commissioners. He or she acts as a secretary general of the commission and the chief-of-staff at the NBC office. Policy and regulations come from discussion and consensus among the commissioners, not the chairman alone. The same structure and selection also apply to NTC, both its formation and the chairman's tasks (Sethaporn Cusripituck, personal communication, August 6, 2007).

As shown in Figure 5.2, the process of selecting the independent regulatory agencies consists of several steps and requirements. It was designed to retain participation from related stakeholders so as to refrain from a state monopoly. To create a panel for selecting NBC commissioners, the Office of Permanent Secretary of the Prime Minister's office is responsible for documenting, registering, and processing applications, as well as organizing the panel meetings. Since this was the first time ever to select commissioners, the process had to be, again, in the hands of the state.

Figure 5.2 also indicates the relevant stakeholders allowed to participate in the NBC selection panel. The panel consists of representatives from the states, communication scholars, professionals, and non-governmental organizations. Their mission is to nominate 14 NBC candidates to the Senate. The seven NBC commissioners, then, are approved by the Senate.

The researcher observes that on the one hand this is a new political opportunity for civil participation in the policy process. On the other hand, this focuses on the nomination of commissioners, while limiting and ignoring other debates such as accessibility of local and community groups in broadcasting networks, enhancing fair market competition, public service broadcasting, and so forth. In the next section, the researcher discusses the involvement of those stakeholders in the process of establishing the NBC in detail so as to demonstrate how the formation of an IRA was implemented and what the key debates were among different stakeholders.

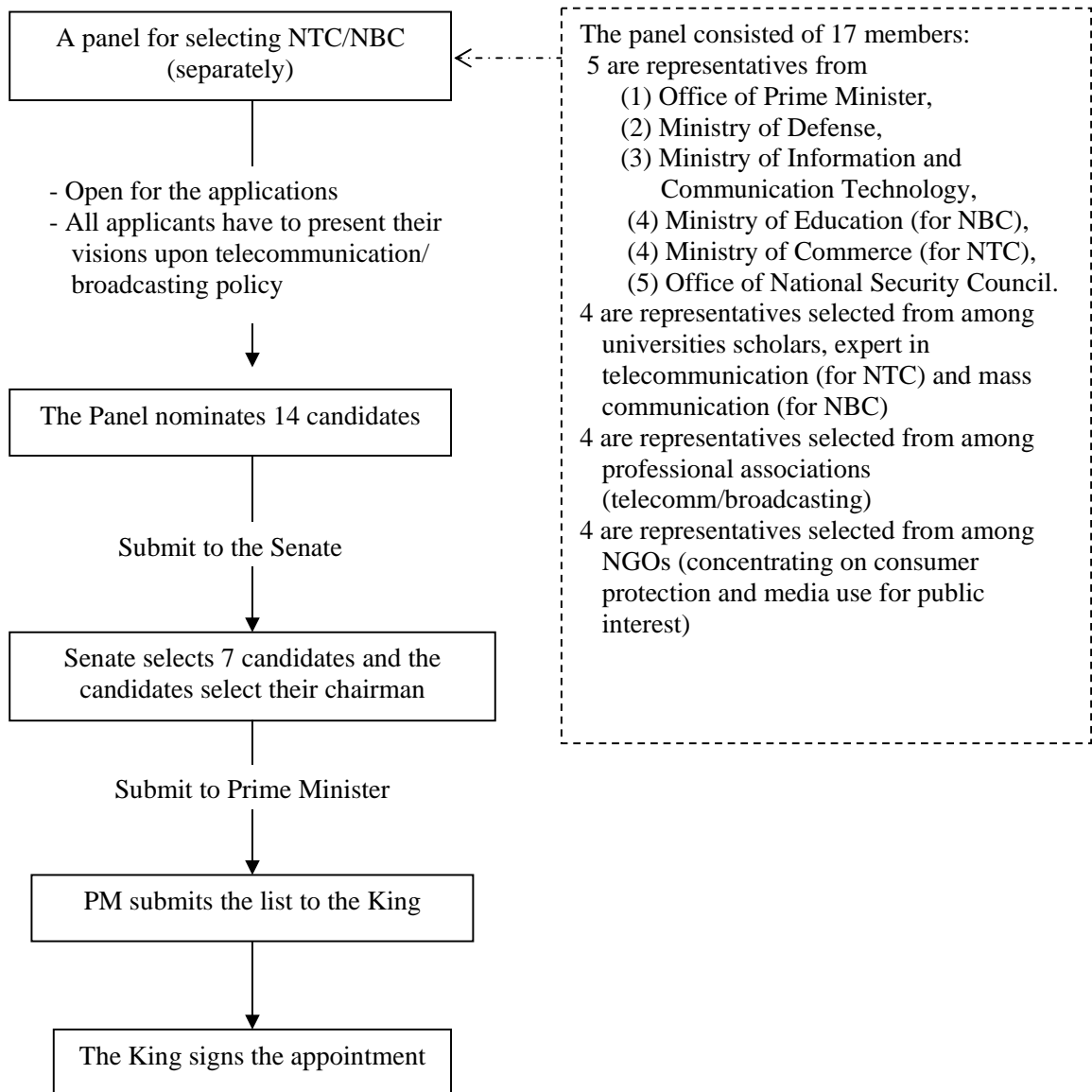


Figure 5.2: Selection process of the NTC and NBC

Stakeholder Analysis

As stated above, after the promulgation of the 1997 Constitution few entities paid attention to the new regulator. After the enactment of the OFA Act in 2000, relevant interest groups started to realize the impact of this law and the enormous opportunities for changes in the communication structure. Extensive involvement of the stakeholders

finally came during the process of selecting the NBC and drafting the Broadcasting Business bill.

Stakeholders are any individuals or groups who can affect or be affected by the policy, strategy, outcome, or organizations' performance. Main attributes of stakeholders are power and legitimacy (Mitchell et al., 1997). Each stakeholder had his or her own interests and agendas and accepted that not all of those would be accomplished. They differed in desires or intentions in terms of policy goals and motives behind broadcasting reform, such as economic motives or market forces, competition, diversity, freedom of expression, public accessibility and participation. In addition, broadcast policy development has various aspects, such as ownership, licensing, operating and service, technology and standards, pricing and fees, funding, content, advertising, etc. Each issue is emphasized and interpreted differently among different stakeholders. Though these issues had been broadly discussed, they required further details in the national broadcasting master plan and the implementation after the establishment of the Commission. The struggle, therefore, started at the selection panel because the stakeholders realized that the more of their own men they could nominate to the NBC, the greater the chances they would have to control broadcasting policy later. As Rowley & Moldoveanu (2003) observed, the stakeholders mobilized to ensure that their interests (either economic or political) would be included and protected.

As explained in Chapter Three, stakeholder analysis is one of many methods employed in policy study. Since public policy is most often a compromise or the result of negotiation among conflicting interests, stakeholder analysis is an analysis of the power structure of stakeholders involved in a policy decision-making process (Majchrzak, 1984). Mitchell et al. (1997) noted that stakeholders could be either powerful or powerless and could have either more or less interest in a policy. This analysis is widely used in organizational research and evaluation. It is also useful in analysis of public policy, as the success of public policy and public organizations depends on the satisfaction of key stakeholders according to their concerns of what is valuable (Bryson, 2003). To understand the reform of Thai broadcasting, stakeholder analysis could be a meaningful method to discover who is involved in the policy reform process, what their interests are, and what their strategies are in influencing the reform. Specifically, it

should address the research question of which interest groups were involved in the reform of the Thai broadcasting structure.

Classification of Stakeholders

Majchrzak (1984) suggested an analysis of stakeholders starting with identifying key stakeholders. Table 5.2 provides a list of all stakeholders in Thai broadcasting reform, according to the 2000 OFA Act and news coverage (during 2000-2006). The list of stakeholders is based on the category of internal entities or actors influencing broadcasting policy (recall Figure 2.1 showing the context of communication deregulation in Chapter Two). It should be noted that external entities such as international organizations (WTO, IMF, and ITU), transnational media corporations and international NGOs are excluded.

Table 5.2: List of the Thai broadcasting stakeholders

<i>Category</i>	<i>Organization</i>	<i>Involvement</i>
<i>Politics</i>		
Parliament	- House, Senate	- policy decision makers, legislature
Executives/Cabinet	- PM, Ministry (Office of PM)	- decision makers, regulator
Bureaucrats	- PRD, PTD, MCOT	- regulator, broadcast operators
Military	- Army	- broadcast operators
Court	- Courts	- policy decision makers, regulator
<i>Business</i>		
Concessionaire	- BBTV(channel 7), BEC(channel 3), UBC (cable TV), ITV, etc.	- broadcast operators, licensees, concessionaires
Content providers	- Entertainment media companies, News agency companies	- content providers, probably future operators or concessionaires
<i>Public/civic groups</i>		
	- Academic/scholars	- researchers and policy proposers
	- Labor union & professional associations	- media employees, policy proposers (concerning press freedom)
	- Media reform movements	- policy proposers (citizen media)
	- NGOs in democratic advocacy and consumer protection	- policy proposers (democracy, public concern)

As discussed in Chapter Two, the model of the broadcast policy-making system for the United States identifies six key stakeholders who determine communication policy and regulation. Those determiners are the FCC, Congress, courts, the Executive Branch, regulated industries and citizen groups. Although a policy decision emerges from

the interaction of some or all of these key stakeholders, the Congress is regarded as the most powerful determiner (Krasnow et al., 1982). Key stakeholders in Thai broadcast policy were compared to this broadcast policy-making model, although their mission and authority might slightly differ from the American model. Thai NBC was the regulator acting similar to the FCC, Parliament or the legislature equates to Congress, and the Prime Minister and the council of ministries (the executive branch) exercises its authority similar to the Executive Branch. The courts, the regulated industries and citizen groups were classified in the same categories. Since the Thai broadcasting system was in the process of restructuring, a key determiner, NBC, was not fully established. The list of the stakeholders in Thai broadcasting policy therefore excluded this entity, as the selection of the commissioners was in process and itself was the battleground for a power struggle. Hence, the establishment of the commission itself demonstrated bargaining and interaction among the stakeholders.

The list of stakeholders is categorized into three groups (see Table 5.2 for details): 1) political groups, composed of the legislature, executive branch, bureaucrats, and the military; 2) business or industry groups, consisting of the broadcasting concessionaires, and broadcasting production companies; and 3) public or civic groups, including communication, public policy and legal scholars who were involved in the reform, media employees and professionals, media activists and other non-governmental organizations interested in democratic values and consumer protection.

Power and interests

Not only the stakeholders' involvement, but also their power and interests should be considered. The power of the stakeholders is elucidated by decision making, resources at hand and their ability to mobilize resources, and their accessibility to policy decision makers (Majchrzak, 1984). Power is defined by Max Weber (1947) as "the probability that one actor within a social relationship would be in a position to carry out his own will despite resistance" (as cited in Mitchell et al., 1997, p. 865). In other words, it is the ability of the stakeholders to possess enough resources to make the outcomes they desire happen. The stakeholders exercise power based on the type of resources: physical resources, financial resources, and symbolic resources. Physical resources such as

physical sanctions, forces and violence are ascribed as coercive power. Financial resources including material means, money, goods or services constitute utilitarian power. Symbolic resources are neither a physical threat nor a claim on material rewards; rather, they embrace normative symbols such as prestige, esteem and social symbols of acceptance. Therefore, they are the main resources of social power (Etzioni, 1964, as cited in Mitchell et al., 1997)

In addition to power, each stakeholder differs in their interest in, desires, and attention to a particular policy. Rowley & Moldoveanu (2003) explained that a stakeholders' degree of discontent or feeling of urgency is the primary condition driving them to influence the organizations. Stakeholders will mobilize to protect or enhance their interest. Interest is viewed as their assumed "preferences based on [typically] economic utility maximization guiding their behavior" (p. 206). Interest can take many forms such as legal or moral right, legal title, or ownership. Having a stake or interest, the stakeholders are affected (either benefited or harmed) by the organizations' policy and actions because they bear some risk in relation to the organization. Oftentimes rational or economic interests might guide stakeholders to make cost-benefit decisions to protect their interests. Still, many collective actions of social movements are not based on economic benefits alone. In some cases, interests might be based on shared belief or dogma, affiliation, or common identity. These shared perceptions and feelings of solidarity among members of the stakeholders could also guide them to protect their interests (Rowley & Moldoveanu, 2003, pp. 206-8).

Bryson (2003) suggested four groups of stakeholders based on their interest and power: (1) *subjects*, who have low power but high interest in the policy, (2) *players*, who have both high power and high interest in the policy, (3) *crowd*, who have both low power and low interest in the policy, and (4) *context setters*, who have high power but low interest in policy. Figure 5.3 indicates the stakeholders of Thai broadcasting reform in terms of power and interests.

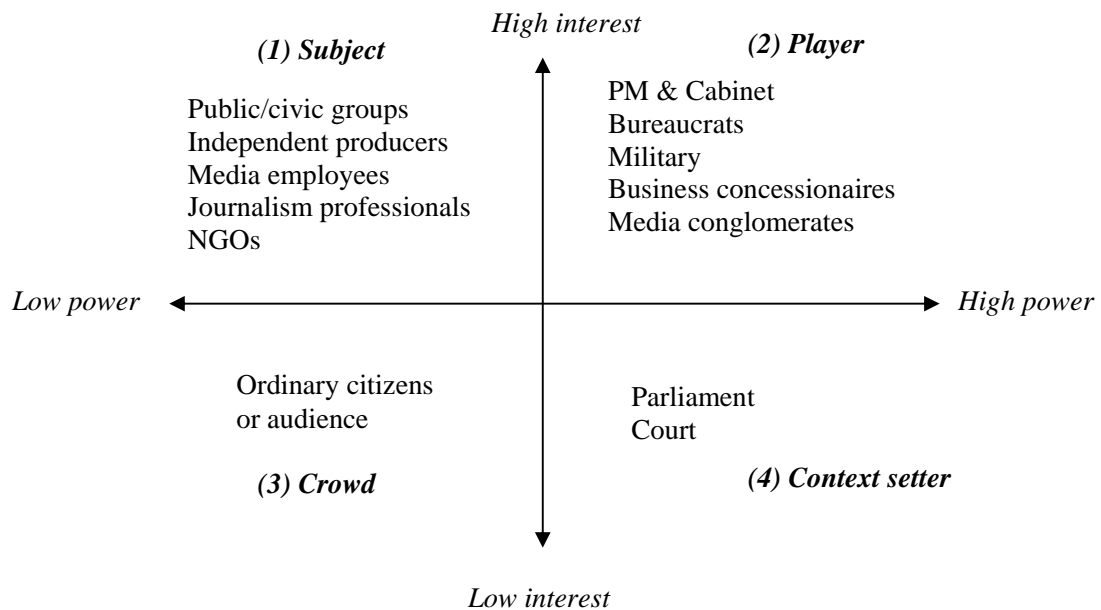


Figure 5.3: Power and interests of the stakeholders in Thai broadcasting reform

Subjects (1) are the public or civic groups, small program production companies, media employees, journalism professionals, media reform movement, and NGOs. These groups have a high interest in the reform of broadcasting, since it would impact their jobs and their concerns regarding media policy (i.e. freedom of expression, public sphere, and public accessibility). For example, the civic groups comprised of communication and public policy scholars are interested in reshaping the broadcast structure and institutions. Also journalism associations and media advocacy groups, such as press councils, reporter associations, labor unions, broadcasting professionals associations, and other non-governmental organizations, are interested in releasing the broadcasting media from the state's hands.

Another civic group is composed of non-governmental organizations concerned with democratic values and consumer protection. Their interest is not economic incentives. Rather it is driven by the shared belief in media democratization and public participation via mass media. The reform is viewed as the goal of democratization or liberalization of the broadcasting media so as to enhance the accessibility and diversity of public airwaves. In addition to academic and media activist groups, independent producers and media employees are placed in this group, due to the impact of

broadcasting reform on their jobs. Although the subjects are interested in reform, their power is less than the players and the context setters. Analysis of these media advocacy groups will be undertaken in the next chapter.

Players (2) are those with high power and high interest in the policy. In Thai broadcasting reform, these status quo actors still have high power and a high interest in the broadcasting arena, even after the 2000 OFA Act of 2000 opened ways for the participation of other stakeholders. Majchrzak (1984) elaborated that the players' power comes from their influence in decision making, and their connections and relationships with the status quo. Some of them are even those in power. Thus, their resources are readily available, they have no doubt in their ability to mobilize resources, and they have accessibility to decision makers. Their interests are more driven by economic incentives. Bureaucratic groups, both civil servants and the military have resources at hand since the broadcasting media is still under their control. Some of them have authority to change their own broadcast media in hand, such as the Army, PRD, and MCOT (which is now privatized and has become a public company trading its stock in the market). For instance, the Army planned to create a public company, named RTA, for operating television Channel 5 ("Army plans," 2004); PRD permitted a private company to operate new satellite TV channels—11/1 and 11/2—without open bids ("Army and PRD ignore," 2004). Some entities still have authority in broadcast regulation and licensing due to the lack of a new regulatory body, such as the current NBAC of the PRD. Others even have responsibilities in the NBC selection process, such as Office of Permanent Secretary of the Prime Minister's Office acting as the secretarial office in selecting the new National Broadcasting Commission.

Broadcasting concessionaires are also considered to be in this group due to their close connection with the states through the granting of concessions, i.e. high potential accessibility to decision makers. Moreover, some large media conglomerates, either by leasing air time or operating stations, also have interest and power, since they could be the future broadcast operators after the establishment of the new regulator. For instance; the Grammy group, a large recorded music and entertainment content provider, planned to apply for a license for a new free television station ("Interview Paibul," 2003). Some of them have close connections or relationships with private concessionaires, politicians

and ministers. For example, an executive of BEC, a concessionaire of TV Channel 3, was rewarded a ministry position in Thaksin Shinawatra's cabinet, and the BBTV extended its contract for television channel 7 with RTA without any rivals.

Crowd (3) is the audience or ordinary citizens affected by the broadcasting reform. This group has both less power and less interest in the policy. Broadcasting policy is typically regarded as being far from day-to-day life, compared to other public policies such as social welfare, taxes, finance, and trade. Therefore, it is not surprising that ordinary Thai citizens and audiences have little concern about changes in broadcasting media. A professor in communication studies told the researcher that the general Thai public "don't give a damn" about what is going to change, as long as they are able to watch their favorite Thai drama and listen to popular songs or their favorite radio programs (personal communication, May 17, 2007). This idea was confirmed by other interviewees. Some also went into detail that though many Thai people are concerned about the quality of television and radio programs, they would do nothing except grumble (personal communication, June 5, 2007).

Context setters (4) are the high power group involved in the policy-decision making, but have less interest. The parliament and the court are categorized in this group because they have power through policy making decisions. They also have plenty of other concerns that they perceive to be more important than broadcasting issues. Therefore, broadcasting is not prioritized as of the highest importance compared to economic problems, fiscal budgets, trade, and other critical social problems. For example, the Senate has responsibility in selecting seven out of the fourteen candidates to be the National Broadcasting Commissioners. After pressure from media advocacy groups concerning the ambiguity of the NBC selection process, the Senate set up a committee to scrutinize the problem of the selection process and filtered the qualifications of the 14 nominees in 2002. In this case then, the Senate could be considered a decision maker.

In addition to the Senate, the court also played an important role in decision making. Amidst the investigation of the Senate's committee, two NBC candidates separately sued the NBC selection panel and Office of Permanent Secretary of the Prime Minister's office. The first suit was concluded with the Supreme Administrative Court's order in February 13, 2003 that the selection process was unlawful due to conflict of

interest between some selectors and the nominees (“NBC stagnant,” 2003). After the second round of selection, another candidate also filed a law suit against Office of Permanent Secretary of the Prime Minister’s Office; and the Court order was quite similar to the first verdict (Mongkol & Ampa, 2005) with the result that the establishment of the NBC ceased.

Importance and Influence

Despite the determination of the stakeholders’ power and interests, one should not neglect their importance and influence (Morse & Struyk, 2006) because the possession of resource power makes a stakeholder important to the organization (Mitchell et al., 1997). The importance of stakeholders is indicated by their responsibility for and influence on the particular policy. The importance of stakeholders is determined by a claim and their ability to influence. That is, they have a legal, moral or presumed claim on the organization and have ability to influence the direction, process or outcome of its policy (Mitchell et al., 1997). In Thai broadcasting reform the most important stakeholders are those who make final policy decisions. They are the Senate, the Prime Minister and the Court. They all have a legal and presumed claim and ability to influence policy decision making. The Senate has to make final decisions in selecting the commissioners and the Prime Minister has to submit the seven nominees for appointment by the King. However, the Court also has authority to judge a case if it comes into consideration.

Although the Senate and Prime Minister have a great deal of influence on the establishment of the NBC, their power is not absolute. During the process of NBC selection, other stakeholders could have an impact on policy decisions such as bureaucrats, business concessionaires, and media advocacy groups. Their influence on broadcasting reform supports rather than opposes the restructuring. However, their desires regarding the restructuring details are somewhat different. Whereas media business groups and some state-owned enterprises support privatization and a business scheme, civic groups and media activists—such as journalism professionals, academia, non-government and organizations—are likely to support democratization, free speech for broadcast media, alternative media and wide participation.

Joompol Rodcumdee (2007), a former dean of a leading communication college in Thailand and a member of the NBC selection panel, clarified that there were two main groups of stakeholders trying to influence the establishment of the NBC. The status quo, namely state broadcast operators, private licensees, and the military, do not want to lose their power of controlling the broadcasting media. They have applied every effort to keep their media in hand or at least to partly control the NBC. The second group is the media activists and journalism association eager to democratize the broadcast media, because they believe that liberalization from state hands could lead to better public accessibility and better freedom of expression, which, in turn, would enhance the public sphere and the country's democracy. Communication academics support the media activist groups, due to their ideology of media democratization and proposed media roles in democratic society (personal communication, June 8, 2007). Still, the first group has more power and interests than the second group to influence policy reform in their direction.

One example supporting the military stance was news coverage of a military plan after the establishment of NBC. According to the report, the military claimed that it was essential to continue ownership of broadcast stations for national security, emergency reporting, and public relations. The Army might consider returning around fifty stations (of more than 200) for reallocation, while others, Headquarters, Navy and Air Force, claimed that most of their frequencies were utilized for national security since they were located near a national boarder (Kongdej, 2001). Major General Surasak Kanjanarat (2007), Director of Civil Affairs, Royal Thai Army, explained that the revenue from broadcasting operations does not need to return to the government. The Army needs it. The use of that budget is for military tasks, the countries' emergency preparedness, and military welfare. He explained that:

“We need radio stations for national security, military public relations, and emergencies. If we returned the frequencies today, later we would have to ask for a higher state budget for publicity; and the achievement of military operations demanding extensive public cooperation would be more difficult. With the revenue we are more flexible in our operations, particularly, when any crisis or emergency occurs. However, I do agree that some stations, at the beginning, were established to support political and economic purposes of some Army Generals.

Some units enjoyed gaining revenues from licensing and leasing airtime rather than operating for national security or publicity purposes; this should be altered” (personal communication, July 27, 2007).

Strategies of the Stakeholders

The strategies of the stakeholders to influence policy decision making are different. The *subjects* such as civic groups and media activist groups put pressure on policy decision makers through conferences, meetings, publicity, and submission of formal petitions. Media activist groups put pressure both directly and indirectly on decision makers, such as by publicizing the unaccountability of the NBC selection, lobbying some senators to investigate the selection process, submitting petitions to the PM and other authorities, and appealing cases for the court’s consideration.

In contrast, the *players* who have high power also have high influence in the reform. During the selection of the new regulatory agency, the 2000 OFA Act stipulated the representation from a variety of relevant interest groups. But before selecting the commissioners, all of them began to fight for their space in the panel. Among 17 members of the NBC selection panel, the state—bureaucrats and military—already has five seats (see Figure 5.2). The four representatives from media professionals were those nominated by private concessionaires and media business groups. Choosing the four media professionals for the NBC selection panel was chaos. The Thai Journalist Association (TJA) accused the broadcasting business associations of setting up hundreds of associations to dominate the nomination, whereas the broadcasting business associations claimed that TJA had nothing to do with broadcasting because they were print media professionals (Jamnan Siriton, personal communication, June 26, 2007). Finally, the four representatives came from television and radio broadcasters who have close links with the military (former Army executive board of TV Channel 5) and private concessionaires (Channel 3 and military radio stations).

This later group led to the concerns about conflicts of interest, since some NBC nominees and some selectors were former executives or advisors of the same broadcasting stations or the same companies. For example, two of the seven NBC nominees were a retired Army General and a broadcasting advisor (both are on the

executive board of TV Channel 5), while one member of the selection committee, nominated under the media professionals' quota, is the director of TV Channel 5. Another member of the selection committee, under the media professional quota, is an employee of BEC, a business concessionaire operating TV Channel 3, whereas two of seven NBC nominees are board members of BEC. According to the Administrative Court's verdict in February 2003, the committee did not exclude those officials who had a conflict of interest from voting on candidates with whom they had business relationships. Two selection committee members had relationships with four of seven candidates in a way that caused unfairness in the selection (Kasinee, 2003).

Additionally, other state agencies, the *players*, ignored the new regulator. Some avoided being under the control of the NBC. For example, the Public Relations Department claimed that it should be exempted from the control of the new NBC, according to a law creating the PRD (Direct General of PRD, personal communication, July 23, 2007). MCOT, a state-owned enterprise, finished its privatization without the new regulator, despite its control over two free TV stations, one subscribed TV station and more than 60 radio stations around the country. MCOT claimed that it had to be privatized due to the government plan of privatizing state-owned enterprises; thereby, NBC had nothing to do with its business ("MCOT ignores NBC," 2004).

The selection process for members of the NBC selection committee failed completely. On February 13, 2003, the Supreme Administrative Court upheld the Lower Administrative Court's ruling to withdraw the process because there were business interests among some selected committee members. Some of the committee members then resigned (two NGO representatives and two communication scholars), but the others insisted on staying put and continuing with the second round selection. NGOs, the academia and journalism professionals had demanded the resignation of the whole selection committee so that the entire process could be restarted, this time with more accountability ("NGOs slam NBC panel," 2003). There has been no response from the remaining selection committee members or Office of Permanent Secretary of the Prime Minister's office who acts as the coordinator in the process (Thai Journalist Association, 2004). Rather, the secretarial Office continued the second round selection by asking other NGOs and mass communication academia groups to choose delegates to replace those

who had resigned. The second round selection went to a list of seven nominees with the PM's approval. Noticeably, the seven nominees in the second round were almost the same as the 14 nominees of the first round. Those who were accused of conflict of interest in the first round were still nominated in the second round by the committee members. Then again, the Office of Permanent Secretary of the Prime Minister's office was sued by an NBC candidate. The Administrative Court's verdict upheld the candidate resulting in nullifying the NBC establishment again (Mongkol, 2006). Consequently, the *context setters* (the court and the parliament) are the most influential stakeholders in the phenomenon.

One contention among stakeholders was whether to let the NBC nominees function with close oversight or whether they should not function because the selection process was not transparent. The nominees serving in the first Commission should be independent and accountable with no conflict of interest whatsoever, since it will set the groundwork of the broadcasting system for the next decade. The first viewpoint was supported by many media business and broadcasting operators, since their business was affected by not having the NBC. An executive producer of TV drama groused about how he could set his five-year strategic and investment plans if the NBC establishment was still uncertain ("Will I have my career next year?," 2001). Conversations between the researcher and two executives of media production companies repeated the same concerns (personal communication, May 28 and June 14, 2007). In contrast, the second viewpoint was advocated by journalists and some NGO groups because they projected that if the unaccountable commissioners were allowed to function, the future of the broadcast system would be dark and reform of broadcasting media would not be achieved because those candidates are the nominees of the status quo (Thepchai Yong, personal communication, June 12, 2007).

To summarize, when the principle of the policy was implemented, the experience indicated that media democratization is only partly fulfilled with participation and contention among stakeholders without open and fair competition. The debates among stakeholders were around legal issues and formation of an independent regulator. Perspectives on the reform among different stakeholders were different. As elaborated in

Chapter Two, there were two different perspectives on regulation: one stresses diversity of opinion, the public right to communication, and freedom of expression; another supports the government social services scheme. While media advocates, communication intellectuals, journalism professionals and NGOs shared the same ideas of free speech, public accessibility and diversity of ownership, the perspectives of the bureaucrats, military and business entrepreneurs were on retaining their control of broadcasting operations and regulation for the reasons of national security, unification and government service.

Media Reform after the 2006 Coup

Policy making is typically affected by political forces. The media reform process in Thailand could not avoid this fact. Unexpected political situations and changes in major policies can occur at any time, particularly during a stage of political transition. While the researcher was starting her dissertation, a political twist in September 2006 led to the suspension of the 1997 Constitution and the stagnancy of the process of the NBC establishment. In this section, the researcher provides the current situation of media reform after the coup in 2006.

On September 19, 2006, a military group called the Council for Democratic Reform (CDR) led by the Army Commander-in-Chief General Sonthi Boonyaratglin, ousted PM Thaksin Shinawatra from power. Troops were positioned throughout Bangkok, including the Government house building and other main sites. Like most of the previous 19 coups since 1932, there was no violence (“Coup d’etat in Thailand,” 2006). As is usual, when the coup d’etat occurred, the military council televised and declared martial law nationally. Every free television station was asked for cooperation to broadcast the signal from the military-owned television station, Channel 5. Each interrupted regular broadcasting with patriotic music; then, every network broadcasted footage of the royal family and music composed by the King prior to the martial law announcement. Live local and international television news was restricted, especially cable televisions subscribing to CNN and BBC. Only those who owned satellite dishes could view international news (Shah, 2006). However, every free and cable television was back to normal programming twelve hours later (“Coup again in 15 years,” 2006).

It is no surprise that one of the most immediate measures undertaken by CDR was a ban on media, since the seizing of broadcasting media, especially television stations, had happened in every coup. Most broadcasting media were asked to curtail some of their broadcasting materials. Broadcasters were ordered not to broadcast any critics of the military's ousting of PM Thaksin and his cabinet. The Ministry of Information and Communications Technology asked webmasters to close political web boards found to contain provocative messages for two weeks ("Media control," 2006). In addition to martial law, other prohibitions were announced, including a ban on all meetings of more than five people, a restriction on the formation of new political parties, and the blocking of certain political activities. The coup caused not only an end of Thaksin's power but a nullification of the 1997 Constitution. CDR later announced an interim Constitution; it then appointed a 200-member National Legislative Assembly, and a 100-member Constitution Drafting Assembly. A former Supreme Commander and a member of the Privy Council, General Surayud Chulanont, became an interim Prime Minister with the goal of setting up a general election within a year. The leader of CDR, General Sonthi joined General Surayudh's cabinet as the deputy prime minister in early October 2007, days after he retired from the Army.

Some critics differentiated this coup from the previous coups in that the CDR seemed to touch carefully public liberty and press freedom. There was no sign of prohibiting reporters to do their job or putting them in jail. Neither was there closure of printing houses nor censorship of newspaper reports. Instead of suppressing the journalists, CDR applied a softer tone by asking for "cooperation" (Apichat, 2006, p. 6). Two days after the coup, several media freedom advocates submitted a petition letter to CDR requesting continued media reform (Thai Journalist Association, 2006). The researcher's conversations with media scholars, former senators and media reform advocates confirmed that there had been a negotiation regarding appointing NBC Commissioners with a condition that the military council would enlist the commissioners instead of continuing the process of selection. Still, there was no conclusion and the focal issue was on the new Constitution.

Throughout the year 2007, the Constitution Drafting Assembly held several meetings and public hearings on a variety of issues, including public rights and media

freedom. Many political and legal scholars including media reform advocates urged the panel to adopt several legal frameworks from the 1997 Constitution. After ten months of drafting, on August 19, 2007, Thai constituents voted for the new Constitution with 60 percent approval. This Constitution has several provisions different from the previous Constitution, but the researcher focuses on the clauses concerning freedom of expression and media freedom.

The 17th Constitution conveyed particular sections of media reform and freedom of expression, with very little difference from the previous Constitution of 1997. Section 45-48 in Part 7 of the 2007 Constitution read similarly to those in Section 39-41 of the 1997 Constitution (details in Appendix C). For example, Section 45 mostly copied Section 39 of the previous Constitution which guarantees freedom of expression, but added another paragraph:

“The prohibition of a newspaper or other mass-media business from presenting information or expressing opinions in whole or in part or imposition of interference by any means in deprivation of the liberty under this section shall not be made except by virtue of the law enacted under paragraph two” (Pinai, 2007, p. 19).

Also, Section 46 copied Section 41 of the previous provision concerning journalistic integrity by adding that media professionals “have the right to establish organizations protecting rights, liberties and fairness and establish self-regulatory mechanisms within professional agencies” (p. 19). This includes preventing political interference from the state and business owners as stated:

“Any act of a person holding a political position, a State official or a business owner which, whether directly or indirectly done, impedes or interferes with the presentation of news or the expression of opinions on a public issue by persons under paragraph one or paragraph two shall be deemed as an intentionally undue exercise of powers and duties and shall be of no effect, unless done in compliance with the law or professional ethics” (p. 20).

Section 47 contains similar ideas about an independent regulator and allocation of radio frequencies as in Section 40 of the previous Constitution. Moreover, avoidance of mergers or market dominance is stipulated in this new version as follows:

“In exercising supervision over the operation of businesses under paragraph two, there shall be measures for preventing any merger, cross right-holding or market dominance amongst mass media businesses or by any other person, which has the effect of impeding the liberty of the public in perceiving information or of obstructing public access to a diversity of information” (p. 20). Section 48 of the 2007 Constitution is newly added, i.e. it did not appear elsewhere in the previous Constitution. This section aimed to do away with the practice of politicians’ owning communication mechanisms as stated that,

“A person holding a political position shall not own or hold shares in a newspaper, radio or television broadcasting or telecommunication business, whether in his or her own name or through his or her nominee or through other direct or indirect means enabling the management of such business in a way akin to owning or holding shares in such business” (p. 21).

In summary, the current Constitution stipulates some slight differences of liberty in expression and mass media from those of the 1997 Constitution. That is; it (1) establishes a single independent regulatory agency to regulate the whole communication system—both telecom and broadcasting, (2) allows mass media workers to create self-regulatory mechanisms, (3) prevents market dominance or cross holding of media business, and (4) prohibits those who hold political positions to own or have authority to operate newspaper, broadcasting, and telecommunication businesses. The proposal for a single regulator—National Broadcasting and Telecommunication Commission (NBTC)—to replace the two separate regulators (NTC and NBC) has been extensively discussed in various public hearings. Two reasons of melding the existing NTC and the soon-to-come NBC into a single regulator are convergence of communication technology and the five-year prolongation of NBC establishment. At the same time, prohibiting politicians’ ownership of mass media and telecom business in Section 48 could stem from the previously immense power of a communication tycoon, the former Prime Minister Thaksin Shinawatra.

The promulgation of the 2007 Constitution mandates the amendments of the OFA Act of 2000, Telecommunication Business Act of 2001, as well as the Broadcasting

Business Bill. The main discussion among media reform advocates involves the amendment of the 2000 OFA Act. A model of one independent regulator, proposed by Somkiat Tangkitvanich of TDRI, is that the NBTC board will consist of nine commissioners; three will be from the telecom sector and three from the broadcasting industry, plus one representative each from the economic, consumer-protection and legal fields. The commissioners will serve terms of six years. Once the commissioners select a chairman and two vice chairmen, the other six commissioners will be divided into two groups to form the telecom and broadcast screening committees. But only the NBTC board will have the authority to issue or revoke licenses. There will also be a new process of selecting commissioners to ensure transparency; still the Senate will finalize the nine commissioners from a list of eighteen candidates (Usanee, 2007). In addition to NBTC, the Broadcasting Business Bill, on being drafted, will regulate satellite and cable broadcasting enterprises that do not use radio frequencies. It will also specify three kinds of license (public service, community service, commercial service) with seven years for radio and fifteen years for television.

However, through the end of 2007, the amendment of the 2000 OFA Act and the Broadcasting Business Bill were still being deliberated in the National Legislative Assembly. While the general election in December 23, 2007 inducted a new set of Parliament members (both the House and the Senate), the establishment of NBTC and new regulation of both telecommunication and broadcasting businesses still has no conclusion (“NBTC delayed,” 2007).

In addition to the laws, the interim cabinet in 2007 has also planned several changes the broadcasting media. iTV channel is an example. After ITV Company failed to pay the concession fee to the state, the Office of the Prime Minister revoked its license and changed the channel to TITV (Thai Independent Television). Public service broadcasting became a model of transformation. The proposed PSB station will be subsidized by the state budget, but was designed to serve public benefit without commercials (“iTV reincarnated,” 2007). Through the end of 2007, the Bill creating this new PSB station is in the deliberation of the National Legislative Assembly. Still, the model has been extensively criticized, particularly on the issue of independence from government influence because the current non-commercial television station (Channel 11,

operated by PRD) has heavily performed for the benefit of the government, i.e. the state mechanism for public relations, rather than serving a public benefit.

Conclusion

Most Thai communication laws are obsolete, obstruct freedom of expression and sustain the state monopoly of the broadcasting media. The Constitution of 1997 initiated broadcasting reform. It stipulated that the radio spectrum is a national resource and needs to be reallocated, managed and regulated by an IRA. This provision brought about other three laws: OFA Act of 2000, Telecommunication Business Act of 2001, and Broadcasting Business Bill. The first law aimed to create two independent regulatory agencies, NTC and NBC, to regulate the telecommunication and broadcasting industries separately within the concept of fair competition and public interest. The second and the third laws aim to facilitate the authority of those new regulators.

At first, the provision in the Constitution did not receive much attention from many relevant interest groups until after the enactment of the OFA Act. For five years (2001-2005), selecting the first communication commission became a huge battleground, gaining attention from relevant stakeholders: the status quo (monopolized broadcasting media), professionals, academia, and the civic sector. Analysis of the stakeholders based on their power, interest, importance and influence designated four categories of stakeholders: *subjects*, *players*, *context setters* and *crowd*. The friction in NBC establishment occurred between the *subjects* (civic sector, journalists, NGOs) and the *players* (bureaucrats, military, state broadcast operators, business concessionaires), whereas the *crowd* seemed to be a passive audience with both less interest and power. However, the most influential and powerful group was the *context setters*; especially the court, which finally overturned the NBC selections because of conflict of interest and unaccountability of the selection process. On the one hand, the *subjects*' objective was to liberalize broadcasting media from the hand of the status quo, promoting an ideology of free speech, public accessibility and diversity. On the other hand, the *players*' objective was incongruent. They leaned toward oligopoly: retaining their control of the broadcasting system. They were nearly successful in controlling the situation. However,

the *subjects* strove to influence the *context setters*, such as the court and the parliament, who are the decision makers.

Prolongation of the process of the NBC establishment indicated a power struggle among stakeholders. On the one hand, it seemed to hamper Thai media reform, since the longer for the NBC establishment the greater would be the damage to the broadcasting industry. Without a new independent regulator everything has been frozen. No new licenses or new radio or television stations have been licensed. Technological advancement would assist broadcasting services to proliferate with better plans. On the other hand, the first NBC commissioners are expected to be transparent and accountable, since they are going to set the groundwork for a whole new broadcasting system valued at billions of dollars. Delay of the establishment could be more acceptable than appointing the unaccountable commissioners with conflicts of interest. The former idea is supported by most broadcast operators and media business companies, whereas the latter idea is endorsed by most media reform NGOs, journalists and some communication scholars.

Presently, the 1997 Constitution was suspended because of the coup in September 2006. The military council, CDR, appointed an assembly to draft a new Constitution. It was finally promulgated in August 2007. Nevertheless, the 2007 Constitution still conveys the ideas of media reform stipulated in Sections 39-41 of the 1997 Constitution. Sections 45-48 of the 2007 Constitution read almost the same as those in Section 39-41 of the old constitution (see details in Appendix C). Two slight differences are: first there would be one IRA to regulate communication systems, namely the National Broadcasting and Telecommunication Commission (NBTC); and second, those who hold political positions are prohibited to own or have authority to operate newspaper, broadcasting, and telecommunication businesses. The idea of one independent regulator is due to technological convergence and the prolongation of NBC establishment. Prohibiting politicians from owning mass media and telecom businesses arose because of the immense power of a communication tycoon, the former Prime Minister Thaksin Shinawatra.

CHAPTER SIX

MEDIA ACTIVISM

The previous chapter analyzed the laws concerning broadcasting reform and the ideology that informed them in shaping the new institutional structure of Thai communication entities. The Constitution of 1997 expressed a new view of the radio spectrum as a national resource, which needed an independent regulatory agency (instead of state agencies) to reallocate and manage frequencies guided by the principles of fairness, diversity and accessibility. The stakeholder analysis found two major groups highly involved in restructuring Thai broadcast: the status quo actors and the media advocacy groups. Typically, the status quo has more power and influence in policy decision making. Analyzing how civil society challenges those in power is also important. This chapter analyzes the involvement of the media reform movements. It intends to address the research question: *How has media activism contributed to media democratization in Thai broadcasting reform?*

The interaction of media advocacy groups in broadcast restructuring in the early 2000s is covered in the two main sections of this chapter. The first section addresses civil society in a Thai context and its development in general, and the development of media activism in particular, since the media activists have played a pivotal role in the Thai media reform process after the proclamation of the Constitution of 1997. These media and social movements have impacted both political democratization and media democratization, particularly since the political crisis in May 1992. The second section provides detailed analysis of three main groups of media activists: communication scholars, media professionals, and the non-governmental organizations focusing on media democratization.

As mentioned in Chapter Two, civil society is autonomous from the state and associated with democracy. Roden (1997) described its possible involvements and activities as ranging from demonstrations and strikes to less forceful movements. Civil society is considered to be a vital context for media democratization. In this study the meaning of Thai civil society is not only restricted to civic movements that are demonstrating or criticizing specific government policies or acts characterized as “anti-

state”. Instead, the characteristics of Thai civil society are more collaborative than anti-government. Hence, the researcher contends that the media reform movements seek partnership among leading intellectuals, journalists and non-governmental organizations. They are mainly drawn from middle-class groups rather than local or community sectors. With their knowledge, experience and appreciation of democratic values, these media reform advocates have tried to collaborate with key policymakers to push changes in the media policy and the broadcasting structure.

Thai Civil Society and the Media Reform Movement

As noted in Chapter Two, civil society could mean a physical public sphere where people propose and discuss their viewpoints on socio-political issues (Habermas, 1989; Dahlgren, 1995). From another point of view, it could mean the collective actions of the public or popular sectors outside the state which might either collaborate or challenge the state. The latter is the definition of civil society used in this study. Civil society has become the major concept used in studying democratization, especially among those who were interested in social change and shifts in the political democratic system. Participatory democracy, as explained in Chapter Two, is based on the individual role of active citizens who are aware of their rights and roles in the social transformation process. This section explains the development of Thai civil society and the media reform movements.

The Emergence of Thai Civil Society

Civil society in the Thai language is called *Pracha Sangkom*. Kritaya et al. (1999) gave some examples of other terms used by Thai scholars with a similar concept, such as collective society (by Prawase Wasee in 1993), strong society (by Teerayuth Boonmee in 1993), strong communities (by Chattip Nartsupha in 1994), and citizens' ways (by Chai-Anan Samudavanija in 1996). Some Thai scholars define civil society as a group outside the state, but they also claim that the people's sector has to be involved and participate with the state and not always be opposed to the state. Richard Holloway (as cited in Anuchat & Kritaya, 1999, p. 289) classified civil society organizations into three groups based on their interests: (1) mutual benefit organizations, such as political parties, professional associations, labor unions, chambers of commerce, and cultural

organizations; (2) public benefit organizations, such as social welfare, philanthropies, charities, rural development NGOs, and research institutes; and (3) private benefit organizations, such as illegal or criminal organizations, funding foundations for business interests, and NGOs created by the government to serve its interests.

Chuchai (1997b) observed that certain factors in Thai society could challenge the emergence of civil society. First, the hierarchical structure of Thai society hinders the creation of a civil society since it is not congruent with a democratic doctrine embracing egalitarianism. A horizontal structure of a society supports the ideology of civil society. A vertical structure exists in the strongly bureaucratic Thai state, which has built its empire over a long period of time and has gradually strengthened after the end of the absolute monarchy in 1932. This bureaucratic realm has weakened the local administration and it is difficult for local civil societies to emerge. Second, the Thai multi-party system was not created based on certain ideological standpoints or support for specific groups, neither conservative nor liberal. Unlike the Labor Party, Green Party or other socialist parties in Europe and unlike the liberal Democratic Party or conservative Republican Party in the United States, Thai political parties are established along with the power of the creator, mainly retired military men and business tycoons. For instance, these include the Seri Manangkasila party of Field Marshal Pibulsonggram in the 1950s, the Chatthai party and the Chatpattana party of General Chatichai Choonhavan from the 1980s, Samakkeetham (though established by compiling several political parties, it aimed to be led by the military of NPKC in 1991), the New Aspiration Party of General Chavalit Yongchaiyudh in the late 1990s, and the Thai Rak Thai Party of Thaksin Shinawatra, a telecommunication business tycoon, in the early 2000s. Many Thai political parties, thereby, fail to become political institutions, since they were constructed to legitimize some retired military individual entering the political arena. Hence, when a new powerful leader enters politics, the newly established party catches the attention of many politicians. Suthichai Yoon (1995), a leading Thai journalist of *The Nation* newspaper, noted that:

the real reason for secession or a noisy declaration of independence among politicians in this country has always been the search for a new name, new leader or a new financing-project—never a serious, new professional approach towards a

different set of platforms, to draw up new objectives or divergent strategies to get things done (as cited in McCargo, 1997, p. 114).

Third, the Thai educational system culturally teaches people to follow authority, as stated in the proverb: *When you follow the old man, the dog will not bite (Dern tame pu yai, ma mai kat)*. Classrooms are more lecture-based than discussion-based, even in many graduate schools. Challenging teachers in class is uncommon and oftentimes viewed as aggressive in manner. The collectivistic nature of Thai culture influences people to dislike those being distinctive from their groups, as another proverb states: *Do well but do not be too distinctive otherwise you could be in trouble (Jong tam dee, tae ya den ja pen pai)*. Paternalistic-clientel ideas were cultivated in Thai society through education and other social institutions. The Thai public in general believes their unsatisfied status results from following the wrong authorities; thereby, instead of refraining from following authorities they change to follow a new power center (Chuchai, 1997b, pp. 9-10). This also replicates the vertical structure of relationships in Thai society, unlike civil society which is sustained by horizontal relationships. Last, but most important is the media role in, and as, the public sphere. Since the Thai bureaucratic system does not have an effective mechanism to check and counter balance those in power, the public then relies on the media to play a watchdog role in Thai society. However, only the press can exercise its watchdog role while the broadcasting media play their role as lapdog. An important question, therefore, is: How under these unique traits of Thai society can a civil society emerge?

The early development of Thai civil society exists arising from critical events which have vast impacts on citizens' lives and their whole communities. The networking and groupings of civil society, therefore, developed as ways to find solutions when people realized that they were not able to solve their critical problems alone. Chuchai (1997b) explained that the gathering and networking of Thai society in the form of associations, foundations, and clubs developed around certain issues at a specific period of time after the change from an absolute monarchy to a constitutional democracy in 1932. For example, associations of Chinese immigrants in Thailand aimed to assist those immigrants from the same clans. Other examples are foundations or associations focusing

on social welfare, such as the Red Cross Society and Council of Social Welfare. There were also clubs or associations composed of professionals and mutual careers, such as Lawyers Council, Medical Council, and Thai Press Council. These associations' missions are more focused on ethical concerns of the professionals. They are not unions.

Thai civil society—civil groups situated outside government—can be traced back in the early nineteenth century, when international Christian missionaries came to Thailand for religious missions. Their activities focused on education, health care and social welfare. At the same period of time, Chinese people in Thailand also started foundations to help new and poor Chinese who migrated to Thailand during the mid 19th century. Later, the government wanted to control their influence after China changed to a communist government. Instead of hostile feedback, those foundations adjusted their activities to avoid political involvement while meeting social welfare needs. Therefore, they were seen as charitable or philanthropic associations which could partly assist state activities. These Chinese groups later established chambers of commerce and became a powerful interest group in Thai business (Kanjana, 1999).

The evolution of Thai civil society, hence, started from civic consciousness on particular issues or events, mostly problems of daily life. Organized civic groups evolved which later established networks and became institutions in society. Such problem-solution objectives were widely found in local development and social welfare associations, which were formed around small groups of people in certain areas. Later, the focal issues changed from rural development and resource allocation to environment, awareness of local and community rights, and democratization.

At the beginning, Thai civil society focused on social welfare and public benefits rather than a struggle with the state for policy making. Some organizations were even supported by state funding, such as the Red Cross society, whose early establishment aimed to help veterans but later targeted the general public, and the National Council for Social Welfare, initiated in 1960 and funded partly by the Department of Social Welfare, Ministry of Interior Affairs. After World War II, the government decided to legitimize various clubs, foundations and associations by promulgating the Cultural Act in 1942, which required them to register and prohibited their political involvement (Kanjana, 1999). Until the late 1960s, the civil sector spread out to stimulate the development of the

local community in the villages. Some projects were initiated by groups of intellectuals. During this phase, the civil sector mainly focused on rural development, but its mission was mainly infrastructure development such as buildings, streets, and schools (TDRI, 2000). The shift of focus from philanthropy to development was partly due to the emergence of national development plans and the change in the socio-economic structure of Thailand from a domestic-oriented economy to an export-oriented economy.

The early civic movements believed that social change could be achieved without a class struggle, so social welfare, aiming for social resolution and development, gained wide support from Thai governments. Actually, there was mutual collaboration between the state and public sectors on many policy issues, but they were mainly social and economic development, not social injustice, democratic values or human rights. Several decades later the movements were separated into two tracks: a civil movement and politics in the public sphere. The former focused more on policy discussions, participations in a triple collaboration between the state, private and civil sectors. Their strategies were not protests, demonstrations, or to create mobs in the streets which were the strategies used by the latter groups. Up until recently, NGOs' activities were varied and subtle. Some even criticized other groups about their movement strategies. The critics were that during a press conference the speakers are NGOs but not people from civil sectors. This seems no different from a top-down dictatorship instead of horizontal, mutual agreement of civic groups (TDRI, 2000).

As shown in Figure 6.1, Thai civil movements in the early stage focused on development and welfare issues, such as providing assistance for the have-nots, mostly the poor and rural people, rather than challenging the state at a policy level. Their initiation was encouraged by governments in corresponding with the national development plans. Rigg (1991) noticed that although the National Economic and Social Development Plan (NESDP), started in 1961, aimed for grass-roots development to give greater responsibilities and power to those at the local level, the development plans were rarely implemented in a systematic fashion. A main factor was the nature and functions of Thai bureaucrats and the hierarchical structure of Thai society. Likewise, village society was still hierarchical and paternalistic. In spite of this, Hewison (1993) argued

that “for NGOs, implementation strategies were developed ...but [target] groups [were] often neglected by the state” (p. 1699).

However, challenging the state at a policy level gradually occurred after socio-political developments during the 1970s, evidenced in the 1973 student uprising. Civil movements shifted their focus to the public’s dissatisfaction with the state’s performance, unfair resource allocation, democratic awareness, freedom of expression and human rights. The 1973 political transition affected the strength of Thai civil society and a political opportunity structure was opened. Student activists, led by the Center of University Students of Thailand, assisted workers and farmers in creating unions and federations so as to protest against corrupt government officials and social injustice. They demanded more favorable laws and regulations as well as a redistribution of resources (LoGerfo, 1997). The NGO community in 1973 (i.e. foundations and associations both registered and non-registered) numbered around one thousand organizations. The largest group was philanthropic. But in 1989 the number of NGOs rose to more than five thousand: four large groups concentrated in education, philanthropy, social services and development, plus civil rights and advocacy groups (Amara & Nitaya, 1994, pp. 65, 87; and LoGerfo, 1997, pp. 183, 401).

In the 1990s, Thai civil society also was bolstered by changes in social and economic conditions, following the economic boom of the 1990s (see Figure 6.1). Such changes included the expansion of the middle class, proliferation of non-governmental organizations for social development and serving local people, development of information and communication technology and infrastructure, and the eagerness of the middle class to seek information and freedom of expression. All of these have gradually changed Thai social structure to become more horizontal than vertical (Chuchai, 1997b). Yet, it should be noted that capital gains from an economic boom among the middle class in the 1990s did not result in more resources or better strategies in civil society. According to Ukrist (2001), economic development might shift the balance of class power, strengthen some social groups (particularly the private or business sector), and even create a new popular civil society, such as labor unions, professional associations and chambers of commerce. But strategic movements were designed mainly to support

the economic interests of their members. Their capital assets were not employed to benefit the popular sector.

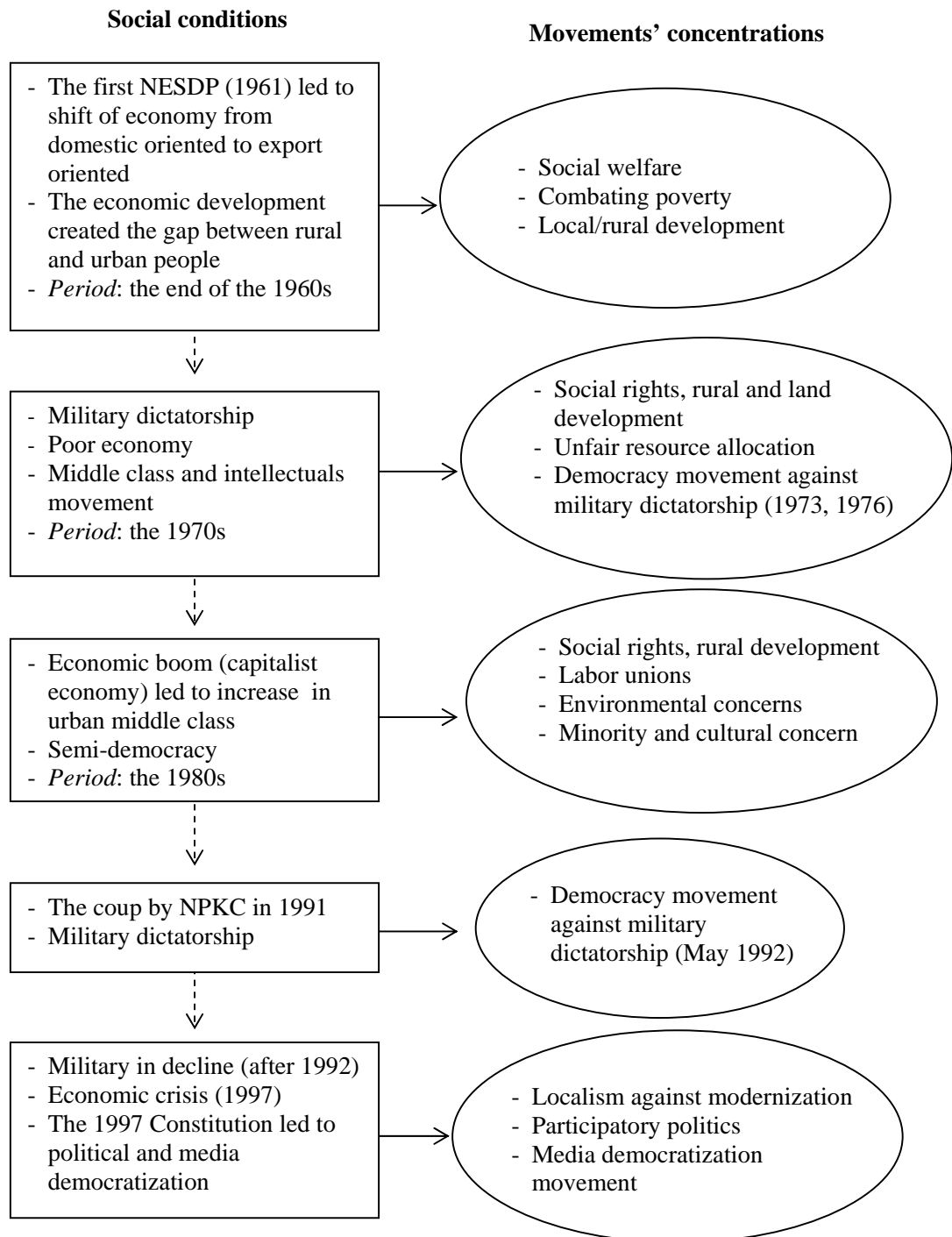


Figure 6.1: The evolution of Thai civil society

As shown in Figure 6.1, Thai civil society changed its focus with social, economic and political conditions. This does not mean that while one gains attention others are not active. Many of them still carried on for decades. After the May crisis in 1992, the development of Thai civil society concentrated on a community-centric civil society; particularly between 1997 and 2000 Thai NGOs motivated governmental concern for the public interest and public participation in the media (Anuchat & Kritaya, 1999). The Constitution of 1997 has “equipped civil society with new powers to monitor the working process of the government, politicians and bureaucrats” (Ukrist, 2001, p. 34).

The development of Thai civil society has been around social and economic development, whereas concerns over civil rights and democratization has just been developed during the last two decades and strengthened subsequent to the 1992 May crisis. A social movement concentrating on media democratization was newly fortified into the public sphere a decade ago following the 1997 Constitution. Previously, democratic movements’ strategies focused on social injustices, corruption, and political democratization against government dictatorship. They concerned freedom of expression and basic human rights as well as democratic values. None of them concentrated on liberalization of the state-owned media system which could immensely enlarge the discourse of the public sphere in both quantity and quality. Thereby, the media reform movement can be considered to be a new social movement in comparison to other social movements, such as rural development, social welfare, environmental concerns, social injustice and human rights.

The Media Reform Movement

Thai media activism existed amidst the press before it spread to the public and other civic groups; but as such it concentrated on press freedom and self-regulation. The Thai Journalist Association (TJA) and the National Press Council of Thailand are the main media advocacy groups focusing on freedom of the press. Actually, journalism associations have been active for more than four decades. Established in 2000, TJA was an organization arising from the merger of the Reporter Association of Thailand (established in 1952) and the Journalist Association of Thailand (set up in 1964) in order to avoid overlapping activities, and to coordinate the activities of press associations

concerning press freedom protection, professionalism and welfare. Members of TJA are varied, and the total of 1,500 members included both print and broadcast journalists (Thai Journalist Association, 2001). The roles of print journalists in criticizing and investigating government performance have induced almost every government to suppress their operations. Meanwhile, the Press Council monitors the quality of media practitioners and guards against any violations of the code of conduct and any unethical journalism. On the contrary, broadcasting media are seen as a mouthpiece of the government and as a commercially-oriented medium. Their role of lapdog instead of watchdog is a common perception of the broadcasting media in the eyes of the Thai public. These roles have not changed since the student movements in 1973 and 1976. After the 1973 student uprising, concerns about liberalizing media were raised, but civil society and socio-political situations did not assist in creating a thriving media reform movement.

The era of the media reform movement apparently flourished after the democratic uprising in the 1992 May crisis, when the Thai public started questioning how and why the event had been distorted in television broadcasts of the news. The main assertions were unconstitutional actions against the public's right to know, and the ownership system which allows the government to control fully the electronic media. Actually, questions relating to state-owned media reports have been raised since 1973 and every time when the military seized power. However, Ubonrat Siriyuvasak, a communication policy professor and president of CPMR, believes that the government after May 1992 responded to this issue more actively than after the 1973 student uprising because of powerful civic allies consisting of media professionals, academics, business and the middle class (personal communication, July 5, 2007). Pressure from media advocacy groups, such as intellectuals, journalism professionals, and NGOs caused the government to launch a new television station, purported to be independent from the government (it was called iTV, which stands for independent television).

However, the launching of a new television station, from the viewpoint of many media reform advocates, was not really a change of the institutional structure of the media. Hence, the idea of restructuring the broadcasting system was initiated during the process of drafting the 1997 Constitution. Thanks to some members of the Constitution

Drafting Assembly (the 1997 People's Constitution) consisting partly of former media professionals and other intellectuals, the sections relating to protecting media freedom and decreasing the state control of the broadcasting media were embedded in the charter. In principle, the former owners of broadcasting, mainly the government and military, were to cede some of their frequency bands to the public.

After the proclamation of the 1997 Constitution, movements toward media reform were more dynamic. Communication scholars collaborating with NGOs and TJA created a working group to follow the implementation of Section 40 of the 1997 Constitution. During the first three years (1997-2000) the media reform movement expedited a media democratization campaign urging civil sectors and media workers to implement Section 40 of the Constitution. Core movements of media activism in 1997-2000 were mass communication scholars, TJA and NGOs concentrating on democracy, local development and civic networks. Thai media activists tried to achieve their goals by exerting influence at both a policy level and a grass-roots level, which is similar to Hackett's (2000) summary of four major movements of media activism (refer to Chapter Two). Two of those four were (1) advocating for the state to deregulate or reform the media system and policy, and (2) establishing alternative media serving as public communication channels for marginal people (p. 64).

On the one hand, these media reform activists aimed for change at the policy level. For instance, mass communication and legal professors who became members of the parliament committee drafting the OFA Act were Joampol Rodcumdee, Dean of communication arts, Chulalongkorn University (position at that time), and Vitsanu Varanyu, professor of the Law School, Thammasat University (position at that time) (personal interview, June 8 and August 15, 2007). Another action was lobbying some parliament members to implement the Section 40 of the 1997 Constitution during the process of drafting the OFA Act by the working group. The group was established by cooperation between NGOs and some media and legal scholars. It was later named the Campaign for Popular Media Reform (CPMR) in 2000. One of their accomplishments was separating the new regulatory agency into two, separately overseeing telecommunication (NTC) and broadcasting (NBC). Details of CPMR will be discussed in the following section.

On the other hand, instead of proceeding at the policy level, other media activists moved to the grass-roots level by providing training and encouraging local communities around the country to create their own community radio stations. For example, CivicNet, a non-profit organization, served as a network coordinator and civil society information support center. It provided funding and collaborated with communication professors to launch several community radio seminars and forums (Chalisa, 2007).

Table 6.1: Media reform advocacy groups

<i>Organization</i>	<i>Goals and missions</i>
Campaign for Popular Media Reform (CPMR)	<ul style="list-style-type: none"> - Collaborate and network with civil sectors and other NGOs supporting democratic values, human rights, and civic participation (working under TVSF). - To investigate the state and capitals in media reform process. - Support the democratization of communication with an emphasis on civil society.
Thai Volunteer Service Foundation (TVSF)	<ul style="list-style-type: none"> - To provide development-training services to other Thai NGOs. - To train young Thai volunteers and then, to match their skills to particular community development programs run by Thai NGOs.
Thai Broadcast Journalist Association (TBJA)	<ul style="list-style-type: none"> - To ensure a fair and transparent frequency allocation process. - To prevent it from being controlled by a minority group of people. - To develop skills of broadcast journalists in order to produce high quality programs, to provide a forum where member can meet, discuss and share plans activities such as seminars, training, sports, etc.
Thai Journalist Association (TJA)	<ul style="list-style-type: none"> - To improve the activities of press associations. - To encourage press freedom protection and professionalism.
National Press Council of Thailand	<ul style="list-style-type: none"> - A self-regulation mechanism to monitor journalism professionals under a code of ethics and encourage press freedom and free speech.
Civic net	<ul style="list-style-type: none"> - To strengthen civil society and local communities for social, economic and political development through collaboration of three sectors (the state, private entities and civil sector).
Media monitor project	<ul style="list-style-type: none"> - A research project to monitor television program content under a healthy public policy program (funded by Thai Health Organization)

Table 6.1 summarizes some of the non-profit, non-governmental organizations advocating democratization, media reform and strengthening civil society. Actually, there

were many organizations, foundations, and associations working on similar issues (democracy, human rights, media liberalization, and the like), which are not mentioned in the table.

Media reform movements are funded by a variety of sources. Research activities of mass communication professors (mostly from state universities) have been funded by state, private, and public institutions such as their universities' research budgets, TDRI, Thailand Research Fund, and other international grants. Resources of NGOs are mainly from international non-profit organizations concerned with press freedom, democracy, civil movements, human rights, local development, and media democratization. For instance, Friedrich Ebert Stiftung, a non-profit organization from Germany, and Canadian International Development Agency (CIDA), and UNESCO, fund several series of media reform seminars and forums organized by TJA and TBJA (the researcher had participated in several forums while on a university faculty). Another example is grants to Uajit Virojtrairat, a university professor, for developing community radio stations funded by Social Investment Funds (SIF) and Community Organizations Development Institute (CODI). Both were financed by the Japanese government's aid to the Thai government under Miyasawa plan. While SIF was a non-profit organization aiming to assist community recovery from the 1997 economic crisis, CODI was set up with the state's collaboration to support the activities of civic groups. Many local civic groups or local NGOs applied for funding for their community development projects through CODI (Uajit Virojtrairat, personal communication, July 10, 2007).

Since this study aims to analyze the involvement of media activists at a policy level, the scope of the following analysis will exclude the movement to establish Thai community radio stations (find more details about Thai community radio in Chalisa, 2007). In the following section, the researcher analyzes three main media reform movements; the cases studied concentrate on the groups within and around the broadcasting media industry.

Three Cases of Media Activism

This section discusses three media reform movements, which were selected based on their activities, interests and influences. Hackett & Carroll's (2006) concentric model

(referred to in Chapter Two) was also applied; that is, the core of a concentric circle set is the main focus. Those media activist groups classified in the core circle are communication academia, media professionals, and non-governmental organizations which emphasized media reform. The OFA Act of 2000 required four main groups of stakeholders to participate in the selection panel for the NBC (see Figure 5.2 in Chapter Five): government agencies, media scholars, media professionals, and NGOs. Therefore, three cases were analyzed: what their reform objectives were, how they were involved in broadcasting reform, and an assessment of their movements. The first group is mass communication scholars, individuals with a wide range of interests. The second group is media professionals: the Thai Broadcast Journalist Association and the Federations of Broadcasting Media Professionals Associations. The last case is the Campaign for Popular Media Reform, a non-governmental organization focusing on media democratization.

Mass Communication Scholars

In Thailand, university scholars are independent and oftentimes they criticize state action. Many intellectuals, especially in the political sciences, law and policy, and economics are the leaders in questioning state policies. Criticism by those intellectuals in forums or seminars on political and social issues has been a common phenomenon. Their points of view have also appeared in newspapers for days after an event. However, since intellectuals are diverse in their areas of interest, they are highly individualistic rather than collectivistic. The same is true in the communication field. The Council of Mass Communication Academic Institutions (CMCAI) is loosely organized and does not have major funding. Its secretarial office has changed from one university to another university following each new president. Its actions, therefore, are less effective and do not gain much attention from the public or the state or even from the academic community. This might be due to the diversity of university professors and their variety of interests in the communication field. Thus, organizational activities depend upon who is the president of the Council and what his/her specific interests are. Many academics join other civil movements harmonious with their objectives and interests; for example, CivicNet, the Media Monitor Project, the Community Organizations Development Institute (CODI),

the Thai Volunteer Service Fund (TVSF), or the Campaign for Popular Media Reform (CMPR).

Although the mass communication scholars are varied, their interests and involvements in the governance of the broadcasting system lean toward supporting reform rather than opposing it (still many are nonchalant). Reviewing their involvements chronologically, scholars have been involved in broadcasting reform since the early 1990s. But their actions were passive rather than active. Their main activities were conducting research and setting up a series of forums and seminars on media and society, the topics of which changed along with the shift of current issues. After the May crisis in 1992, they shifted their focus toward deregulation of the communication industry. Still their activities revolved around research and in the academic realm. Until 1997, the effects of an Asian economic crisis, which coincided with the introduction of the new Constitution, gave an opportunity for many communication scholars to ignite a greater public consciousness of media democratization. For example, an ad hoc working group that followed Section 40 of the 1997 Constitution was led by university professors in order to make the state and the public aware of the need for media democratization. Some university professors were invited to be on a parliamentary committee to draft a new bill (later the OFA Act) that was mandated in Section 40 of the 1997 Constitution. Some collaborated with media professionals organizations to hold a series of seminars and forums on media democratization issues. The researcher had several chances to join and co-host those forums while on a university faculty in the period 1997-2000. That series of seminars and forums was arranged at six universities around the country. The co-hosts were from communication departments of the universities and TJA under the sponsorship of Friedrich Ebert Stiftung, a non-profit organization from Germany.

Not only was the civic sector the target of these discussions, but also the business sector. After the 2000 OFA Act was promulgated, several media scholars informally convinced the media business sector and media workers to establish professional associations and federations. Joampol Rodcumdee, Dean of the Communication School at Chulalongkorn University (position at that time), was one of several university professors urging many media workers, broadcasting producers and entertainment

business groups to legitimize their status due to the provisions on NBC establishment (personal communication, June 8, 2007). Pana Thongmeearkom explained:

“While I was the deputy dean Professor Joompol was one of a few leading scholars to encourage many media workers to be aware of the restructuring of broadcasting system under the new law. When the OFA Act was newly proclaimed, only a handful of media workers realized the coming drastic change. Numerous professional associations were registered afterward” (personal communication, May 17, 2007).

Additionally, communication scholars were involved in the broadcast restructuring in three ways. First, some scholars participated in the NBC selection panel because the law stipulated that four representatives from mass media academia should be selected from among communication professors from universities around the country. Thus, their participation in the NBC selection panel indicated their interest in the reform of the broadcasting structure. Two of the four representatives were Joompol Rodcumdee, dean of the communication school at Chulalongkorn University (position at that time), and Aruneeprabha Homsettee of Sripatum University and also the president of CMCAI (position at that time).

Joompol (2007) of Chulalongkorn University told the researcher that immediately after he was selected to be one of the four academic representatives on the NBC selection panel, some communication scholars mentioned that he should rather apply to be an NBC candidate than a member of the selection panel. However, the former dean insisted that he had to respect the consensus since they chose him because he was a member of the parliamentary committee drafting the 2000 OFA Act. He was viewed to be qualified to participate in the selection panel (personal communication, June 8, 2007).

Second, some communication scholars became involved in broadcasting reform by applying for the commissioner position, either because they were not nominated to the selection panel or because they were more interested in the commissioner position. They believed that holding a position was a chance to reform the broadcasting system since the independent regulator would have the mission of regulating the broadcasting industry (Pana Thongmeearkom, personal communication, May 17, 2007). According to a meeting report from the Office of the Permanent Secretary of the Prime Minister’s office

in January 2001, there were 103 NBC applications. The applicants' backgrounds included former executives at PRD, MCOT, Army Channel 5, BEC Channel 3, military, political science and policy professors, law professors, and communication professors. From those applicants, only 30 were deemed qualified after the first round of screening; eight of which were communication professors ("Business and bureaucrats," 2001). After the chaotic selection process, two of the seven NBC nominees (prior to the Supreme Administrative Court order in February 2003) were mass communication professors: Pana Thongmeearkom of Chulalongkorn University, and Boonlert Supadiloke of Thammasat University.

While the NBC selection process was going on, some communication scholars were also involved in drafting the Broadcasting Business Bill. They also attended public hearings held by the government, as experts providing recommendations in structural resolution and content regulation, as well as on other aspects. Their suggestions led to the Bill embracing the idea of three separate structures in the broadcasting system: commercial broadcasting, state or public broadcasting, and community or local broadcasting.

Third, other mass communication scholars were interested in pro-reform strategic movements of other media activists. Some found that many new media advocacy organizations, particularly in local and community sectors, still lacked information and knowledge in mobilizing greater public awareness of media reform. They found their knowledge would be helpful for those civil movements. Hence, this group of professors participated in non-governmental organizations instead. Their main strategies were: advocating for more awareness of media democratization among the Thai public, pressuring the government from outside the policy realm, as well as encouraging the communities with training support to create community media. For example: Ubonrat Siriyuvasak of Chulalongkorn University, the president of CPMR and Uajit Virojtrirat of Sukhothai Thammathirat Open University (position at that time), worked with CivicNet in training and creating community radio stations around the country.

The first two involvements (in legislation and NBC selection) aimed to influence policy making decisions, whereas the last one (involving in civil groups) intended to educate or advocate for a greater role of the civic sector in media democratization and to

pressure the state from outside the policy arena. The president of CPMR remarked that participation at a policy decision making level has been oftentimes difficult and had few chances to achieve some goals, since the status quo grasped their power so tightly. Rather, pressure from the outside of the state realm would sometimes be more effective in urging people to be aware of their citizenship rights which in turn could put pressure on state policy (Ubonrat Siriyuvasak, personal communication, July 5, 2007).

Nonetheless, the movements of media scholars faded away to some extent after being exhausted over six years of the NBC selection process. Some scholars on the NBC selection panel and NBC candidates became targets of criticism, even among academia themselves. By the end of 2004, some scholars were accused of supporting the status quo by nominating unqualified NBC candidates, whereas an NBC candidate who was also a university professor was accused of having a conflict of interest due to his close relationship with the CEO of a large entertainment media company. He complained that he could not have known that his best friend since college would be successful in his entertainment business in the future and become a media entrepreneur twenty years later (personal communication, May 17, 2007).

At the same time, two professors resigned from the NBC selection panel due to political involvement in the selection process. In a conversation, Joopol, who eventually resigned from the panel in 2003, revealed that every group was fighting for their space and politics was involved in the selection process. Conflicts of interest were really the main concerns among media scholars during the NBC selection meetings, even before the panel was sued at the Administrative Court in 2002. However, “we have to accept democratic rules after discussion and seek a solution with voting.” Also, the number casting a ballot almost always lost by eight to nine, indicating the state and business representatives controlled the panel. Nevertheless, one of two professors who did not resign clarified that the purpose of being on the selection panel was to “get the job done;” that is, NBC had to be set up at the end. When it was not yet established, their mission was then not accomplished (Aruneepabha Homsette, personal communication, May 29, 2007).

In conclusion, the interests and goals of media scholars were to reform of the broadcasting media structure by creating a new independent regulator so as to shift the

media away from being a state monopoly; i.e. supporting media democratization. Meanwhile, media scholars' movements were highly individualistic depending on scholars' standpoints and areas of interest. Their powers were less tangible. But because their knowledge was a well accepted resource, they became essential participants among several stakeholders in both the state and civic sectors. Their academic knowledge led them to be involved in various reform processes both at a policy decision making level and a grass-roots level. If their achievements were to be assessed by the reshaping of the institutional structure, their movements did not accomplish much (due to the stagnancy of NBC nomination). However, one could not conclude that their task was not a success. At the least, several leading media scholars have played important roles in creating awareness of media democratization among the state, business and public sectors.

Media Professionals

Labor unions composed of media workers are weak both in quantity and quality in Thailand. Prior to the year 2000, many media professional associations aimed for mutual benefits or welfare funding for their members. Some organized annual events to reward the best broadcasting programs, movies, dramas or music similar to the Academy Awards or Grammy Awards in the U.S. None of them have done anything in re-negotiating the pattern of state regulation of their career or industry. The exceptional cases are the journalism associations that focus on the freedom of the press, as stated above. After the 2000 OFA Act was promulgated, numerous media professionals associations were established. This was partly due to the advice of communication scholars. In the analysis below, two cases of media professionals were selected due to their involvement and pro-active movements in the reform of the broadcasting structure, particularly in the establishment of NBC. They both are interested in media reform but operate from different backgrounds and standpoints. While the Thai Broadcast Journalist Association has concentrated on democratizing broadcasting media in order to be independent from the state and business entrepreneurs, the Federation of Broadcasting Media Professionals Associations has focused on opening up the broadcasting market under a competition scheme.

Thai Broadcast Journalist Association (TBJA). TBJA was established in August 25, 2000 by a group of Thai broadcast journalists, senior broadcasting managers and independent media production houses. TBJA is considered a sister association of Thai Journalist Association (TJA). They shared offices in the same buildings. Some members and co-founders of TBJA were from TJA. The initial idea of setting up TBJA was to be “part of the broadcasting reform process, mandated by the 1997 Constitution that will eventually end the state monopoly of broadcasting frequencies and ensure fair allocation of the spectrum to the public” (Sopit, 2005, p. iii). TBJA main goals are to support the reform process, ensure the freeing of broadcasting frequencies, and improve broadcast journalism skills. Hence, its objectives were as follows:

- To ensure a fair and transparent frequency allocation process
- To prevent it from being controlled by a minority group of people
- To develop skills of broadcast journalists in order to produce high quality programs, to provide a forum where members can meet, discuss and share planned activities such as seminars, training, sports, etc. (Sopit, 2005, p. iv).

The journalism professionals’ intent was to restructure the system by creating a new independent regulator, NBC, and to confiscate the state-owned broadcasting and reallocate the broadcasting frequencies under the principles of fairness, diversity and accessibility. Their ideology was different from the other two main bastions of the status quo: the state and the private concessionaires. Whereas the state, such as PRD, MCOT and the military, saw a need for media reform but still wanted the ability to control them, the private concessionaires disagreed with seizing all the frequencies and reallocating them because they could lose what they had already invested. Media professionals themselves were divided rather than united.

However, TBJA did not work alone. Since it is a sister association of TJA, several of their initiatives collaborated with TJA, media scholars, and other NGOs. Its main activities were organizing seminars and forums, submitting petition letters to the government concerning media reform issues, and issuing dozens of publications on relevant topics (including *Media Reform Going Backward*, *Tracing Back iTV*, *Reform of Health Communication*, annual report, and the website—www.thaibja.org). During 1997-

2000, TBJA collaborated with TJA, media scholars and NGOs around the country to organize seminars and forums concerning media reform. TBJA partly succeeded in creating networks among DJs, local media operators and local communities. But the activities could not be prolonged. This was in part because there was a shortage of financial resources. Also, after 2000 the main movement activities were in Bangkok struggling at a policy level, including selecting NBC commissioners and drafting the Broadcasting Business Bill (Sopit Wangvivatana and Pacharapon Chomklin, personal communication, May 18 and 20, 2007).

Therefore, after the 2000 OFA Act, TBJA acted on a policy level, meeting and lobbying some parliamentary committees in drafting the Broadcasting Business Bill. It conveyed the ideas of media reform through several politicians and political parties, informing and lobbying some senators of the doubtful processes of NBC selection. Certain proposals in the Broadcasting Business Bill included a 25% cap on foreign ownership of broadcasting media, instead of 49% as applied in other industries. Since media products are cultural goods representing the uniqueness of a particular society, the impact on the public is immeasurable (Thepchai Yong, personal communication, June 12, 2007). This justified the lower cap on foreign ownership.

Nevertheless, TBJA did not nominate anyone to the NBC selection panel. Some media professionals, though, applied for NBC commissioner positions, such as Pichien Amnajvaraprasert, former vice president of TBJA (“Business and bureaucrats,” 2001). A former president of TBJA explained that TBJA did not nominate any specific candidates but rather supported those who were qualified. Those were the representatives who were the most concerned with the public interest (personal communication, June 12, 2007).

However, the executive director of TBJA elaborated:

TBJA actually was established after TJA participated in a meeting among broadcasting professionals to nominate four media professional representatives to serve on the NBC selection panel. At the meeting, the secretary general of TJA was accused of not being qualified to vote because it was a newspaper association not a broadcasting association. Ironically, those four representatives were from the broadcasting business and private concessionaires who were closely tied to the state media operators. We found they were explicit nominees of the status quo

since the beginning. The founding of TBJA did not aim to nominate anyone to the commission position; rather our goal was to reform the broadcasting system.

Hence, we did not aim to enter the competition or nomination (personal communication, May 18, 2007).

Thepchai Yong (2007), an advisor of TBJA and the former president of the organization (2002-2004), outlined two difficulties of the reform movement, particularly among professionals. First, the Thai public had been acquainted with the state-owned broadcasting system for more than five decades. Second, media professionals themselves did not have a strong unity enough to fight to reform the system. Both audiences and many media employers are used to the way the system has been operated. Audiences are still passive rather than active citizens. Even though there have been several complaints about program content, they typically watch whatever is broadcast and have not taken collective action in order to call for any changes. Meanwhile, several media workers were also accustomed to conditions which they perceived to be “as good as it gets.” They were in the comfort zone of what they had done. These two main factors caused the media reform movement difficulty (personal communication, June 12, 2007).

Patcharapon Chomklin (2007), an executive producer from MCOT, remembered that the first three years of the campaign were interesting and exciting since TBJA collaborated with other interest groups in alerting local communities the media reform issues. However, after three years the projects waned due to the lack of financial resources and staff. At the same time, the battleground moved to a policy decision making level: the NBC selection and drafting the Broadcasting Business Bill. The movements were then organized by only a few people. Moreover, TBJA itself could not maintain participation or networks with wide variety of journalists and other media workers. Thus, a majority of the active groups were comprised of a few people, including political reporters and editors of some media companies and independent news agencies. Another obstacle was that dozens of broadcast journalists, especially those working under the state-controlled media, did not join the association. Most of them viewed themselves as employees of the companies, the state, and the military; therefore, as employees, they were unable to publicly support the TBJA movement. Aggressively backing TBJA might

have caused them trouble since they were still working for state and military stations (personal communication, May 20, 2007).

The former TBJA president and the executive director also reiterated that many media employees still hesitated even to get memberships in TBJA since they considered that the TBJA goals and missions might create conflicts with their employers. Dozens of broadcasting news editors and program producers indicated that they were interested in the TBJA movement and agreed with the ideas of media democratization, but they could not publicly reveal their endorsement (personal communication, June 12 and May 18, 2007)

According to its mission, TBJA focused on two main goals: media reform and the development of professional skills. Sopit (2007), the executive director of TBJA, believed that the latter was more successful than the former. It could be because the latter created a mutual benefit for all members including the broadcasting stations themselves. Thus, these activities were widely welcomed. On the contrary, media reform movements encountered great resistance, both from the state and the media business sectors. TBJA initiatives were based on a variety of conflicts of interest among various stakeholders. The broadcast journalism staff had to struggle with other broadcasting employees such as the marketing and entertainment staff, which make up the vast majority of media workers. Sopit (2007) pointed out:

Journalists are a small portion of the employees in broadcast stations. Unlike TJA, which has more power and is stronger because of the nature of the print media and its longer involvement, TBJA has fewer alliances even within the industry itself. Thus, our movement could not be as strong as TJA or the National Press Council. Our alliances were not powerful enough to impose the reforms, especially at a policy decision-making level (personal communication, May 18, 2007).

However, neither could it be concluded that the TBJA did not achieve media reform. It was not entirely a failure. TBJA did not set a goal that within five years NBC should be established. At least, it succeeded in increasing the public perception of the importance of media democratization and a publicly-owned media, including the creation of community radio stations. The TBJA director accepted that TBJA did not intend to

participate in NBC nominations; instead it monitored the NBC formation. The stagnancy of the NBC selection was mainly due to movements of media activism such as TBJA and other NGOs. However, media democratization did not totally stop; it has only moved forward at a snail's pace.

The Federation of Broadcasting Media Professionals Associations. The Federation is composed of twenty broadcasting associations with thousands of broadcasting media workers in entertainment companies. In the past, the broadcasting media never established any association for policy negotiations. It could be said that the Federation's and associations' members come into existence because of the 2000 OFA Act. Broadcasting associations under the Federation were mainly established by media companies or the networks that leased airtime or received licenses from the state and military. The president of the Federation (since its formation in 2001), Jamnan Siriton, is also CEO of JSL (a 30-year-old media production company with variety of entertainment programs shown on almost every television channel). Unlike TBJA, the Federation did not have a main office or a working staff, nor did it campaign through forums, seminars, or publications. Its office and staff are located at JSL, which is owned by the president of the Federation.

The Federation did not campaign against the reform of the broadcasting system since media reform would lead to the liberalization of the broadcasting industry, which would in turn have allowed more competition. The president explained that so far there have been blurred lines of interests among different groups of broadcasters. Oftentimes the state operates its broadcasting media under a commercial scheme which affected many commercial broadcasters, whereas people's sector does not have any space. The reform of the broadcasting structure could clearly separate the tasks and objectives of different broadcasting categories and open up more competition in the business (personal communication, June 26, 2007).

A legal advisor of the Federation opined that the interests of broadcasting business groups were actually separated into two facets. One group's interests harmonized with the reform of the broadcasting structure because they expected to open the market to competition, which in turn would allow more chances for them to expand

their business. Since they have to pay the government agencies, “it would be better to pay ‘over the table’ with fair competition than to pay ‘under the table’ which is unseen and is unable to predict.” On the other hand, dozens of private concessionaires did not favor media reform since they could lose some of their business. Therefore, setting up a federation was very difficult (Prasan Wangrattanapranee, personal communication, May 24, 2007).

Since members of the Federation vary from small independent production houses to large media companies, their interests are also varied. However, when they came together to select four representatives to serve on the NBC selection panel, Jamnan Siriton, the president of the Federation insists that this process was more united. Only a few problems occurred at the early stage when newspaper associations interfered with the meeting. Jamnan said “We think they are not qualified to vote, because they are in a different industry” (personal communication, June 26, 2007). As is usual when a wide variety of interest groups join a Federation, decision making becomes difficult. But in selecting the representatives to serve on the NBC selection panel, the broadcasting associations had to choose leaders who are powerful and respectful. “To select representatives, we had to have those strongest to fight, right? So, we chose two representatives from television stations, one from a radio station and one from a production house” (Jamnan Siriton, personal communication, June 26, 2007).

When comparing the two, the researcher found that the ideas regarding establishing the NBC were different between the TBJA and the Federation. While the TBJA was concerned about the accountability of the NBC, the Federation considered whether or not the new structure would be able to compensate their business interests. Since the selection of the four representatives from broadcasting professionals was based on power and quotas, the continuation of the status quo was inevitable. The media business commonly was concerned only with their business interests. Therefore, they fought for space for control over the new powerful agency, the NBC. Moreover, the Federation is loosely organized with a mutual benefit orientation. The collaboration was a temporary one to meet the mandates and to protect their own interests. Conversations with executives of other media companies (the members of the Federation) revealed that most media business groups still sought their best interests. This is due to the fact that

dozens of them still lease airtime and receive state concessions or licenses. Aggressive activities or movements might cause the business trouble. “They told us to get in the associations so as to have more power in negotiation. We actually don’t care about the details; we just want our business to continually operate” (personal communication, May 28 and June 14, 2007).

The Campaign for Popular Media Reform

The Campaign for Popular Media Reform or CPMR was developed from the ad hoc working group to follow the enforcement of Section 40 of the 1997 Constitution. The working group was initiated by networks of scholars, NGOs, media professionals, and a civil society network starting in 1997. In 2000, the group decided to establish a permanent organization to mobilize a media reform campaign targeting civil society and to watch over the installation of the new independent regulator. The goal of CPMR is to advance the democratization of communication; that is, to reform the communication system, both telecommunication and broadcasting, under democratic values such as transparency, good governance and public accessibility (CPMR’s Mission, 2003, p. 2). CPMR works under the umbrella of Thai Volunteer Service Funds (TVSF), a Thai non-government, non-profit development organization providing development-training services to other Thai NGOs. The primary work of TVSF is to train young Thai volunteers and then to match their skills to particular community development programs run by Thai NGOs. TVSF was jointly established in 1980 by 19 Thai NGOs who saw the need for an integrated and centrally organized service to provide training for full-time volunteers, information services, and backup for joint NGO projects and activities. Its funding comes from both national and international grants and donations. The anticipation of TVSF is to bring about closer cooperation, sharing of experiences, the empowerment of local communities, and to point the way to a common direction in development work among Thai NGOs. TVSF worked under the philosophy:

“[s]ocial development work must focus on opening up opportunities for the deprived sectors of society to achieve a better comprehension of their situation. Helping them will allow their collective abilities to tackle their own problems and also to develop their communities in their own way. Only through the active

involvement and empowerment of the poorer sections of society can they improve their own quality of life” (<http://www.thaivolunteer.org/english/aboutus.htm>).

That philosophy reflected the rudimentary perception of the development of civil society. Hence, CPMR has a strategic plan to include social movements as part of a public campaign targeting civil society. Under CPMR strategy, there is not a single movement. Rather, CPMR seeks collaboration and networking, particularly amidst civil sectors and other NGOs supporting democratic values, human rights, and civic participation. Their campaign aims to investigate the state and capital in the media reform process and to aim for media democratization with an emphasis on the role of civil society. Many activities have been accomplished already including:

- Surveillance of the process of NBC selection
- Participation in a Broadcasting Business Bill focusing on civic media sector
- Investigation of telecommunication information technology policy
- Encouragement of community radio stations and pressuring the state on the policy of community media
- Campaigning for the idea of media democratization,
- Surveillance of the state’s policy on communication and telecom capitalists’ influence on the policy (CPMR’s Mission, 2003, p. 2).

Many CPMR committees and advisors are scholars from various areas of interest. They are also involved and have influence at the policy decision making level. Some of them participate in the legal process: Vitsanu Varanyu (a law professor and an advisor of the CPMR) was a member of the parliament committee which drafted the 2000 OFA Act and other related laws; Pittaya Wongkul (a social science professor and vice president of CPMR) applied for an NBC post; and Uajit Virojtrirat (a communication professor, and vice president of CPMR) created training and forums for community radio stations all over the country. The political democratization in the 1997 Constitution allowed ordinary people to sue state officials through the Administrative Court if there was evidence of illegal conduct. Pittaya Wongkul, an NBC applicant, who is also on the CPMR committee, sued the NBC selection panel and the Office of the Permanent Secretary of

the Prime Minister's office, causing the NBC selection to halt in 2003 ("NBC stagnant," 2003).

During the first three years (1997-2000), the focal point of CPMR work was to remove state control over broadcasting (frequency reallocation); i.e. to terminate the state monopoly. Its activities included submitting petitions to policy decision makers, participating and lobbying policy decision makers in drafting both the 2000 OFA Act and Broadcasting Business Bill as well as other communication and information laws, collaborating with other media activists such as media scholars, joining TJA and TBJA in organizing forums and a seminar on media reform, and publicizing its idea of communication democratization through newspapers and CPMR's newsletter, *Hyde Park* (intermittently published only a couple years (2000-2004) because of financial shortages).

CPMR activities mainly focused on contemporary issues or topics. In the beginning, it emphasized removing state ownership and seizing radio frequencies from state hands to redistribute for the public benefit. Later, they concentrated on localism and enhancing community awareness of media democratization. The focus was shifted due to the rise of a communication business tycoon who controlled both politics and the media. In 2001, the telecommunication entrepreneur Thaksin Shinawatra entered politics and took over iTV before becoming the Prime Minister. The CPMR movement then shifted its focus because it was anxious about the possibility of capitalist dynamics overwhelming the communication industry. The mobilization changed to questioning and resisting the domination of capitalist industry patterns in the broadcasting system, and concentrations which might create another oligopoly.

The CPMR's initiatives shifted depending on current issues and situations in media reform debates. Supinya Klangnarong (2007), secretary general of CPMR, accepts that the CPMR mobilized to address current issues or topics of social concerns, but overall still seeks the democratization of communication. Before 2001, the focus was on removing broadcasting media from state and military control, but it shifted after 2001 when a communication conglomerate took over telecommunication and broadcasting (Shin Corp. took over iTV). So, instead of simply trying to eliminate the state monopoly, the CPMR moved to campaign against a capitalist oligopoly, and then concentrated even

more on a public broadcasting service and community media in 2005. “But we still did not lose our focus on free speech and communication democratization,” Supinya insisted (personal communication, June 13, 2007).

As usual, almost every social movement has a deficiency of financial resources and staff. Nor could CPMR avoid those hurdles. It had only one or two full time staff with a full-time secretary general funded by foreign non-profit organizations. Supinya (2007) admitted that lack of financial resources was the main limiting factor for CPMR. The main grants were from international non-profit organization through TVSF, such as ASOKA (from the U.S.), and Harris Bauer Foundation (a non-profit organization affiliated with the Green Party in Germany). The strategic movements of CPMR did not elicit protests or participation from the general public. CPMR, instead, communicated through the mass media to create awareness and an agenda among the public. Publicity was the key element. Nonetheless, CPMR’s activities did not have a large enough impact to draw the participation of a hundred thousand people. Supinya Klangnarong accepted that:

“We reached some achievements but were not successful. We succeeded in moving forward certain issues embraced in the 2000 OFA Act, such as separating the commission between telecommunication and broadcasting (to prevent telecom domination), including NGO representatives on the NBC selection panel, and reserving 20% of the broadcasting structures for the civil sector. We failed to achieve restructuring. One drawback could be that our resistance was mainly from the status quo. Transition of an institutional structure from authorities’ hands is a tiresome task. Another hindrance is that we were naive to view ourselves as experts and to believe that in the structural change everything would go well. But, many situations proved that we were wrong, since the society in general did not perceive any concrete benefit” (personal communication, June 13, 2007).

However, the CPMR was successful in creating greater awareness among the Thai public. Its image and campaign gained recognition among the Thai people. In addition, its collaboration with other media advocacy groups caused the proliferation of thousands of community radio stations around the country. Conversely, other interest groups, especially broadcasters, opined that CPMR caused the NBC establishment to stagnate and

hampered media reform (because CPMR lobbied Pittaya Wongkul, an NBC applicant and vice president of CMPR, to file a law suit at the Administrative Court claiming a conflict of interest in the process in 2003). Some perceived it as an international NGO operating for its own reputation and grants rather than a movement of the civil society.

Conclusion

Anuchart & Kritaya (1999, p. 289) differentiate civil society from other social institutions, in that civil society has a voluntary orientation; activities are pursued for the public good with a commitment to openness, accountability and autonomy. Civil society in a Thai context, either made legitimate or illegitimate by the state, could be categorized into four broad categories: (1) independent public benefit foundations, initiated by the private sector for social development, welfare, and charity or philanthropy; (2) professional associations, aiming to address professional or ethical concerns or mutual benefits for members, but mostly not challenging the state; (3) civil groups, initiated by popular sectors to solve their community problems, which may or may not contend with the state, (4) non-governmental organizations, initiated or partly funded by the state to act as a middle man for state-civic collaboration (Kanjana, 1999). However, these are overly specific categories to some extent, since one organization could fall into two categories (i.e. some professional associations also serve a public benefit). For example, the Lawyers Council of Thailand is a professional association but serves the public benefit by providing legal advising services to the poor and several NGOs free of charge. Also, in the same category, professional associations, such as TJA and TBJA could challenge the state. Plenty of non-profit organizations, particularly those supported or initiated by the state for social welfare or philanthropy, do not challenge the state, whereas the organizations challenging the state typically were those whose emphasis was on democratization, human rights, social injustice, and civil participation.

Media activism is considered to be a new social movement in Thai civil society, since it was actively initiated after the 1997 Constitution. Amidst the media activism allies, media scholars, TBJA and the CPMR are the core collaborators in media reform advocacy because of their similar stances on the restructuring issue. They seek a transformation of the state-ownership structure. The researcher found that no concrete

strategic planning of the movements was begun by media activists. Oftentimes movement activities have fluctuated to follow current topics or issues of concerns. Submission of petition letters, publicity through mass media (press conferences), and organizing seminars and forums are the main activities of the movements. However, a closer look found that their goals of media democratization are distinctive. Their movements are obliged by their interests and the benefits they seek. While many media activists are concerned about public benefits, some movements targeted private benefits or their own mutual benefits, such as the chance to operate new broadcast stations, chances to partly control or regulate the new broadcasting structure, or chances to open up new markets.

Among the media activists, mass communication scholars are the most independent. They are proactive in encouraging reform. They were involved in every phase of the reform process, since the knowledge possessed these intellectuals was perceived as beneficial for both the state and civil sectors. Many of them were consultants in both state policy settings and in determining movement strategies. The Council of Mass Communication Scholars, CMCAI, has not yet been strongly active and united enough to mobilize the rest of the civil society. Hence, individual scholars joined other organizations instead.

Although media professionals are in favor of media reform, they are clearly divided due to distinctive ideologies behind the movements. Broadcasting business groups concentrated on opening market competition (also aiming to protect their own property and concessions), whereas journalism groups concentrated on freedom of speech, diversity of programs, and accessibility of civil sectors. The Broadcasting Federation is considered to be a mutual benefit organization rather than claims for the public benefit. This caused Jamnan, the president of the Federation, to complain that the Federation was viewed as greedy and protecting its own desires and interests, although it is composed of a variety of media workers, from media owners to actors, technicians, DJs, and independent producers (personal communication, June 26, 2007).

The last media activist group is CPMR, a newly developed NGO, which focused on the democratization of communication. Though the objectives and mission of CPMR clearly support the reform of the broadcasting structure, its shortage of experience, leadership and finances caused their movement to be less powerful and influential in

policy decision making. However, aware of their shortcomings, CPMR created a network with other stronger democratic NGOs and journalism associations to mobilize their ideology. Networking was significant, since it elevated the strength and power of the movement.

To summarize, Thai media activists put their efforts into inducing policymakers to move broadcasting reform in the direction of democratization. Its campaign replicated one of four main movements mentioned by Hackett (2000) (see Chapter Two for review). Therefore, Thai media reform advocates contributed to media democratization in the reform of the Thai broadcasting system. The goals of media activism are not only to move policy reform toward media democratization, but also to be accountable in policy implementation; to be precise, to support the formation of a new institution—the NBC. Their overall efforts included: (1) contributing communication intellectuals as policy consultants and initiation of a legal framework; (2) revealing to the public the lack of transparency in the of NBC selection process; and (3) promoting public awareness of free speech and media freedom as well as the public ownership of communication resources. The impact of their movement might not have resulted in a concrete change of the institution or an openness of competition in the broadcasting industry. Nonetheless, one could not deny that if these media activist groups were not active, Thai broadcasting policy reform might have gone in another direction, or even worse. Without blocking the selection process, the new commission might operate under the power elite groups, and the independence of this new regulator would be questioned. The principles of accountability of the institution, public accessibility, and diversity of the broadcasting system (such as public-owned and community media) would not exist.

Thai civil society became stronger in the 1990s. The growing civil society is based on the strength of community and local sectors, with the assistance of intellectuals and non-governmental organizations. It may not yet be strong enough to overcome the former power elites, such as politicians, bureaucrats, military and business groups. However, the past decade, civil society was an essential factor in the reform movement as was the media and the legal system (Prawase, 1998).

CHAPTER SEVEN

FRAGMENTATION OF MEDIA DEMOCRATIZATION

Democratization is viewed as a means to eradicate an authoritarian regime. The historical-analytical approach in Chapter Four confirmed that although Thailand had moved from an absolute monarchy to parliament democracy in 1932, democratization is still now in a transition stage. In particular, democratization in the communication realm emerged only during the decade following the political democratization in 1997. In this chapter, the researcher will discuss the core concept of this study: media democratization.

The researcher argues that democratization should be regarded as a process which can take a period of time to yield a more complete democracy. During the process itself, there may be certain challenges and unintended outcomes. The analysis in Chapter Five provided evidence that the legal framework of Thai broadcasting policy was initiated in a move toward media democratization, in that the ownership and the regulatory structure of the broadcasting system were shift toward competition, diversity and accessibility. Meanwhile, bargaining among the stakeholders is a typical activity in the process of institutional reform. The contentions among stakeholders revealed an enhancement of democratic practice in policy realm, even though it did not result in open market competition in the media industry. The legal analysis in Chapter Five also showed that, apart from a free and independent media system, a regulatory framework may also create the conditions for a participatory democracy by welcoming private and civil sectors participation in policy decision making. Chapter Six, in addition, stressed the involvement of civil society groups in the reform of the broadcasting media. Although media activists were limited to intellectuals, journalists and non-governmental organizations, these sectors of civil society challenged state authority and its partners. They attempted to protect the public interest and communication rights.

The three following sections include discussion of various perspectives on media democratization; institutional restructuring, an arena of political struggle among interest groups; and civil society's participation in the reform of Thai broadcasting media policy. The aim of this chapter is to address the third research question: *Has the reform of Thai broadcasting media contributed to media democratization and how?*

Perspectives on Media Democratization

An increased level of political and civil liberties, such as freedom of expression and press freedom indicates an increase in democracy in a specific country. Whether democratization is a process or an outcome, it is composed of two main elements: competition and participation. Competition among stakeholders is necessary because it attempts to ensure participation in all meaningful choices for every stakeholder and to promote accountability in the process and the outcome (such as political elections, economic markets, and governance). To promote competition, involvement of stakeholders, or participation, is mandatory (Rozumilowicz, 2002). As elaborated by Ferree et al. (2002) in Chapter Two, when the public is well informed it can make reasonable or intellectual judgments on political choices. To accomplish this task, media should detach itself from the propagandizing agenda of the state and attach itself move directly to a civil society concerned with the public interest and public participation. The transition of either a political or a media institution toward Ferree et al.'s (2002) participatory democratic theory is the core concept of democratization. Price et al. (2002) related political democratization to media reform, as explained in Chapter Two. They concluded that political transitions could lead to media reforms and vice versa. That means the transition of a political situation from an authoritarian regime to a democracy has link to the reform of the media in that country. However, media reform itself still signifies political democratization, since media democratization is indicated by the increase of civil and political liberties.

According to the democratization concepts offered by Price et al. (2002), competition and participation in the political arena is wide spread in many post-colonial and post-Soviet Union countries. Even though Thailand was never colonized, the influence of authoritarianism has existed since the end of the absolute monarchy in 1932 and the attempt to democratize politics has been an ongoing struggle. Hewison et al. (1993) observed that democratization in Southeast Asia has been influenced by internal and external forces. Internal forces include rapid economic shifts, the cohesion of authoritarian regimes, perceptions of the legitimacy of governments, the size and attitude of the middle class, and trends in civil society. External forces are democratization and political changes in the region spreading democratic values within the context of

globalization. Surin (1997) reasoned that economic liberalization among NICs—Singapore, South Korean, Taiwan, Malaysia, and Thailand—had set parts of their economies free from government control and had become subject to much more competition in the world market. Hence, even though the state remains very much the center of power, it has almost no choice but to form a strategic alliance with other groups or classes (pp. 147-148).

In Thailand, both political and economic forces have increased democratization, since a capitalistic economy has moved the country toward export-oriented industrialization, leading to “a new kind of bourgeoisie emergence press[ing] for a more liberal and privatized economy” (Anek, 1997b, p. 5). Milton Friedman (as cited in Anek, 1997b, p. 6) explained that capitalist development is a necessary condition for the installation and consolidation of democracy. The conditions include economic dependency and independence of mind—crucially dependent on education, knowledge, and an opinion sphere free from political power, with the requisite of privately owned and non-state means of mass communication.

The historical analysis in Chapter Four indicated that Thai political democratization has swung up and down because of recurring coups since the end of the absolute monarchy in 1932. Ukrist (2001) elaborated that by the end of the absolute monarchy Thailand had been exposed to global forces after it had experienced two previous waves of globalization. The first wave began in the late nineteenth century with the expansion of the rice economy. This caused the country economy to gradually change agriculture production from consumption to export. The second wave was in the late 1950s when the country collaborated with the United States’ Cold War strategy. Competition and participation, though increasing in Thai politics, still are hampered from time to time by powerful military groups. Through seven decades, the major politically democratic movements can be traced back to when students’ movements brought down the military junta in 1973. The economy did not blossom during the 1970s and the middle class played only a supportive role in that event. Still, the first sign of an active civil society role occurred along with the emergence of NGOs. Democratization during that period stemmed from reactions to the suppression by military governments and the

economic crisis. Urban workers and university students made up the main groups of demonstrators.

However, Thai democratization slightly differs from many post-colonial countries. It occurred primarily because of the proliferation of the middle class, similar to that proposed in the Western concept of democratic development. But there was collaboration rather than contention (i.e. anti-state). Anek Laothamatas (1997b) observed that there were two concepts of democratization available: development leading to democratization and development which did not lead to democratization. The first concept, argued by Samuel Huntington (as cited in Anek, 1997b, p. 4), was that modernization and economic development produce a middle class which in turn plays a pivotal role in democratization. The second, argued by Barrington Moore (as cited in Anek, 1997b), was that the flourishing of bourgeois society which occurred in the West “would not necessarily repeat itself in the late-developing countries of the present” (p. 9). Examples are China, Singapore and Malaysia. Although Thai political democratization could be classified in the first approach that development leads to democratization, it did apply a pluralistic approach rather than a modernization approach, which does not specify a certain class as an agent of democratization. Thai political democratization is heavily based on a compromise between the state, capitalists and the inclusion of the middle class in the political process (Surin, 1997, pp. 164-5).

Evidence in Chapter Five also verifies that the change toward a participatory democracy lead the country toward political and media democratization. After the 1997 economic crisis, the country was exposed to international capital flow, lost economic sovereignty to the International Monetary Fund (IMF), and significant capital assets were transferred into foreign hands. In addition to the economic impact, political democratization was also strengthened during the same period. The most notable change was the 1997 Constitution which “re-engineered the political system in order to reduce the power of bureaucracy, made politicians more responsive to the popular will, and undercut old monopolies in business and government” (Ukrist, 2001, p. 25).

According to Price et al.’s (2002) approach, political transition related to the emergence of media reform and democratization could explain the Thai situation in broadcasting media reform. Before the political transition in 1997, should one count the

media as a significant means to guarantee competition and participation, Thai media has only partly performed its roles, due to its ownership and the state policy on communication. As stated before in Chapter Four, broadcasting media has been under the control of the state since the beginning. The roles of the broadcasting media are seen as serving as a mouthpiece of the government and entertaining. The watchdog role of broadcasting media is less likely to be perceived in the eyes of the Thai public. These roles have not changed since the student movements in 1973 and 1976. In the May crisis in 1992, news televised on state broadcasting distorted the actual events of the uprising. Then, accusations were made about the ownership system that allowed the government to fully control the electronic media.

In achieving media democratization, deregulation (if we view regulation as a method to “rule” or to control the media industry) could be an instrument applied to restructure the broadcasting media. As stated before, the print media in Thailand are reflect liberal corporatism but the broadcast media are influenced by the governmental and corporate elites, according to Curran’s (2000) explanation. Also, print media are classified between laissez faire and cooptation (taken from Chan’s (2002) concept of media structure referred to in Chapter Two), since they are privately owned and driven by a market orientation. Some state rules, still, partly oppress their watchdog functions. Broadcasting media in Thailand, on the contrary, are less democratic, since they are state-owned or are receiving concessions from the state. Even though they seem not to be the state mouthpiece, they do not perform any watchdog functions. Owing to these existing media structures, media democratization, in the Thai circumstance, is the transformation of broadcasting media control and allocation out of the hands of government control. This supports the concept of an independent media system (Price et al, 2002; Curran, 2000).

Legal analysis in Chapter Five showed that the regulatory debate of Thai media reform was moving toward democratizing both politics and the media. Many issues are described in the major provisions. To democratize media, democratic values are emphasized such as freedom of expression, the rights of communication, participation and competition. Either using a political or an economic explanation, the function of media to promote democratic values is the main issue of media democratization. To function in encouraging democratic values and practices, media is expected to be

liberalized and democratized; that is, exhibit minimal intervention from dominant elites (i.e. state, government, politician, party, business, and capital). According to White (1995), two indicators of media democratization are removing the media from dependency on capitalistic investment and market controls, and shifting the media from direct/indirect government control, including that of political parties. Thus, Thai media democratization involves restructuring broadcast media and moving it out of the hands of direct government control, through the revision of the regulation system at an institutional level. That is, seeking the establishment of an independent regulatory agency to oversee the broadcasting system and industry typified by fairness, competition, accessibility, and in the public interest.

A note of caution is warranted before moving to the next section. Thai political and media democratization after the 1990s indicated the strength of civic participation rather than the enhancement of competition within politics and media. In fact, democracy came into being because the authorities allowed it from above, either more or less, or yielded to certain demands from the pro-democracy forces. It might be that the rulers realized it was in their long-term interest to step down or to share power with the democratic elements in a new regime (Anek, 1997b, p. 8)

Institutional Restructuring: The Politics of Broadcasting Regulation

Open and fair elections are an indicator of democracy. But they are not a universal remedy for enhancing the democratization of a country. Likewise, restructuring an institution is not the panacea of media democratization. The stakeholder analysis in Chapter Five disclosed that institutional restructuring was a further political arena mediating the struggle between the people in power and the civil society movements.

Since the 1992 political crisis, the Thai public has realized its need for media reform. Liberalizing the country's broadcasting media has occurred on both a policy and a practical level. While the reform of broadcasting regulation and ownership structure has started, the business concessionaires and the state agencies who own most broadcasting stations have tried to extend their ownership and broadcasting oligopoly, particularly after the enactment of the OFA Act in 2000. For example, the Army has created a public company to operate all the Army-owned broadcasting stations. It also extended the

contract for Channel 7 with the old concessionaire to an additional eight years without opening a new bid. MCOT, a state-owned enterprise, was successfully privatized in 2004. Nevertheless, these appear to be minor changes when compared to the creation of a new independent regulator, NBC, designed to restructure the Thai broadcasting system. The establishment of NBC was the main battlefield in the process of Thai media reform and democratization. As stated elsewhere in Chapter Two, Galperin (2004) suggested that the major transition leading to media democratization should aim at an institutional level, since institutions, not organization(s), set the rules of the game.

If one accepts that a major manifestation of democracy is mutual toleration among contending groups within the society, which translates into an establishment of various democratic institutions, it is then important to see why different groups disagree on the democratic ground rules (Surin, 1997, p. 142). Institutional restructuring, the establishment of NBC, mirrored this idea of how the stakeholders have aligned with or struggled against one another over the issue of media reform.

White (1995) argues that a communication system should be reorganized to permit all sectors of a population to contribute to the pool of information that provides the basis for local or national decision-making and the basis for allocation of resources in society. All sectors should have the opportunity to contribute to the formation of the national culture that defines their social values. All people should have access to media (both to produce and convey their message and to receive a message). The public should have the opportunity to criticize, analyze, and participate in the communication process.

Following White's (1995) ideas, Thai media restructuring is effected by changing the laws, policies and media systems or structures to better serve the public (i.e. promote democratic values). Free and independent media are one of the goals of media restructuring. Similarly, Thai broadcast restructuring focuses on the efforts to change an institutional structure and to create a regulatory body, which was shown in the analysis of the legal framework in Chapter Five. To restructure the broadcasting media, changes in rules or regulations are the main instruments. Thus, media deregulation is regarded as changing laws and policies to reduce the restrictions of government control over broadcasting media and to create an (expected) independent regulator. Such rules are, for example, privatization of media state-owned enterprises, or the OFA Act of 2000

establishing NBC. Media restructuring and deregulation in the Thai case focuses on the selection of the Commission to regulate the broadcasting industry, in order to allow civil participation in regulating broadcasting media, and changes in media structure. It was intended to transfer the broadcasting system from a government only public relations tool and commercial scheme to the inclusion of a model of a public broadcasting service and of alternative media. Not only the new regulatory bodies but also the national master plans for broadcasting and telecommunication need to be established.

Policy development was usually seen as a bargain among the powerful elites. Thai broadcasting policy reflects in the same process. Policy decision making, regulation and control were in the hands of powerful Thai elites: the state, the military and business groups. Neither regulation nor the policy formation process previously allowed public hearings or comments until the new Constitution of 1997. Although being open for participation and competition is an indication of democratization, the success of Thai broadcasting reform is still doubtful. The stakeholder analysis in Chapter Five made obvious the fact that the players and the context setters (i.e. politicians, military and bureaucrats) had major roles in the debates of media reform. On the surface, the formation of a new independent regulatory agency seems to encourage competition and participation among various stakeholders. Underneath the process of this institutional restructuring, powerful military and bureaucrats still try to retain control.

The consequence of the delay in the establishment of the NBC (since 2001) was that it halted reallocation of the broadcasting frequencies, which in turn impacts the broadcasting industry. Some media operators have taken advantage of this delay to obstruct the reform process through tactics that have included business restructuring, public listing of organizations that own broadcasting frequencies, cancellation of current broadcasting contracts in order to lease the existing frequencies to new bidders, and obtaining long-term concession contracts. A recent example from such organizations was a demand for changes in the original contracts that prevent media operators from obtaining excessive commercial benefits. That is, changes in the iTV channel's concession contract allow the editorial policy to be guided by commercial objectives instead of public interest as had been intended originally during Thaksin's government (2001-2005).

The Constitution of 1997 stressed that all radio frequencies are considered national resources that must be reallocated for the benefit of the people. In reality, this principle has been ignored repeatedly; while it continues to exist, it has yet to be enforced. The interruption in the process to establish the independent regulatory agency and the existence of several anti-constitutional and out-of-date laws and regulations are just some examples of how this principle is not being implemented (Thai Journalist Association, 2004, p. 2).

Because the institutional restructuring has not been accomplished, the reform of broadcasting media has not apparently succeeded. Broadcasting media is still essentially a government public relations mechanism. The control of broadcasting media content and regulations by the government still exists. For example, the media coverage of the avian flu in early 2004 was a worrisome example of how the government tries to handle “bad” news. Radio and television channels under the government were especially forced to follow state directives regarding the handling of reports on the flu. Although some newspapers had reported on the spread of the avian flu since November 2003, denials from the related state agencies as well as the sheer unavailability of sources practically killed the coverage of the illness, until the disease spread and began inflecting people. This government control on information and news content therefore put the public at risk. This does not mean that the issues involved were less important or had little impact on the general public, as broadcasting the stories might create panic among the public. But in the government’s eyes the story would hurt the government’s popularity. It has become evident that any long-term government control over any broadcasting media structure can only reduce the quality of news reporting and programs and deprive the public of accurate and timely information, as well as of astute analysis of issues and events. When this control suppresses the media, discourages independent reporting and forces newsrooms to turn into entertainment, it is the public that suffers from the lack of open discussion (Thai Journalist Association, 2004, pp. 19-20).

In the eyes of the Thai government, the rationale for broadcasting regulation is to sustain the concept of government social services rather than a liberal market model, as explained in Chapter Two. The state social services scheme stresses that the government provides the public good and guarantees a public service obligation without concern for a

profit margin. But the Thai state disguises this scheme by centralizing the regulation and monopolizing the operation with rationales of national security, unification and development. The institutional restructuring of the broadcasting system, hence, is another mirror of political advantage by the people in power.

Public Participation in Communication Policy

As summarized in Chapter Two, civil society has two dimensions. The first dimension is that civil society could be formal organizations or institutions, since they consist of members who share certain identities and interact with each other to create networks. All of these could be seen in the form of social organizations, professional associations, and non-profit organizations acting to counterbalance the state realm. When these organizations make commitments and devote resources in certain actions aimed toward change in society, they become social movements. The second dimension views civil society in terms of values or belief systems embracing democracy rather than formal associations (Dahlgren, 1995). This is more an ideological view of civil society, and less tangible than the first dimension. When one takes the second perspective into account, civil society becomes loosely abstract. Civil society is a main element in democratization, particularly in the theory of participatory democracy (Ferree et al., 2002).

Western models connected the emergence of civil society to the rise of the bourgeoisie. Increasing the size and role of the middle class led to a sort of prosperity for the public sphere (Habermas, 1989; Cohen, 1997). The concept of civil society in a western model—an anti-state movement—was a questionable cross-cultural generalization, especially in many Asian cases. Although civil society is a part of democratization, particularly political democratization, it does not always oppose the state. In some Asian countries, civil society collaborates with the state or even is initiated and supported by the state with an emphasis on development. It may include a sphere of interaction, cooperation and compromise. Its organizations or associations are often directly organized by the state or require its approval (Schak & Hudson, 2003b, p. 2).

In Asian civil society, despite the rapid rise of a middle class, the bourgeoisie failed to make an impact on the military-bureaucratic rulers. “Business owners of East and Southeast Asia are conspicuous by their lack of activism in pushing for the sort of

reforms that furthered the cause of civil society” (Schak & Hudson, 2003b, p. 4). The state also has retained control over the business elite. Such examples are evident in various business concessions in Thai broadcasting media, as elaborated in Chapter Four.

While western models of civil society were constructed after the time when civil societies had clearly emerged, Asia civil societies are different. Thus, one should be careful when applying the western models of civil society to Asia, since the emergence of Asia civil society is culturally and politically different from those of European and Western countries. For example, Cohen’s (1997) civil society embraced the concepts of egalitarian, inclusive and participatory groups. Meanwhile, Hudson (2003) explained that any mature civil society demonstrated the ideas of individualism, autonomy, the market, voluntary actions, pluralism and class. In a broad sense, civil society includes a set of self-organized citizen groups capable of taking collective action to promote their interests, but not seeking to replace the state agents or private sectors. However, in a specific idea, “there is no consensus about what civil society is or how it is to be derived” (p. 9).

The researcher argues that the idea of egalitarianism apparently could not apply to the Thai civil society, but the concept of participation could. Analysis of Thai civil society in Chapter Six provided evidence that the patron-client structure of Thai society is replicated in civil society organizations, especially traditional philanthropic organizations targeting social welfare, rural development, gender equality, and health benefits. These non-profit organizations generally include prominent persons or celebrity volunteers either on their boards or as brand ambassadors. The well-known, wealthy and, thus, influential persons assist these organizations in being approved by the government and supported by the general public to carry out charitable works. Hence, the vertical structure of Thai society is still carried on within the civil society organizations themselves. Although in principle many civil society organizations are based on horizontal linkages, “it is taken for granted that leadership roles are reserved for wealthy, higher status persons who are more influential and have better social connections and public visibility than their peers” (Juree, 2003, p. 97).

Another characteristic of Thai civil society is that the continuity and contributions of these organization or associations depend much more on the leadership than on

mission fulfillment. Therefore, the disposition of campaigning, programs, resource generation, personnel management and others revolve more around the core personalities of the organization, particularly the leaders at a certain point in time, than around the shared goals of the membership as a whole (Juree, 2003, p. 90). As the evidence shows in Chapter Six, this characteristic appeared in certain media advocacy groups as well as in Thai broadcasting reform. For instance, the Council of Mass Communication Academic Institutions and the Federation of Broadcasting Media Professionals Associations rely heavily on their leaders instead of shared ideologies or identities.

This does not apply to every other media activist group. The case study in Chapter Six demonstrated that media reform advocates, particularly intellectuals, journalists, and NGOs, have contributed to promote the democratization of the Thai communication system. Their actions focused on campaigning for the reform of the broadcasting structure and monitoring the formation of NBC to guarantee accountability in the selection process. The participation of the media reform advocates challenged the government entities in communication policy decision making, in which a social movement of the powerless groups was heard and obtained the government's attention. The study also replicated a study of public participation in Thai legal reform before the enactment of the communication laws, conducted by Ubonrat (1999b). It illustrated that several working groups, including the associations of media professions and the communication academics, attempted to promote a public agenda and participation in the legal framework and in the institutions of the new structure of the broadcasting media.

It should be noted that even though the Thai government allowed certain civic groups to participate in broadcasting policy reform, it still holds business concessionaires tightly with its power, resources and interests. Also, the government has the power to prevent its own overthrow; aggressive actions could cause more problems and tensions with civil society. Hence, the government officials sometimes have to "concede space to civil society actors in order to pursue their own goals" (Schak & Hudson, 2003b, p. 5).

While participation from civil sectors was widely encouraged, their movements did not yield an autonomous media institution. Media activist groups might have achieved their role by scrutinizing the establishment of an independent regulator. But the process of media reform does not come to a conclusion easily. Struggles between the

state and civil society on media reform issues will still continue as long as the Thai political opportunity structure remains unchanged. Kitley (2003) argued that in many Asian countries there are strong states and an institutionalized relationship between bureaucratic authorities and media firms, which “maintain barriers to mediation of matters of public interest championed by civil society” (p. 12). Lewis (2003) also found that powerful political and commercial interests undermined the attempt to make Thai media more publicly accountable. To promote and maintain a civil society, it is necessary to create alliances among multilateral associations and non-governmental organizations leading to social change. This could assist civil society in counterbalancing the power of the state and commercial firms. This seems to promote some facets of the public interest, such as transparency, accountability, participatory decision-making and freedom of communication (Kitley, 2003, p. 18). Negotiation still needs to occur at the governmental level (i.e. recognition from the state is still a “must”). Some issues still may be influenced with the success of social and media activists. For instance, the location of decision-making may influence the activity and success of civic groups. Also the ability of the groups to determine what interests they may have at stake in policy decisions may differ. This change, in which social activists break through the decision-making process, could lead to greater influence in public policy issues (Ikenberry, 1988, pp. 236-237).

Civic society, lead by academics in communication studies, journalism associations and NGOs, campaigned for media reform. Their participation on a policy decision making level had an impact on the direction of the reform of broadcasting. The researcher would suggest that even though public participation has not been completely successful, the demand for more public access and better quality programming, along with the legal stipulations on media reform, has put a certain amount of pressure on the government and the state broadcast media that has been significant.

Summary

One of the policy goals in broadcasting reform is the anticipation of greater public participation and more independent regulatory bodies. However, transformation of the existing regulatory structure is not an easy task. The reality of Thai broadcasting restructuring has not been pursued independently as might be expected. What was written

in the law does not always get accomplished in reality. Moreover, the laws usually state the main ideas in general, whereas the conversion of the policy into practice requires much more detail. Therefore, policy formation involves several entities, including both the status quo actors and the new entrants; and implementation encounters a variety of constraints.

In spite of the new communication law, the OFA Act of 2000, the current broadcasting media is still under control of the government and a handful of private entities. Previously, ownership rights in the electromagnetic spectrum or radio frequencies for broadcasting and telecommunications were given only to state agencies. There has not been any provision for public access or for public property rights in the radio frequencies for common interests, even though those provisions are stated in the Constitutions. Transforming broadcasting media from the hands of the powerful elites into those of an independent regulator involves extensive changes. Among those changes, however, the repetition of political rivalry is that the political and economic entities have power over the public entities in the restructuring process.

The formal rules of an institution do not indicate its existence; rather, informal constraints, compromises and bargains fostered between the conflicting entities are the key. The fragmented outcomes of Thai media reform as shown in this study do not indicate that democratization of Thai broadcasting media does not exist. Since democratization is a political process and thus involves political actors, it would be likely that people in power with strong political assets and astute strategies could freeze, resist or harness any democratic movement. But the failure to restructure an independent institution does not mean that democratization of the Thai broadcasting media did not achieve its goals. The researcher contends that throughout the process of Thai media reform, even since its initiation, some democratic practices have been maintained. Such democratic practices included competition of a broad array of interests among the holders at stake, and participation of civil sectors lead by the intellectuals.

CHAPTER EIGHT

CONCLUSIONS AND RECOMMENDATIONS

This study has examined media democratization of the Thai state by analyzing the process of broadcasting reform in Thailand in the period, 2000-2006. It seems that the attempts to reform the media by media activism have most recently been overpowered by the well-established hegemonic groups, i.e. bureaucrats, the military and the media business. After a half decade of reform, it might be too early to see any obvious democratization of the Thai media. However, even open market competition is not evident. Participation of civil society groups proved that media democratization could be achieved, although it might take another decade or more. Initiation of the policy is seen as a “good” intention to restructure the institutional system, but the result has been fragmented reform. Media democratization seems only to be a deliberation about institutions, not actually restructuring as was expected. Attempts at policy development and implementation often had unintended consequences

In this chapter, the researcher aims to address the last research question: *What could be the lessons learned from the effectiveness or ineffectiveness of broadcasting policy reform?* Policy study eventually aims to address the lessons one has learned from the implementation or assessment of a policy or regulation. The researcher will also conclude her discussion of Thai media democratization by highlighting the findings and conclusions of the other questions. This chapter, hence, consists of four sections: a summary of findings related to each of the four research questions, implications for policymakers, theoretical implications, and limitations of the study and suggestions for future research.

Media reform and political reform are linked. There have been signs of both political and media reform in Thailand since the promulgation of the Constitution of 1997. This transitional stage of Thai politics and media policy indicated, however, the fragmentation of the institutional restructuring. The reformation at the structural level evinced the participation of media advocacy groups. These intellectual media activists have contributed to Thai broadcasting reform, advancing their concerns about the

freedom of broadcasting media, diversity of ownership and accountability in the Commission formation process.

Democratization of Thai Broadcasting Media

The debates of broadcasting policy reform were initiated by civil society, particularly media professionals and communication scholars after May 1992. As Price et al. (2002) mentioned, political transition has often interacted somewhat with media democratization. No matter which one comes first, the interplay of political democratization and media democratization is significant. Likewise, broadcasting reform in Thailand also relates to the country's political reform after the pro-democracy protests in May 1992. In this section, the researcher summarizes the findings related to the first three research questions and addresses the fourth research question.

Research Question 1: What are the key debates in Thai broadcasting policy reform?

The three main debates of media reform are about institutional restructuring, the change in state ownership and public accessibility. Early debates in the reform focused on removing the state monopoly over broadcasting media. Hence, the legislature and rulemaking were the central focus after the 1997 Constitution mandated the reallocation of wave frequencies and initiated a new regulator. The provisions of the Constitution later shifted the debate to the formation of the new independent regulatory body. The extent to which a new agency can implement or enforce industry regulations is dependent upon the nature of its institutional structure. Therefore, restructuring an institution, e.g. the establishment of the National Broadcasting Commission, will affect the whole policy making process, as well as regulators and operators. As detailed in Chapter Five, the independent regulator is also expected to be concerned with public accessibility and diversity in allocating frequency resources; that is, a variety of ownership and public accessibility issues. These ideal concepts have been repeatedly endorsed by media reform advocates, while the well-established stakeholders (bureaucrats, the military and media businesses) seemed to be reluctant to support this proposal.

Therefore, the process of media reform has been obstructed mainly because the government and military were reluctant to lose their monopoly. Meanwhile large media

business groups also still hesitate to lose their privileges, which have developed through their connections with the government and the military. Small media companies and independent producers, though supporting the diversity of ownership and greater accessibility, had less power to negotiate successfully toward policy reform.

Because the 1997 Constitution created several new independent regulatory agencies (IRA) equipped with judicial powers designed to limit or balance the powers of former authorities, these new agencies attracted many status quo and anti-reform figures. These persons put much effort into being selected for membership. Some IRAs have been very effective. For example, the National Counter Corruption Commission (NCCC) successfully removed from their positions five politicians, one bureaucrat, and one state-owned enterprise official in its first year of operation. In the selection of National Telecommunications Commission (NTC) and National Broadcasting Commission (NBC), there was no doubt that the stakeholders from powerful centers of influence had put all their efforts into manipulating the selection process for membership on the new independent regulatory agency commission (Ukrist, 2001, pp. 35-37). The NBC selection panel was dominated by military figures and existing media owners, whose interests were to minimize liberalization and media democratization. The panel fell under the control of the former state authorities and business concessionaires.

The stakeholder analysis in Chapter Five demonstrated the alleged interference of some powerful government agencies in attempts to retain their control over the frequencies they viewed as sources of their economic and personal benefits. Moreover, media business groups were seen as playing behind the scenes to gain advantages from the transforming environment. It seems that the public will be the last to benefit from the high aims stated in the Constitution, if they will get anything at all (“What and why,” 2001).

On the one hand, the researcher found that legislation opened a battlefield for relevant stakeholders to compete in the establishment of the new regulatory agency. This openness provided an opportunity to create competition and participation. On the other hand, since it is the only battlefield, every stakeholder tried to draw all their power and resources to fulfill their interests. From the Western theory of pluralistic democracy, as explained by Dahl (2005), pluralistic democracy, previously “dominated by one cohesive

set of leaders [,] had given way to a system dominated by many different set of leaders, each having access to a different combination of political resources” (p. 86). In the Thai case, there have been several sets of leaders, but always a combination of a few dominant and powerful elites. No wonder that these power elites—the military, politicians, and media business entrepreneurs—pulled upon all of their available forces to influence the NBC selection process and tried to nominate their own men to the Commission. Existing media ownership was to be left untouched and no policy implementation was undertaken to prevent the emergence of oligopoly. The goals of diversity in program content, and more open accessibility, are still not in evidence.

Research Question 2: Has the reform of Thai broadcasting media contributed to media democratization? And how?

The reform of broadcasting media has partly contributed to media democratization. Although changes in the broadcasting system and the formation of an independent regulator did not materialize, the process of democratizing broadcasting has been evolving slowly. While the goals of media democratization were not operationally achieved as a result of opening new market competition, at least the process has conceptually contributed to the enhancement of democratic values. This includes the participation of civil sectors in the media reform process, increased public awareness of their rights and freedom of expression, and the development of community media.

The analysis of legislation in Chapter Five indicated that the changes in major laws, such as the 1997 Constitution and the OFA Act of 2000, openly reshaped the political opportunity structure for changes in both the political and media realms. The establishment of an independent regulatory agency (IRA) created a new structure for broadcasting regulation (i.e. moving the regulatory framework from the hands of the government to an independent entity). However, it would be naïve to claim that this regulatory reform alone could result in freedom and independence for the Thai media, since the implementation of these primary laws has faced various hurdles. Thus, in analyzing media democratization one should not ignore what has happened during the practical process of democratization. Likewise, elections alone do not guarantee the

advancement of all elements of democracy. Broader struggles among powers and social forces are the main indicators of competition and participation of the stakeholders.

As one could see, although the attempt to advance media democratization by reforming Thai broadcasting media contained certain elements of competition, the competition occurred in the form of a struggle among the different groups with interests at stake. Furthermore it did not exhibit the openness of fair competition. Broadcasting is still in the few hands of the elite groups, both in ownership and in operations. Likewise, participation appears in the form of representation from a wide variety of stakeholder groups who claim to represent civil society, even though they are limited to intellectuals, professionals and some social activists. An important question remains as to whether media democratization reaches the grassroots level. Accessibility and participation of grassroots groups in the media are still limited. They were regarded as a *crowd*, while others were *subjects* and *players* (see the analysis of stakeholders in Chapter Five). Needless to say, there is little participation at an institutional level by the ordinary public. This is consistent with claims made by Dahl (2005). Within a public policy process, a few people have the greatest direct influence on the choices that are made. Ordinary citizens seem to have little direct influence on policy decision making (Dahl, 2005).

Research Question 3: How has media activism contributed to media democratization in Thai broadcast reform?

Although powerful forces influenced the reform of the broadcasting media, civil society contributed to maintaining the concepts of democratizing the Thai broadcasting system. The case study in Chapter Six revealed that three main groups of media reform advocates have contributed to restructuring the institutions. The significant groups are mass media scholars, journalism professionals, and the Campaign for Popular Media Reform (CPMR)—a nongovernmental organization. While the efforts of communication scholars and media professionals are varied due to the nature of their diverse goals and interests, the CPMR is more focused on its missions. Still, the abilities of these social movements to influence policy decision makers were limited. While some communication scholars and journalists concurred with CPMR in removing the state

monopoly and encouraging diverse public accessibility, there still were some other scholars and media professionals who did not agree. The bureaucrats, such as PRD, MCOT, and the military, were aware of the need for media reform, but still wanted to retain their ability to control the media. Likewise, the private concessionaires disagreed with proposals to seize all the frequencies and reallocate them because they could lose what they had already invested. Media professionals themselves are divided rather than united.

Actually, Thai civil society organizations have grown significantly in number and assertiveness. The 1997 Constitution was especially important in that it caused them to gain new political opportunities, including the ability to initiate proceedings to impeach a minister for corruption. After the economic crisis in Thailand during 1997, civil society groups exerted pressure toward the reform of politics and the media. In spite of its strengthened role, civil society is still institutionally weak in the face of the established institutional roles held by private capital and the military/ bureaucrats (Ukrist, 2001, pp. 37-39). Therefore, even though Thai civil society plays a major role in speaking out in favor of participative democracy and the reform of the broadcasting system, it is still “in a relatively early phase of articulation and is vibrant rather than precise” (Schak & Hudson, 2003b, p. 2). The ways in which media reform activities interpreted the lessons of the NBC selection shaped their subsequent choices, which also had significant effects on the institutional restructuring of the broadcasting system. Meanwhile, the actors in civil society responded to their own interpretations of the lessons of the reform by moderating their behavior and demands, or aggressive behaviors, from acting as a larger scale of movement to being more in favor of local action such as community media development.

The contributions of Thai media reform movements might not be as strong as those that are well organized in many Western countries. But one should understand civil society in Asia, particularly in Thailand, in dynamic terms as “a project in process.” Its patterns and strengths are varied depending upon the extent to which the authoritarians in power are opposed to democratization (Schak & Hudson, 2003b, p. 1). Under certain circumstances civil society may appear and make some advances. Sometimes its efforts can stall. However, it can be said during the 1990s civil society became stronger and has

been able to challenge the old socio-political order. The contribution of media scholars and journalism associations as well as CPMR evidently has increased, supporting the move toward Thai media democratization.

Conversely, participation from the ordinary public is seldom seen, since ordinary people often lack the foundation of key public policy information, particularly if those issues are secret and complex. Needless to say, when the main means of communication are under government control, both core and diverse information are hard to acquire. The public at large is hardly aware of what actually occurs in the government. As Dahl (2005) noted, ordinary citizens have little opportunity to gain official or alternative information, whereas the leaders employ their political resources to induce citizens to support their policies. Despite the fact that audience participation in the broadcasting media has flourished since the late 1980s, when many radio and television programs started public-affairs talk shows with open phone-ins from the audience (oftentimes including less subtle criticism of the government), this freedom did not materialize at the institutional or structural level.

Research Question 4: *What could be the lessons learned from the effectiveness or ineffectiveness of broadcasting policy reform?*

The main lesson from this case study supported what Horwitz (1988) previously articulated, that the media policy-making system, especially the “transformation in a regulatory approach [,] can be best seen as a political process” (as cited in Aufderheide, 1999, p. 12). This study found that the bureaucrats, the military and business groups tried to retain their power in broadcasting media through the choice of members of the NBC selection panel. Despite the limitations of their resources and power, media activists are still the main force counterbalancing the overwhelming power of the government and military.

We cannot say that a policy choice is right or wrong at a specific time and place without taking into account its full context. In particular, one cannot say that there is one institutional form which is simply best for everybody. The provision and regulation of public goods, such as broadcasting and telecommunication, when controlled by the state,

could be the best fit at a certain time. When the economics and technology are developed, competition and participation in the communication system and industry may be enhanced. The reform of the Thai broadcasting media was intended to limit state influence over information flow by diversifying ownership. A milieu once dominated by the military and bureaucrats has experienced a gradual increase in the number of owners, but by politicians and private businesses. The politicians and their business liaisons still enjoy their vested interests, so the process of media reform proceeds at a snail's pace.

The NBC selection process even welcomed a variety of stakeholder groups to participate in the selection of the Commissioners. Democratization has become a possibility but state elites have not yet committed themselves to it. Although intellectuals used their power of words or rational persuasion, many times the elites gave minimal responses. Practically, the elite stakeholders still have the greatest control over the process of establishing the NBC. The decision-making power affecting the actual implementation of this policy or other development process lies rather in the hands of the state regulatory agencies and those with business connections in the government. Since the business sector has the most desirable assets, it will be able to exercise its influence to a greater extent in the policy making process and to its advantage.

The transition the country experienced, namely reform or re-regulation, almost a decade ago (at the end of the 1990s) was in the direction of democratization. Since 1997, Thai media has taken some further steps toward more robust liberties and democratization, although institutional restructuring has not yet been achieved. Nevertheless, because the institutional structure of the broadcasting system is still unchanged, Thai broadcasting media is still not democratized. In principle, the policy aimed toward competition, but in practicality it did not specify the method to attain it. After all, manipulating state policy is easier and more profitable than applying real competition perspectives and measures.

Broadcasting workers in the Thai state-owned media are not completely at fault for compromising their journalistic integrity to survive, especially with a tight job market and signs of uncertain and declining economic conditions. In addition, Thai society gives little attention to media policy, despite its closeness to their daily life. Ordinary Thai people often grouse about the quality of news and entertainment programs, but rarely or

never become actively involved in media reform movements. A small number of social movements in civil society, composed mainly of intellectuals, journalists and non-governmental organizations, played a pivotal role by participating on a policy decision-making level.

If one views media democratization as a product, the institutional restructuring of the Thai broadcasting system could not be called democratization because of the failure to create the new regulatory agency. However, democratization should not be simply judged by a single end result, since it is also an ongoing process. In this sense, the reform of the Thai broadcasting system has shown that the spirit of democracy is very much alive, such as in the blocking of an unrepresentative agency. At the end of the day, the vital aspect that left much to be pondered is the policymakers' foresight (e.g. a political vision should emphasize the role of an institution rather than people in the institutions).

Implications for Policymakers

Based upon the analysis of Thai broadcasting policy reform, some lessons learned should be useful to both policymakers and media reform advocates. The analysis provides information on stakeholders and the process of restructuring institutions.

The researcher found that the reform process was hampered by a lack of cooperation among various stakeholders. Bargaining among stakeholders obviously leads to political constraints throughout the time a specific policy is being developed. However, the culture of politics in Thai democracy still conceals elitism in political and social structures. Both political and legal problems, as explained in Chapter Five, may severely constrain the implementation of a policy that attempts to remove strong central control over a large and complex political system.

The frameworks policymakers have to work with influence the implementation of a certain policy, as do biases or subjective perspectives. The perspectives on media reform also follow this pattern. In Thai media policy, market competition perspectives have gained wide attention. However, perspectives encouraging accessibility and participation from every part of society have received minimal attention from the state. Thus, policymakers should try to balance these perspectives in an implementation stage.

Also, the arguments of both state and non-state actors rest on different assumptions that have not yet been subjected to careful analysis and debate. Both have failed to acknowledge or incorporate into their own understanding the other's viewpoints. A fragmented policy discourse showed no signs of progress toward an improved understanding of policy reform, which in turn resulted in fragmented and ineffective media democratization. The state (bureaucrats, the military and politicians) and non-state (media activists and media businesses) sectors should reconsider the "media reform" metaphor and the ways it has been employed.

In addition, the convergence of communication technology seems to "undermine the scarcity rationale: [that is] the physical characteristic[s] and limitations of the radio spectrum are no longer a decisive factor in explaining the structure of media markets" (Vick, 2006, p. 31). Legal debates in Thai media reform should go beyond the allocation of radio spectrum. The new IRA should consider the convergence of communication technology in its design of regulatory frameworks.

Moreover, discourses on media reform among the stakeholders do not transcend politics as usual and move toward democratization. They have battled over putting their people in the new IRA, while forgetting to ponder procedures or systems of oversight for this new agency. John Dewey (as cited in Heineman et al., 1990) offered the crucial notion that the validity of a social institution is properly judged by the degree to which it contributes to the improvement of society as a whole. Therefore, the characteristics of accountability and good governance shown by institutions do not rely only on who the presidents, chairpersons, or commissioners are, but also how they function to serve the public as a whole. Surveillance and accountability should be another consideration for the Thai media policymakers. This could also be a consideration of media activism. Media reform advocates should pursue the further objectives of developing procedures for overseeing the new regulator. Protests about the nomination of the commissioners might prolong the implementation of a media reform program. Instead, forming a strong oversight system could assist the public scrutinizing the functions of the regulator, enhancing its accountability whoever serves on the commission.

Finally, overlapping and conflicting provisions of law, different perceptions of legal standards of bureaucrats and politicians, as well as other contextual factors are all

variables obstructing policy implementation and the formation of NBC. Institutional characteristics such as the lack of standard procedures intended to guide the bureaucrats' actions also become an administrative weakness. Enforcing and implementing regulations affect existing patterns of bureaucratic power and structure. The policymakers should have more discussions about the problems of implementation during the initial stages of policy formation. The establishment of NBC is a good example for future policy decision-makers.

Theoretical Implications

Based on the theoretical conception of media democratization, the evidence found in this study has indicated that discourse of media democratization should transcend the concepts of competition and participation. The structure of the broader sociopolitical and policy system has a significant impact on the policy making process. Mueller et al. (2004) remarked that the political opportunity structure could explain why civil society movements arise and grow and why they decline. The features of political opportunity are dependent upon certain factors; that is, "a change in conditions of political participation that opens up access, unstable alignments of dominant political coalitions, the appearance of influential allies in a ruling elite, and the emergence of conflicts within and among political elites" (p. 171). As stated elsewhere, one should not cling blindly to the principle of elections alone in determining a democratic government, when consultation, transparency and accountability are also important in democratic governance. Likewise, there is no reason to be confident that changing a political or social institution alone can democratize both politics and society. This study of the reform of the media system and its institutions evidently mirrors this insight.

The ideal institutional reform is expected to create and enhance the diversity of ownership, content, and access. The new independent regulatory agency should also set rules for fair market competition as well as being independent of government when regulating the media industry. All of these could in turn enhance the flow of information and democratic practices. Still, these ideals are dependent upon several factors. Socio-political and economic circumstances, political players, and publicly supported media independent from commercial considerations are just a few examples of these factors.

One implication is that in a policy process, once an idea is initiated, no matter how creative, achieving its objectives solely by enforcing a law or successfully implementing a policy is almost impossible. An example is the U.S. Telecommunication Act of 1996, at its initiation targeted to deregulate the market and boost competition in the communication industry. After a decade, in McChesney's (2003) words—there is no such thing as deregulation. Unintended consequences can happen during enforcement and implementation, even though policymakers might project these challenges while designing a policy or program.

Institutional restructuring is another example. The initial reasons for creating or reforming an IRA point to its autonomous function. The idealistic assumption supported by most media reform advocates is that the autonomy of an institution (either the regulator or the media system) is the best fit for democratizing the media. Practically, interdependence between the state, markets and even the public are inevitable. Likewise, the autonomy of any regulatory agency is not easily achieved. The FCC has regulated the American communication system and industry for more than seven decades. It was considered highly autonomous among its counterparts in the U.K., Japan, or France (Spyrelli, 2003); still, it cannot readily shun industry capture. In the case of Thailand, it might be too early to achieve full democratization of the communication system since it is in an early stage of the formation of an independent regulatory agency. But the formation stage at least indicates the disposition of this new institution to the extent it can function independently. The cultural structure of the country's politics and society replicates itself. A hierarchical structure and authority are still imposed in many Asian countries to some extent, and Thailand has not evaded this precept. Restructuring an institution, therefore, might be sufficient to challenge existing powerful structures, but not make it possible to experience a sudden and total transition.

Those guiding the formation of an institution should recognize the powerful forces acting in their political realm. The structural arrangement of an institution, then, reflects its context, as well as its management, rules, organizational cultures and policy. Whoever gains control of an institution will most often reflect the dominant stakeholders in various sectors. In the case of Thailand, the new institution was designed to be accountable and open for participation and scrutiny, but powerful political players still

dominate. In the process of Thai media reform, the dominant groups in power still control the stage of institutional restructuring.

Also, it should be noted that democratizing communication is not easy to achieve through any single strategy. Democratization is a process geared toward enhancing democratic practice. In the process, competition and participation are key elements. No matter whose ideas were initiated, processed, eliminated or achieved, no matter how each sector or actors were involved, the record of struggle has proven democratization exists. This is the case even if at the end of the day, the struggle toward democratization does not yield the creation or reform of any institution, such the case of the NBC establishment in Thailand. In another sector where an institution was firmly established (telecommunication) there still is no sign of a full-fledged democratization of the communication system.

Another theoretical assumption of participatory democracy concerns civil society. The involvement of civil society groups in the process of broadcasting reform should not be ignored. Media activism movements were clear in their resistance to state ownership of the system. Even though the movements are less aggressive and do not have street demonstrations, networking among different sectors and mobilizing around policy decision-making has evidently impacted the reform.

Civil society theoretically is often defined as a cohesive interest group. The particular set of advocacy groups involved have also claimed to be representatives of civil society as a whole. The analysis of media activism in this study is an example in which civil society was apparently comprised of non-governmental organizations, intellectuals and journalists. However, it would be a mistake to justify the existence of some civil society groups as modern, fully developed, or formal examples of non-state organizations, since many civil sectors might be less formal or even not registered. This non-organized civil society might offer less concrete evidence or records of their goals, missions, and movement activities, making it difficult for researchers to find recorded data for analysis.

Limitations and Suggestions

To this point, the researcher has discussed some significant issues in media democratization and media activism. Although competition and participation are the major concepts entailed in media democratization, the conceptions should still be carefully discussed. Similarly, the researcher acknowledges that the study experienced some restrictions in the research process. In this section, the first part details limitations of the study, followed by suggestions for further research in the second part.

Limitations of the Study

The first limitation deals with data collection. The researcher is aware of the weakness of document review; that is, there might be incomplete records or missing data. Although the researcher planned and had collected many important documents, not every document could be collected as expected, particularly some primary documents. An instance is the Broadcasting Business Bill, proposed by various groups (such as some members of the House, communication scholars, researchers from several research institutes, and different ministers from various cabinets). There were several versions of the proposed bill, but neither the parliamentary library nor the government house systematically maintained the uncompleted bills, since they were all just drafts. The researcher was only able to gather some of those drafts from some sources who had the original versions.

The researcher also found a limitation in collecting primary documents from two media advocacy groups: the Council of Mass Communication Academic Institutions, and the Federation of Broadcasting Media Professionals Associations. This is due to their less active roles and loosely organized structures. Very few primary documents were available. The analysis in these cases was therefore mostly dependent on secondary documents (news archives) and interview materials.

Another limitation is access and entry due to the current political conditions in the country. As with any policy analysis, political and economic climates can affect the study process. The researcher already understood the situation in Thailand after the coup in September 2006. Despite the researcher's personal network assisting in data access and entry, certain policy decisions had been made behind closed doors, and information about

these could not be accessed. Most of the main stakeholders (communication scholars, journalists, broadcasters, media activists, and relevant state officials) consented to provide information. Still, some key participants refused to give interviews, such as the former Director of MCOT (who completed the privatization of the organization). Another key source would have been the military. As the interviews were conducted within several months after the 2006 coup, the military sources were more wary about revealing information. Interviews were conducted only with the Army generals taking care of radio stations in the Bangkok areas, whereas the military controls more than 200 radio stations around the country and two television stations. Therefore, the main broadcasting policy of the military was not scrutinized as fully, and access to their views about debates of media reform was limited.

Suggestions for Future Research

There are numerous issues which could provide an avenue for future research on the case of Thailand in particular and on policy study in general.

For future research in the Thai case, the military is another pivotal stakeholder; not only because of its physical resources, but also because of its symbolic resources in Thai politics since the end of the absolute monarchy in 1932. The military also controls more than half of the broadcasting system; their perspectives on media policy amidst the country's transition in communication institutions and systems are crucial to scrutinize in depth.

Also, the activities of media activists early in 2000 ignited other media reform movements which were not included in this study. For example, the proliferation of four thousand community radio stations around the country within six years after the enactment of the 2000 OFA Act, the Free Thai Cinema Movement which pressured the state to remove its power of censorship from the Film and Video Bill, and the Media Monitor Project to study the contents of the mainstream media to encourage programs to better serve the public, are all groups worthy of further study.

Moreover, the recent developments of media reform in Thailand are another useful focus for research. For example, technological convergence became a prominent debate during the summer of 2007, when the researcher was collecting data. It had not

been mentioned during the 2000-2006 reform process. The issue of technological convergence creates another basis for establishing a new independent regulator. The formation and functions of a National Broadcasting Telecommunications Commission and the convergence of communication technology are also worthwhile to explore in future research in the Thai case.

In addition, at the time of submission of the study in 2008, many new communication regulations have been developed since the general election in December 23, 2007. This includes the implementation of the 2007 Constitution, the amendment of the OFA Act of 2000, the Broadcasting Business Act, and the Public Service Broadcasting Act. All of these regulations still merit future discussion.

Furthermore, the researcher included in her study only the internal factors shaping communication policy (see Figure 2.1 on page 17). There are external factors such as international organizations and transnational corporations which affected choices relating to the policy, and which could be also examined in the future study of Thai communication policy. For example, what role have external factors, either alone or interacting with the internal factors, played in the country's broadcasting policy? Also, the issues raised by the concentration of ownership by certain major media conglomerates have not been touched upon.

Moving beyond the case of Thailand, the experiences of one country's institutional reform might not be transferable from one context to another. Future research in communication policy could also include a comparative study of how Thailand and other countries regulate the industry through the transition from analog to digital.

This study also limited the analysis of media reform by being based solely on political perspectives whereas cultural perspectives (such as cultural identity, localism) are other features which could be meaningful for future study.

Additionally, an institutional approach, as suggested by Galprin (2004), is a complex but pivotal model utilized in communication policy study. It embraces an interest-group approach, partly presented in the stakeholder analysis of this study. An ideological approach still needs to be further elaborated in other policy studies. How do the arrangement and the structure of institutions affect policy development and

implementation? What are the constraints within and among institutions due to their ideology, rules, traditions or organizational cultures? How do those ideas and cultures shape the policy output and outcome?

The stakeholder analysis includes a focus limited to the stakeholders' power and interests, such as their objectives, missions and resources, that influence their actions during institutional restructuring. Still other aspects should be considered, including leadership development, solidarity, shared values, and perceived social identity. These facets might provide different understandings of the stakeholder approaches, particularly in a comparison of media activists with other civil society movements. Rowley & Moldoveanu (2003) suggested two models of mobilization of stakeholder groups; an interest-based model and an identity-based model. The former stresses rational interests, which mobilize to protect or enhance interests. The latter model explains why many social movements take actions even when they realize they are pursuing a lost cause. Despite the lack of material benefits, individuals still participate, because their commitment and a feeling of solidarity lead them to generate a collective identity.

The framework of civil society applied in this study concentrates mostly on intellectuals, non-governmental groups, and journalism professionals, whereas the citizen sector is broader than these actors. Focus groups and participation observations in local or community media advocacy groups might yield the distinct perspectives of civil society movements on the democratization of communication.

Another avenue for future policy research which also identifies a limitation in this study involves the concept of media democratization, which should be carefully conceptualized and operationalized for future study. At one point, democratizing media could be seen merely on a small scale within a media organization (i.e. media functioning to serve as a public sphere). At another point, it could also be seen on a larger scale as an institutional structure, which is the focal point of this study. Future research might consider media democratization from different ideologies, such as the impact of the political opportunity structure on media democratization, or media performance in enhancing social and political democratization (serving the public sphere).

An important agenda of this study aims to track the changing power relations during the institutional transition in the Thai media system. The political structure

connected to the institutional reform maps out important lessons for other media policymakers and media movement advocates, not only in the case of Thailand but also in other developing nations. The complexity of rulemaking procedures and the lack of bureaucratic transparency are typically seen in many developing countries which are also in the periods of political and media transitions (Galperin, 2004). The results of this study could inform research on traditional rulemaking processes that has not included the participation of nontraditional political players. As new policymaking arenas emerge, an institutional framework could create arrangements that allow for broader participation, but structural barriers at the institutional level, revealed in this study, are still large concerns. Applying an institutional approach, both policymakers and public interest groups could seek new mechanisms for governance of communication policy.

APPENDIX A

Timeline of Thai Communication Reform

<i>Prime Minister</i>	<i>Background</i>	<i>Cabinet member</i>	<i>Major Events</i>
Prem I-V (1980-1988)	Retried army General, invited by parliament	Politicians, technocrats, military	- state contracts with private sectors (telecommunication) under build-transfer-operate (BTO) scheme
Chatchai (1988-1991)	Former army General entered politics as a candidate, later be elected as a member of the house to be in PM position, head of a political party (Chatthai)	Politicians, businessmen, technocrats (PM adviser)	- economic boom (PM's policy of trading with Indochina and plan to be South-east Asian information hub) - need infrastructure, fix phone expansion - telecom state-own enterprises cut some services by granting concession to private companies - <u>military took over the government</u> (NPKC) and appointed Anan to be an interim PM
Anan I (1991-1992)	Former diplomat, business executive, appointed by National Peace Keeping Council (NPKC)	Technocrats, former bureaucrats	- general election - proposal of master plan for communication reform - reconsidering 3 million fixed-phone contract with one company (during Chatchai) and end up with two companies (2 million and 1 million bidding separately)
Suchinda (04-05/1992)	Army General of NPKC	Military and politicians	- political upheaval, public uprising to oust the PM - <u>May crisis in 1992</u>
Anan II (1992)	Former diplomat, business executive, appointed by the King as an interim PM	Technocrats, former bureaucrats	- general election - plan for drafting a new Constitution - propose a new UHF-TV station, later become iTV

Timeline of Thai Communication Reform (continued)

<i>Prime Minister</i>	<i>Background</i>	<i>Cabinet member</i>	<i>Major Events</i>
Chuan I (1992-1995)	Lawyer, politician, elected as a member of the house to be in PM position, head of a political party (Democrat)	Politicians, technocrats, businessmen	<ul style="list-style-type: none"> - draft a new Constitution - civic group campaign to include communication regulatory reform in the new constitution - starting a new UHF-TV station (iTV), concession granted to ITV by Office of Prime Minister - GATT around Uruguay
Banharn (1995-1996)	Construction business, politicians, elected , head of a political party (Chatthai)	Politicians, businessmen	<ul style="list-style-type: none"> - Join WTO - public hearing of the new constitution draft
Chavalit (1996-1997)	Retired army General, elected, head of a political party (New Aspiration party)	Politicians, businessmen	<ul style="list-style-type: none"> - <u>Promulgation of the new Constitution (1997)</u> - Economic crisis in 1997, devalue Thai currency
Chuan II (1997-2001)	Lawyer, politician, elected, head of a political party (Democrat)	Politicians, technocrats, businessmen	<ul style="list-style-type: none"> - draft a new communication law (as required in section 40 in the Constitution of 1997) - civic groups campaigned for 2 separated regulatory bodies (telecom and broadcast) - <u>Enactment of the new communication law (OFA Act of 2000)</u> to create new regulatory bodies - army extension the contract with BBTv (Channel 7) up to 25 year concession - IMF loan for economic recovery (1998) - selecting the representatives to join NTC and NBC selection panel (as required in Section 9-10 of OFA Act of 2000)

Timeline of Thai Communication Reform (continued)

<i>Prime Minister</i>	<i>Background</i>	<i>Cabinet member</i>	<i>Major Events</i>
Thaksin I (2001-2005)	Telecom business, politician, elected, head of a political party (Thai Rak Thai)	Businessmen, politicians	<ul style="list-style-type: none"> - Shin Corp. (PM's business) took over ITV (2001) - Army started creating a company for operating TV (Channel 5) to enter Stock Exchange of Thailand (SET). - Enactment of Telecom Business Act of 2001 - Selection process of National Telecom Commission (2000-2004) - Open application and NBC selection process (2001) - 14 NBC nominees were finalized and submitted to the senate - 7 NBC nominees were concluded in the Senate and submit to the PM - <u>Court decree the illegal process of NBC selection (2005)</u>
Thaksin II (2005-2006)	Telecom business, politicians, elected	Businessmen, politicians	<ul style="list-style-type: none"> - Privatization of telecom/broadcast state-own enterprises (TOT, CAT, MCOT) completed - Ship Corp. sold stock to Temasake (A company based in Singapore) - <u>military took over the government (CDR) on September 19, 2006 and appointed Surayud to be an interim PM on October 1, 2006</u>
Surayud (Oct 2006- Jan 2008)	Retried military General, A member of Royal council, Appointed by Council for Democratic Reform (CDR)	Retried bureaucrats	<ul style="list-style-type: none"> - CDR override Constitution of 1997 and draft an interim one - Journalism associations & CPMR submit request to CDR to integrating idea of freedom of speech and media reform in the new constitution - Transfer iTV to TITV as public service broadcasting under state subsidiary - Drafting and polling of a new Constitution, <u>proclamation of the new Constitution on November 2007</u> - General Election December 23, 2007

Source: Adapted and extended from Sakkarin (2000). *The Political Economy of Telecommunications Reforms in Thailand*; *The Nation* newspaper (2001-2007); *Bangkok Post* newspaper (2001-2007)

APPENDIX B

The Constitution of 1997

The followings are excerpted from the Constitution of 1997, translated by the Office of the Council of State. The Thai version is published in the Royal Gazette, Volume 114, Part 55a, dated 11th October B.E. 2540(1997).

Section 39. A person shall enjoy the liberty to express his or her opinion, make speeches, write, print, publicise, and make expression by other means.

The restriction on liberty under paragraph one shall not be imposed except by virtue of the provisions of the law specifically enacted for the purpose of maintaining the security of the State, safeguarding the rights, liberties, dignity, reputation, family or privacy rights of the other person, maintaining public order or good morals or preventing the deterioration of the mind or health of the public.

The closure of a pressing house or a radio or television station in deprivation of the liberty under this section shall not be made.

The censorship by a competent official of news or articles before their publication in a newspaper, printed matter or radio or television broadcasting shall not be made except during the time when the country is in a state of war or armed conflict; provided that it must be made by virtue of the law enacted under the provisions of paragraph two.

The owner of a newspaper or other mass media business shall be a Thai national as provided by law.

No grant of money or other properties shall be made by the State as subsidies to private newspapers or other mass media.

Section 40. Transmission frequencies for radio or television broadcasting and radio telecommunication are national communication resources for public interest.

There shall be an independent regulatory body having the duty to distribute the frequencies under paragraph one and supervise radio or television broadcasting and telecommunication businesses as provided by law.

In carrying out the act under paragraph two, regard shall be had to utmost public benefit at national and local levels in education, culture, State security, and other public interests including fair and free competition.

Section 41. Officials or employees in a private sector undertaking newspaper or radio or television broadcasting businesses shall enjoy their liberties to prevent news and express their opinions under the constitutional restrictions without the mandate of any State agency, State enterprise or the owner of such businesses; provided that it is not contrary to their professional ethics.

Government officials, officials or employees of a State agency or State enterprise engaging in the radio or television broadcasting business enjoy the same liberties as those enjoyed by officials or employees under paragraph one.

APPENDIX C

The Constitution of 2007

*The followings are excerpted from the Constitution of 2007, a translated version provided by the Constituent Assembly on November 2007.**

Part 7 Liberties in Expression of Persons and Mass Media

Section 45. A person shall enjoy the liberty to express his or her opinion, make speeches, write, print, publicise, and make expression by other means.

The restriction on the liberty under paragraph one shall not be imposed except by virtue of the provisions of the law specifically enacted for the purpose of maintaining the security of the State, safeguarding the rights, liberties, dignity, reputation, family or privacy rights of other persons, maintaining public order or good morals or preventing the deterioration of the mind or health of the public.

The closure of a newspaper or other mass-media business in deprivation of the liberty under this section shall not be made.

The prohibition of a newspaper or other mass-media business from presenting information or expressing opinions in whole or in part or imposition of interference by any means in deprivation of the liberty under this section shall not be made except by virtue of the law enacted under paragraph two.

The censorship by a competent official of news or articles before their publication in a newspaper or other mass media shall not be made except during the time when the country is in a state of war; provided that it must be made by virtue of the law enacted under paragraph two.

The owner of a newspaper or other mass-media business shall be a Thai national.

No grant of money or other properties shall be made by the State as subsidies to private newspapers or other mass media.

Section 46. Officials or employees of privately-owned newspaper, radio or television broadcasting or other mass-media businesses shall enjoy their liberties to present news and express their opinions under the constitutional restrictions without any mandate of any Government agency, State agency, State enterprise or the owner of such businesses provided that it is not contrary to their professional ethics, and have the right to establish organizations protecting rights, liberties and fairness and establish self-regulatory mechanisms within professional agencies.

Government officials, officials or employees of a Government agency, a State agency or a State enterprise engaging in a radio or television broadcasting business or any other mass media business shall enjoy the same liberties as those enjoyed by officials or employees of privately-owned businesses under paragraph one.

Any act of a person holding a political position, a State official or a business owner which, whether directly or indirectly done, impedes or interferes with the presentation of news or the expression of opinions on a public issue by persons under paragraph one or paragraph two shall be deemed as an intentionally undue exercise of powers and duties and shall be of no effect, unless done in compliance with the law or professional ethics.

* Full English version could be retrieved from http://www.parliament.go.th/parcy/sapa_db/committee0-upload/0-20071122144805_cdca.pdf.

Section 47. Transmission frequencies for radio or television broadcasting and telecommunication are national communication resources for public interests.

There shall be an independent regulatory agency having the duty to allocate the frequencies under paragraph one and exercise supervision over the operation of radio or television broadcasting businesses and telecommunication businesses as provided by law.

In carrying out the act under paragraph two, regard shall be had to optimal benefits of the people at national and local levels in education, culture, State security, other public interests and free and fair competition, provided that public participation in the operation of public mass media shall also be encouraged.

In exercising supervision over the operation of businesses under paragraph two, there shall be measures for preventing any merger, cross right-holding or market dominance amongst mass media businesses or by any other person, which has the effect of impeding the liberty of the public in perceiving information or of obstructing public access to a diversity of information.

Section 48. A person holding a political position shall not own or hold shares in a newspaper, radio or television broadcasting or telecommunication business, whether in his or her own name or through his or her nominee or through other direct or indirect means enabling the management of such business in a way akin to owning or holding shares in such business.

APPENDIX D

The OFA Act of 2000

*The followings are excerpted from the Act on Organization for Allocating Broadcasting Frequency and Supervising Radio/Television Broadcasting and Telecommunication Business, B.E. 2543 (2000). They include only the Sections regarding the National Broadcasting Commission.***

This Act contains certain provisions concerning the restriction of personal rights and liberties, which, under Section 29 together with Section 34, Section 39, Section 40, Section 41, Section 45, Section 50 and Section 57 of the Constitution of the Kingdom of Thailand, may be made by virtue of the provisions of law;

Be it, therefore, enacted by and with the advice and consent of the National Assembly as follows:

CHAPTER I

Regulatory Body for Broadcasting Business

Part 1

National Broadcasting and Television Commission

Section 6. National Broadcasting and Television Commission, abbreviated as “KorSorChor” (NBC), consisting of a chairman and other six Commissioners appointed by the King as advised by the Senate, shall be established.

The Secretary-General of the NBC shall function secretary of the NBC.

Section 7. A Commissioner shall have attained achievement, or have been involved in the performance of work demonstrating his knowledge and expertise, or experience, in broadcasting business, relevant technologies, education, religious, culture, economy, security, public laws or local activities that will be beneficial to broadcasting business.

Section 8. A Commissioner shall have qualifications and shall not be under any of the prohibitions as follows:

- (1) Being of Thai nationality by birth;
- (2) Being not less than thirty-five years of age;
- (3) Having never been a Commissioner of the National Telecommunications Commission or the National Broadcasting Commission.
- (4) Not being a member of the House of Representatives or the Senate, a political official, a member of local assembly or a local administrator;
- (5) Not holding any position in a political party;
- (6) Not being of unsound mind or of mental infirmity;
- (7) Not being addicted to drugs;
- (8) Not being a bankrupt;

** An English version could be found in Piyachart Pattaropong (Trans.) (2003). However, it does not carry any legal authority. Only the original text in Thai, published in *Royal Gazette*, vol.117 part 16a, March B.E.2543, has legal force.

(9) Not having been subject to a judgment to imprisonment and being detained under a court warrant;

(10) Not being a person sentenced by a judgment to imprisonment for a term of two years or more and having been discharged for a period of less than five years as of the date of nomination, except for an offence-committed through negligence;

(11) Having never been expelled, dismissed or removed from the government service, a state agency, a state enterprise or a private body on the ground of dishonest performance of duties, or gross misconduct, or deemed corruption and wrongful conduct in the performance of duties in the government service;

(12) Having never been subject to a judgment or court order that his assets be vested in the state on the ground of unusual wealth or unusual increase of his assets;

(13) Not being a member of the Election Commission, a member of the state Audit Commission, a member of the National Counter Corruption Commission, a Member of the National Human Rights Commission, a judge of the Constitutional Court, or an Ombudsman;

(14) Having never been removed from office by a resolution of the Senate.

Section 9. In the appointment of Commissioners, a seventeen-member Selection Committee shall be established to select the appropriate candidates for nomination to be Commissioners comprising:

(1) A representative of each of the Office of the Prime Minister, the Ministry of Defense, the Ministry of Education, the Ministry of Science, Technology and Environment, and the National Security Council;

(2) Four representatives elected among themselves by a representative of each of the full time faculties teaching in the field of communication arts, journalism or mass communications in each of state higher education institutions and private higher education institutions that are juristic persons, and teaching at graduate level in the mentioned fields;

(3) Four representatives elected among themselves by a representative of each of professional associations in broadcasting business that are juristic persons;

(4) Four representatives elected among themselves by a representative of each of private organizations that are juristic persons and having as their objective the consumer protection in the field of mass communications or using mass communications for public benefits and not seeking business profits.

A member of the Selection Committee shall not be eligible for nomination to be a Commissioner.

The Selection Committee shall elect one committee member as a chairman and another committee member as a secretary to the Selection Committee.

The NBC Office shall function as the secretarial office in the processes of selection and election of Commissioners.

Section 10. The selection and election of Commissioners shall be processed as follows:

(1) The Selection Committee shall select the person having knowledge or expertise or experience pursuant to Section 7, and having qualifications and not being under any of the prohibitions under Section 8, in a number that is two times the number of the Commissioners to be appointed, for submission to the President of the Senate together with details of such persons, which shall be clearly specified or be supported by evidence showing the suitability of the persons in any field pursuant to Section 7, and a written consent of the nominated persons.

(2) The President of the Senate shall convene the Senate to pass a resolution by secret ballot electing the nominated persons under (1). For this purpose, a person who receives the highest number of votes, which constitutes more than one-half of the total number of incumbent senators, shall be elected as a Commissioner. If no person has been elected or the full number of elected persons has not been attained, the list of the remaining nominated persons shall be

presented to the senators for voting in another round in consecutive manner. In such a case, the person receiving the highest number of votes, which constitutes more than one-half of the total number of incumbent senators, shall be elected as a Commissioner. If there are persons receiving equal votes as any order causing the full number of the Commissioners to be appointed to be exceeded, the President of the Senate shall draw lots to determine who shall be elected.

(3) If no person has been elected or the number of the elected persons fails to constitute the full number of the Commissioners to be appointed, the Selection Committee shall proceed with the selection under (1) for presentation to the Senate to pass a resolution under (2) once again.

In respect to the first appointment of the Commissioners, after the Commissioners have been elected in full number, the elected persons shall meet to elect among themselves the Chairman of the Commission, and shall notify the Prime Minister of the result thereof. The Prime Ministers shall report the result to the King of royal appointment.

Section 11. The Commissioner shall:

(1) Not being a government official holding a permanent position or receiving regular salary;

(2) Not being an employee, or temporary staff, of a state agency, a state enterprise or a local government body, or not being a director of or advisor to a state enterprise or a state agency

(3) Not holding any position, or being a partner, in a partnership, a company or an organization carrying on business of or operating mass communications or telecommunications;

(4) Not undertaking any occupation or any other independent profession having interest or conflict of interest, either directly or indirectly, in performing the duty as a Commissioner.

When the Senate has elected any person under (1), (2), (3) or (4), the Prime Minister shall report the matter to the King for royal appointment only when the person has resigned from being a person under (1), (2), or (3), or has presented evidence to satisfy that he has discontinued the undertaking of the occupation or independent profession under (4), which shall be done within fifteen days as from the date of the election. If the person fails to resign or to discontinue the undertaking of the occupation or independent profession within the specified period, it shall be deemed that such person has never been elected to be a Commissioner and the selection and election processes shall be conducted for a new Commissioner.

Section 12. The Commissioner shall not be a member of the National Telecommunications Commission at the same time.

Section 13. The Commissioner shall hold office for a term of six years as from the date of his appointment by the King and shall serve for only one term.

Initially, upon the lapse of a three-year period, three members of the NBC shall vacate office by means of drawing lots, and such vacation of office shall be deemed vacation of office upon expiration of the office term.

The Commissioner who vacates office upon expiration of the term shall remain in office to continue performing his duties until a new Commissioner has been appointed by the King.

In order that a new Commissioner shall be able to take office after the expiration of the term of the previous Commissioner, the selection and election processes for the new Commissioner shall be conducted in advances as may be appropriate.

Section 14. In addition to vacation of office upon expiration of the term, a Commissioner shall vacate office upon:

(1) Death;

(2) Attainment of the age of seventy years;

(3) Resignation;

(4) Being disqualified or being under any of the prohibitions under Section 8;

(5) Acting in violation of Section 11;

(6) The Senate passing a resolution removing him from office pursuant to the organic law on counter corruption.

When a case under paragraph one occurs, the remaining Commissioners shall continue to perform their duties and it shall be deemed that the NBC consists of the remaining Commissioners, except where the number of the remaining Commissioners becomes less than four.

Section 15. Where the Chairman vacates office under Section 13 and the King has already appointed a new Committee Member, or where the Chairman vacates office under Section 14, the NBC shall hold a meeting to elect a Commissioner as the Chairman of the Commission and then notify the Prime Minister of the result thereof. The Prime Minister shall report the result to the King for royal appointment of the Chairman of the Commission.

Section 16. Where a Commissioner vacates office under Section 14, the processes under Section 9 and 10 shall be commenced within thirty days after the date of the vacation, and, where it occurs while the National Assembly is out of session, the processes shall be commenced within thirty days after the opening day of the session of the National Assembly.

Section 17. At the meeting of the NBC, no less than a half of the total number of the Commissioners shall constitute a quorum.

The Chairman shall preside over the meeting. If the Chairman does not exist, or the Chairman is not present at the meeting, or cannot perform his duty, the Commissioners present at the meeting shall elect one Commissioner to preside over the meeting.

Meeting procedures, passing of resolutions and performance of duties by the NBC, or the Commission Members, shall be in accordance with the regulations prescribed by the NBC.

At the meeting, any Commissioner who has an interest in the matter to be considered shall be prohibited from attending the meeting.

In the performance of duties, the NBC may designate one or several Commissioners to take charge of various respects of the authorities of the NBC so as to report to the NBC or to act as assigned by the NBC.

Section 18. A Commissioner shall be the person holding a high position under the organic law on counter corruption.

The account showing assets and liabilities and supporting documents of a Commissioner submitted to the National Counter Corruption Commission shall be disclosed to the public soon, but no later than thirty days after the due date for submission of said accounts.

In the performance of duties under this Act, the Commissioner shall be the official under the Penal Code.

Section 19. A Commissioner shall be a state official specified by the National Counter Corruption Commission as the state official forbidden from undertaking any business that constitutes conflict of interest between personal interest and public interest under the organic law on counter corruption.

Section 20. The NBC shall have the power to appoint a committee or a sub-committee or designate competent officials to perform the duties under this Act or as assigned. The performance of duties by the committee, the sub-committee or the competent officials shall be as prescribed by the NBC.

Section 21. In the performance of duties under this Act, the NBC, the committee, the sub-committee or the competent officials shall have the power to demand any state agency or any

person to submit a written clarification of facts, to give a statement in person, or to send any related evidentiary documents for consideration.

Section 22. A Commissioner shall receive remuneration and other expense allowances in relation to the performance of duties as provided in a royal decree.

The remuneration and other expense allowances in relation to the performance of duties by the Commissioners and the sub-committee under Section 20 shall be as prescribed by the NBC.

Section 23. The NBC shall have the following authorities:

- (1) To set policy and prepare a master plan for broadcasting business and the radio frequencies plan in conformity with the provision of the Constitution, a master plan for management of frequencies and the national wave frequencies table;
- (2) To prescribe characteristics and categories of broadcasting business;
- (3) To grant licenses and to regulate the uses of wave frequencies for broadcasting business;
- (4) To grant licenses and to regulate broadcasting business operations;
- (5) To prescribe rules and procedures for the granting of license, conditions, or license fees under (3) and (4) and also for the regulation of broadcasting business;
- (6) To monitor, inspect and give advice in relation to broadcasting business operations;
- (7) To set standards and technical specifications of equipment desirable for use in broadcasting business operations;
- (8) To prescribe rules and procedures for the interconnection of broadcasting business operation networks;
- (9) To prescribe structures of fees and service charges as well as interconnection charges for broadcasting business operations as many be fair for service users and service providers, taking public interest into account;
- (10) To supervise broadcasting business operations to ensure that the service users will receive quality and efficient services, and to prescribe rules for the acceptance and handling of complaints from users in a quick, rightful and fair manner;
- (11) To determine measures for protection of rights and liberties of the people in the light of the person's dignity, reputation, family rights or the right privacy, public order or good morals of the people in relation to broadcasting business operations;
- (12) To determine measures for protection of rights and liberties and to promote compliance with codes of conduct by the persons engaged in broadcasting business;
- (13) To prescribe rules and procedures for protection and to determine the rights to engage in broadcasting business operations;
- (14) To promote and support research and development of broadcasting business on continuing basis;
- (15) To issue regulations on the organizational structure, personnel administration, budgeting, finance and assets and other operations of the NBC Office;
- (16) To approve the budget of the NBC, including the money to contributed to the funds pursuant to Section 27;
- (17) To prepare reports on the performance of the NBC at least once a year, which shall be submitted to the Council of Ministers, the House of Representative and the Senate, and to disclose such reports to the public;
- (18) To recommend or advice the Council of Ministers on domestic and international broadcasting business, including the enactment of, amendment to, or abrogation of laws relating to broadcasting business;
- (19) To perform any other acts as provided by this Act or other laws as the authorities of the NBC.

For the purpose of implementing its authorities under paragraph one the NBC shall have the power to issue regulations, rules, notifications, orders or requirements.

The regulations, rules, notifications, orders or requirements of general applications shall come into force upon their publications in the *Royal Gazette*.

The implementations under (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13), unless specifically provided in this Act, shall be in accordance with the laws on broadcasting business operations.

Section 24. In the preparation of the master plan for broadcasting business, it shall have the guidelines for the licensing for use of wave frequency and the licensing for operation of such businesses to be used as guidelines in the processing.

The NBC shall monitor and evaluate the performance under the master plan in paragraph one and said master plan shall be improved for the benefit of using the wave frequencies and of operating the broadcasting business in efficient manner and in consistency with reality which keeps on changing over time.

In the preparation of the master plan for broadcasting business, the NBC shall listen to opinions of the public, operators and relevant state agencies as guidelines for consideration in accordance with the rules and procedures prescribed by the NBC.

The master plan for broadcasting business shall be published in the *Royal Gazette*.

Section 25. The licensing for use of wave frequency for broadcasting business shall take into account the utmost public benefits at national and local levels in respect of education, culture, state security and other public benefits, including the free competition, and it shall be done in a way that the use is fully distributed among various aspects of the businesses as shall be appropriate for the national communication resource for public benefits.

Section 26. In the preparation of the master plan for broadcasting business and the licensing for operation of such business for public benefits at the national level, the plan shall at least over the elements of the following subject matters:

- (1) Education, religion, art and culture;
- (2) Science, technology and environment;
- (3) Agriculture and other occupation promotions;
- (4) Security of the State;
- (5) Dissemination of information to promote good understanding between the government and the people;
- (6) Dissemination of information of the National Assembly to promote good understanding between the National Assembly and the people;
- (7) Dissemination of information to promote and support the propagation and education to people about democratic regime with the King as the head of state.

In the preparation of the master plan for broadcasting business and the licensing for operation of such businesses for public benefits at the local level, it shall provide for at least a radio broadcasting station for a province and a television broadcasting station for dissemination of information of the people for development in various fields and to promote good understanding among the people in the locality throughout and sufficiently.

The NBC shall encourage representatives of several professions in the province to organize so as to provide recommendations to the NBC with regard to the implementation of the authorities of the NBC.

The preparation of the master plan for broadcasting business and the licensing for operation of business shall take into account the suitable ratio of operators that are in the government sector, private sector and public sector, provided that the public sector shall be provided with no less than twenty percent of the total wave frequencies. If the public sector is not yet ready, the

NBC shall provide support to enable the public sector to use the wave frequencies at the prescribed radio.

For the purpose of allocation of wave frequencies for use by the public sector and of supporting the use of the wave frequencies by the public sector, the NBC shall prescribe criteria regarding characteristics of the public sector eligible for allocation of the wave frequencies and for the support to use the wave frequencies, including the manner the allocated wave frequencies shall be used, provided that it shall require such public sector to operate for public benefits and not seek business profits.

Section 27. The prescription of the rules and the licensing for use of wave frequencies and the licensing for operations of broadcasting business shall take into account the public benefits as an important factor as provided in Section 25.

The NBC shall have the power to prescribe the license fees under paragraph one. In this regard, the NBC may give discount to or exemption of the fees to the licensee who can demonstrate to the satisfaction of the NBC that its operations will be conducted for public benefits that is not seeking business profits, subject to the rules prescribed by the NBC.

The NBC shall allocate a portion of the fees under paragraph two to the Fund for Development of Broadcasting Business for Public Benefits under Section 31, and the Fund for Development of Technology for Education under the law on nation education.

Section 28. The license for use of wave frequency and the license for operation of broadcasting business shall be the right specific to the licensee that is non-transferable.

The licensee for use of wave frequency in broadcasting business shall operate the business by itself. Time sublicensing to another person to conduct a program may be done according to the rules and procedures prescribed by the NBC.

Section 29. The use of wave frequencies in broadcasting business, and the regulations on wave frequency uses, shall be in accordance with this Act and the law on the operation of broadcasting business or other laws.

If the licensee of wave frequency use for broadcasting business fails to operate the business within the period prescribed by the NBC or uses the wave frequency for a business which is out of its objectives or fails to comply with the conditions to the operation of the business using the wave frequency, the NBC shall proceed to have it remedied or to order the cancellation of the use of the wave frequency according to the rules and procedures prescribed by the NBC or as provided by law.

Section 30. The operations of broadcasting business and television business and the regulations on the use of wave frequency shall be in accordance with this Act and the law on the operations of broadcasting business or other laws.

If the licensee fails to operate the broadcasting business within the period prescribed by the NBC or operates other business than the licensed business or operates the business in violation of the laws or rules, regulations, notification or orders issued by the NBC or fails to comply with the conditions to the operation of the business, the NBC shall proceed to have it remedied, or have the license suspended or revoked according to the rules and procedures prescribed by the NBC or as provided by law.

Section 31. A fund called the "Fund for Development of Broadcasting Business for Public Benefits" shall be established in the NBC Office for use as working fund in support of the operation of broadcasting business for public benefits throughout the country, research development of broadcasting business, and development of human resources in broadcasting business, which shall be composed of:

- (1) Initial fund contributed by the government;
 - (2) Fees allocated by the NBC under Section 27;
 - (3) Money or assets given to the fund;
 - (4) Interest and income of the fund, including benefits derived from charges for use of the research and development in broadcasting business;
 - (5) Money and other property that become the assets of the fund.
- Management of the fund and the allocation of money from the fund to implement the objectives of the fund shall be in accordance with the rules and procedures prescribed by the NBC.

Part 2

Office of the National Broadcasting Commission

Section 32. The Office of the National Broadcasting Commission, abbreviated as the NBC Office, shall be established as a juristic person state agency and shall be under the supervision of the Chairman.

The operation of the NBC Office shall not be subject to the provisions of law on labor protection, the law on labor relations, the law on social security and the law on workmen's compensation.

Section 33. The NBC Office shall be in charge of general operations of the NBC and shall have the following authorities:

- (1) To take charge of the secretarial work for the NBC;
- (2) To collect payments of fees under the laws or as prescribed by the NBC;
- (3) To accept complaints in relation to broadcasting business for forwarding to the NBC;
- (4) TO study, compile and analyze information relating to broadcasting business operations, to forecast demand for services in broadcasting business, number of users in various areas and other information which will be beneficial to the performance of the NBC, and to support and to provide assistance and recommendations regarding such information;
- (5) To perform any other acts as assigned by the NBC.

Section 34. The NBC shall have the power to prescribe regulations or notification regarding general administration, personnel administration, budgeting, finance and assets and other operations of the NBC Office, especially in the following matters:

- (1) Organization of work divisions in the NBC Office and prescription of the scope of work for each division;
- (2) Prescription of work positions, salaries and other remuneration of the NBC Secretary-General, employees and temporary staff of the NBC Office, including having the salaries and other remuneration paid;
- (3) Prescription of qualifications, selection, employment, appointment, work under probation, transfer, promotion, salary increase, removal, work suspension, discipline, investigation, and disciplinary punishment, complaint and repeal, and punishment for the NBC Secretary-General and employees of the NBC, including procedures and conditions on hiring temporary staff of the NBC Office;
- (4) Acting on behalf of a person holding certain position, and action on behalf of the NBC Secretary-General and employees of the NBC, including the acting on behalf of the NBC Secretary-General in case the NBC Secretary-General vacates office under Section 37 or Section 38;
- (5) Prescription of the uniforms for employees and temporary staff of the NBC Office;
- (6) Employment and appointment of any person as an expert or specialist which will be helpful to the performance of the NBC, including remuneration in relation to the employment;

(7) Administration and management of the budget, assets and procurement of the NBC Office;

(8) Provision of welfare, or other supports to employees and temporary staff of the NBC Office.

Section 35. The NBC Office shall have a Secretary-General to take charge of the performance of NBC Office, to report directly to the Chairman, and to be the head of employees and temporary staff of the NBC Office.

In relation to the business of the NBC Office with the third person, the NBC Secretary-General shall be the representative of the NBC Office. For this purpose, the NBC Secretary-General may delegate authority to any person to perform any specific task, subject to the regulations prescribed by the NBC and published in the *Royal Gazette*.

Section 36. The Chairman, by approval of the NBC, shall appoint and remove the NBC Secretary-General.

The NBC Secretary-General shall be no less than 35 years of age as of the date of appointment and shall have never been the NTC Secretary-General, and shall have qualifications and not be under any of the prohibitions under Section 8, and shall have other qualifications as prescribed by the NBC.

Section 37. The NBC Secretary-General shall hold office for a term of five years as from the date of appointment, and may be re-appointed, but may not hold office for more than two consecutive terms.

Section 38. Beside vacation of office upon the expiration of office term under Section 37, the NBC Secretary-General shall vacate office upon:

- (1) Death;
- (2) Attaining sixty years of age;
- (3) Resignation;
- (4) Being a bankrupt;
- (5) Being imprisoned by a final judgment to imprisonment;
- (6) Being disqualified or being under any of the prohibitions under Section 36, paragraph two;
- (7) The NBC passing a resolution to remove by no less than two-thirds of the votes of the total number of the Commissioners the ground of gross misconduct or gross deficiency in the performance of his duties, or being unable to perform the duties.

Section 39. The NBC Secretary-General and employees of the NBC Office shall be the state official under the organic law on counter corruption.

The NBC Secretary-General shall be the person of a high position under the organic law on counter corruption.

In performing the duties under this Act, the NBC Secretary-General and employees of the NBC Office shall be the officials under the Penal Code.

Section 40. The income of the NBC shall be as follows:

- (1) Income or other benefits derived from the implementation of the authorities of the NBC and of the NBC Office;
- (2) Income from the assets of the NBC Office;
- (3) Money and assets donated to the NBC Office under the rules prescribed by the NBC for use in the operation of the NBC Office;
- (4) General subsidy provided by the government.

The incomes of the NBC Office under (1), after the deduction of operation expenses of the NBC and of the NTC Office, other reasonable charges, contribution for the Fund for Development of Broadcasting Business for Public Benefits under Section 31, and the Fund for Development of Technology for Education under the law on national education, shall be forwarded as the state revenue.

If the revenue of the NBC Office is not sufficient to cover operation expenses of the NBC and of the NBC Office, including other reasonable chares, and it is unable to find any fund from other sources, the state shall allocate from the state budget to the NBC Office an amount as may be necessary.

Section 41. For the purpose of allocation of the state budget to the NBC Office, the NBC Office shall propose and annual budget for the relevant year to the Council of Ministries so as to include the general subsidy to the NBC Office in the state annual budget bill or a supplementary state budget bill, as the case may be. For this purpose, the Council of Ministers may provide its opinion on the budget allocation to the NBC Office in the report proposing the state annual budget bull or the supplementary state budget bill. In the deliberation on the state annual budget bill or the supplementary state budget bill, the House of Representatives or the Senate may request the NBC Secretary-General to provide clarification in person.

Section 42. The NBC Office shall have the power in relation to the administration, supervision, maintenance, use and seeking benefits from assets of the NBC Office, either state property under law on state property or other assets, subject to the regulations prescribed by the NBC.

The assets of the NBC Office shall not be subject to legal execution.

CHAPTER III

Wave Frequency Management

Section 62. The National Broadcasting Commission and the National Telecommunications Commission shall be a Joint Commission to undertake the wave frequency management.

The Joint Commission Members shall hold a meeting to elect a member as the Chairman.

The Secretary-General of the NTC shall function as the secretary to the Joint Commission.

Section 63. The Joint Commission shall have the following authorities:

- (1) To set policy and prepare the master plan on wave frequency management to be in conformity with the provisions of the Constitution;
- (2) To prepare the national wave frequencies table;
- (3) To allocate wave frequencies for uses among broadcasting business and telecommunication business;
- (4) To make decisions regarding characteristics and categories of broadcasting business and telecommunication business
- (5) To prescribe criteria of wave frequency uses so that the uses shall be efficient and free of interference among themselves, both between businesses of the same category and between businesses in different categories;
- (6) To make decision regarding the monitoring of the use of wave frequencies in order to resolve wave frequency interference;
- (7) To coordinate, domestically and internationally, the wave frequency management;
- (8) To promote and support research and development in technology regarding efficient use of wave frequencies;

(9) To prepare reports, at least once a year, on the performance of the Joint Commission for submission to the Council of Ministers, the House of Representative and the Senate, and to disclose the reports to the public;

(10) To act as an administration body of the government for international communication affairs in dealing with international organizations, foreign governments and agencies on matters relating to wave frequency management, broadcasting business and telecommunication business;

(11) To perform any other acts as provided by this Act or by other laws as the authorities of the Joint Commission.

For the purpose of implementing its authorities under paragraph one, the Joint Commission shall have the power to issue regulations, rules, notifications, orders or requirements.

Such regulations, rules, notifications, orders or requirements of general application shall come into force upon their publication in the *Royal Gazette*.

Section 64. In the preparation of the master plan on wave frequency management, it shall have at least details of the table of all frequencies available for uses in Thailand, the guidelines for dealing with international wave frequencies, details of wave frequencies allocated for use in broadcasting business and telecommunications business and other businesses related to wave frequency management.

The master plan on wave frequency management under paragraph one shall be used as the guideline for operation in respect of broadcasting business and telecommunication business.

The Joint Commission shall monitor and evaluate the implementation of the master plan on wave frequency management under paragraph one and shall modify said master plan from time to time for the benefits of managing the wave frequencies efficiently and in consistence with reality which keeps on changing over time.

In the preparation of the master plan on wave frequency management, the Joint Commission shall listen to the public opinion, the operators who use the frequencies and state agencies, so as to collect information for further consideration, subject to the rules and procedures prescribed by the Joint Commission.

The master plan on wave frequency management shall be published in the *Royal Gazette*.

Section 65. At a meeting of the Joint Commission, not less than one-half of the total number of incumbent NBC and NTC Commissioners shall be present to constitute a quorum.

The Chairman shall preside over the meeting, If the Chairman is not present at the meeting or is unable to perform his duties, the Commissioners present shall elect one member to preside over the meeting.

Meeting procedures, passing resolutions and performance of duties of the Joint Commission or the Commissioners shall be in accordance with the rules prescribed by the Joint Commission.

At the meeting, any Commissioner who has an interest in the matter to be considered shall be prohibited from attending the meeting, except for an interest of being the NBC Commissioners or the NTC Commissioners, as the case may be.

In the performance of duties, the Joint Commission may delegate authority to one or more Commissioners to take charge of various aspects of the authorities of the Joint Commission so as to report to Joint Commission or to do as assigned by the Joint Commission.

Section 66. For the purpose of implementing the authorities of the Joint Commission, the NBC Office and the NTC Office shall have a duty to give information or co-operate as requested by the Joint Commission.

The NTC Office shall have additional function as the secretarial office of the Joint Commission and shall have the following authorities:

(1) To take charge of secretarial work for the Joint Commission;

- (2) To observe and monitor the uses of wave frequencies;
- (3) To accept complaints regarding the uses of wave frequencies in broadcasting business and telecommunications business for forwarding to the Joint Commission;
- (4) To study, collect and analyze information relating to wave frequencies and uses of wave frequencies in broadcasting business and telecommunications business, to forecast demand for wave frequencies and other information that will be beneficial to the performance of the Joint Commission, and to provide assistance and recommendations in assigned to such information;
- (5) To perform any other acts assigned by the Joint Commission.

Section 67. After a conclusion on the result of the observation and monitoring of the uses of wave frequencies has been made and it has been found that the wave frequencies are used in a way that causes interference to one another or used in the business that is outside the objectives or not in compliance with the conditions to the license, the Joint Commission shall notify the NBC or the NTC, as the case may be, in order to take further action in accordance with the respective authorities.

Section 68. The provisions of Section 20 and Section 21 shall apply to the performance of duties by the Joint Commission *mutatis mutandis*.

Section 69. The Commission member shall receive remuneration as a meeting allowance only in respect to each time he attends a meeting as prescribed in a royal decree.

Remuneration and other expenses in relation to the performance of duties by the Commissioners and members of the subcommittee under section 68 shall be as prescribed by the Joint Commission.

CHAPTER V

Relationships with the Government and the National Assembly

Section 73. In case where there will be a negotiation or an agreement between the Government of the Kingdom of Thailand and foreign governments or international organizations on the matters relating to wave frequency management, broadcasting business, telecommunications business, or related matters, the NBC, the NTC, the NBC Office, and the NTC Office shall have the duty to provide information or jointly perform any act under the government's policy.

The NBC Office and the NTC Office shall supervise the wave frequency management, broadcasting business, and international telecommunications business under paragraph one, as prescribed by the Joint Commission.

Section 74. The NBC, the NTC and the Joint Commission shall prepare an annual report on the wave frequency management, broadcasting business or telecommunications business, as the case may be. The report, which shall contain details of work plans and result of the operation, wave frequency management, wave frequency allocation, operation of the broadcasting business or telecommunications business, as the case may be, and work plan for the subsequent period, shall be submitted to the Council of Ministers and the National Assembly within three months after the end of the calendar year.

The Prime Minister, the House of Representatives and the Senate may request the Commissioners or the NBC Secretary-General or the NTC Secretary-General, as the case may be, to give statements in writing or orally in person on any particular matters.

Transitory Provisions

Section 75. In the initial stage, the processes of selection and election of Commissioners shall be completed within one hundred and twenty days from the date on which this Act comes into force. Said date means a date during a session of the National Assembly.

The Office of the Permanent Secretary to the Prime Minister's Office shall function as the secretarial office in the processes of selection and election of the Commissioners under paragraph one.

Section 76. Any government body, state enterprise, state agency or person to whom wave frequency is allocated or who is using the wave frequency on the date on which this Act comes into force, shall have a duty to provide details of the wave frequency allocated and details of the use of the wave frequency according to the rules and period prescribed by the NBC, in the NTC or the Joint Commission, as the case may be.

The Public Relations Department, the Post and Telegraph Department and other state agencies, who have duties in relation to the allocation of wave frequencies, licensing and supervision or regulation of the operation, shall provide information in relation to the wave frequencies, the operation of broadcasting business and telecommunications business to the NBC, the NTC, or the Joint Commission, as the case may be, in accordance with the rules and period prescribed by the NBC, the NTC or the Joint Commission, as the case may be.

Section 77. The provision of Section 78, Section 81, Section 82, Section 83, Section 85, and Section 86 shall apply upon the lapse of a thirty-day period after the date on which His Majesty the King appoints the Chairman and the Commissioners.

Section 78. The authorities of the Prime Minister, the Minister, the Director-General of the Public Relations Department, the Director-General of the Post and Telegraph Department or other state official in relation to the wave frequency management, wave frequency allocation, licensing and supervision or regulation of broadcasting business and telecommunications business under the law on radio and television broadcasting, the law on radio communication, the law on telegraph and telephone and other relevant laws, shall become the authorities of the NBC, the NTC or the Joint Commission, as the case may be.

The operation of radio and television broadcasting business by government bodies or other juristic persons which are exempted from the application of the law on radio and television, including the licensees, the concessionaires or the counter-parties to contracts made with such government bodies or juristic persons, shall be subject to the supervision of the NBC and shall comply with the rules prescribed under this Act or other laws or as prescribed by the NBC.

The operation of radio communication business by government bodies or other juristic persons which are exempted from the application of the law on radio communication, including the licensees, the concessionaires or the counter-parties to contracts made with such government bodies or juristic persons, shall be subject to the supervision of the NTC and shall comply with the rules prescribed under this Act or other laws or as prescribed by the NTC.

The operation of telecommunication business by the Communication Authority of Thailand, the Telephone Organization of Thailand and other juristic persons, including the licensees, the concessionaires or the counter-parties to contracts made with the Communication Authority of Thailand, the Telephone Organization of Thailand or such juristic persons, shall be subject to the supervision of the NTC and shall comply with the rules prescribed under this Act or other laws or as prescribed by the NTC.

Section 79. During the time that the law on operation of broadcasting business operation or the law on operation of telecommunication business, in relation to the implementation of

authorities of the NBC under Section 23, paragraph four, or the NTC under Section 51, paragraph four, unless already provided in this Act or in other laws, the NBC or the NTC, as the case may be, shall have the power to prescribe regulations for the compliance with this Act.

The regulations of the NBC or the NTC under paragraph one shall come into force upon their publication in the *Royal Gazette*.

Section 80. In the initial stage, during the time the election and appointment process for the NBC or the NTC, as the case may be, has not been complete, the Prime Minister, the Minister, the Director-General of the Public Relations Department, the Director-General of the Post and Telegraph Department or other state official relevant to wave frequency management, wave frequency allocation, licensing and supervision or regulation of the operation of broadcasting business and telecommunications business under the law on radio and television broadcasting, the law on radio communications, the law on telegraph and telephone and other relevant laws, shall have the authorities as provided by law until the expiry of the period under Section 77, provided that, during such period, the way frequency allocation, the issue of license for operation or license for additional operation, shall not be issued.

Section 81. For the purpose of the performance of duties of the NBC, the NTC or the Joint Commission, as the case may be, under this Act, in the initial period, the NBC, the NTC or the Joint Commission, as the case may be, may request the Prime Minister to order any civil servant, employee or temporary staff of the government body, state enterprise or other state agency to come to assist in the performance of the NBC, the NTC or the Joint Commission, as the case may be, on temporary basis during a prescribed period of time.

The civil servant, employee or temporary staff of the government body, state enterprise or state agency under paragraph one shall continue to be attached to the present work unit, but shall perform the work under direct command of the Chairman, subject to the work rules prescribed by the NBC, the NTC or the Joint Commission, as the case may be.

Section 82. The businesses, assets, rights, duties, liabilities and budget of the Post and Telegraph Department, Ministry of Transportation and Communications, shall be transferred to the NTC Office, except for the post service and its budget in the category of salary and regular wage attached to certain persons, shall be transferred to the Office of the Permanent Secretary to the Ministry of Transportation and Communications.

The rights under paragraph one shall include the right to use state property and public domain of state.

Section 83. Subject to the provision of Section 84, the civil servant and the temporary staff of the Post and Telegraph Department, Ministry of Transportation and Communications, who holds office on the date of expiration of the period under Section 77 shall be the civil servant or temporary staff of the Office of the Permanent Secretary to the Ministry of Transportation and Communications and shall perform duties in the NTC Office, in which case it shall be deemed to be the performance of duties for the Office of Permanent Secretary to the Ministry of Transportation and Communications.

Section 84. The civil servant and the temporary staff under Section 83, who is willing to become an employee to temporary staff of the NTC Office, shall submit a written application to his immediate superior within sixty day after the date of the expiry of the period under Section 77. The person failing to submit such application within that period shall return to perform duties at the Office of the Permanent Secretary to the Ministry of Transportation and Communications.

Section 85. The businesses, assets, rights, duties, liabilities and budget of the Public Relations Department, Office of the Prime Minister in respect to the work unit for the National Radio and Television Broadcasting Commission, Public Relations Department, Office of the Prime Minister, shall be transferred to the NBC Office, except for the budget in the category of salary and regular wage attached to certain persons, which shall be transferred to the Public Relations Department, Office of the Prime Minister.

Section 86. Subject to the provision of Section 87, the civil servant and the temporary staff of the Office of the National Radio and Television Broadcasting Commission, Public Relations Department, Office of the Prime Minister, who holds office on the date of expiration of the period under Section 77, shall be the civil servant or the temporary staff of the Public Relations Department, Office of the Prime Minister, and shall perform duties in the NBC Office, and it shall be deemed to be the performance of duties for the Public Relations Department, Office of the Prime Minister.

Section 87. The civil servant or the temporary staff under Section 86 who is willing to become an employee or temporary staff of the NBC Office shall submit a written application to his immediate superior within sixty days after the date of expiry of the period under Section 77. The person who fails to submit the application within that period shall return to perform duties in the Public Relations Department, Office of the Prime Minister.

Section 88. In the initial stage, before the budget shall have been allocated to the NBC Office or the NTC Office, the NBC, the NTC or the Joint Commission, as the case may be, shall prepare its work plan and business management plan of the NBC Office or the NTC Office, as the case may be, for submission to the Council of Ministers for a subsidy from the budget for the implementation of such plans.

The Council of Ministers shall provide from the budget the subsidy for implementation of the plans as submitted by the NBC, the NTC, or the Joint Commission, as the case may be, as shall be necessary.

Countersigned by:
Chuan Leekpai
The Prime Minister

Remarks: The rationales for the promulgation of this Act are as follows:

Section 40 of Constitution of the Kingdom of Thailand provides that the wave frequencies used for radio and television broadcasting, and radio telecommunication are national communication resources for public interest, and that there shall be independent state bodies to allocate the wave frequencies and regulated the operation of the radio and television broadcasting, and telecommunications business in order to secure the utmost public benefits at national and local levels, in the fields of education, culture, state security and other public interests, including the fair and free competition, as provided by law. It is, therefore, appropriate to enact a law to establish the independent state bodies to perform such duties as provided by the Constitution, including to determine the scope of the performance of duties in relation to the allocation of wave frequencies and the procedures for the regulation of the operations of radio and television broadcasting businesses and telecommunications businesses. This Act is therefore enacted.

APPENDIX E

List of Informants

Communication scholars

		<i>Current position</i>	<i>Involvement</i>	<i>Date of interview</i>
1	Aruneepabha Homsette	Deputy Director, Fund Raising Bureau, Thai Red Cross Society	NBC selection panel (secretary)	May 29, 2007
2	Joompol Rodcumdee	Art and Culture Consultant , Chulalongkorn University (CU), Director of CU Broadcasting Station	Former Dean School of Communication Arts, NBC selection panel	June 8, 2007
3	Wittayatorn Tokeaw	Associate professor, Sukhothai Thammathirat Open University, MCOT broad of director	NBC selection panel	July 25, 2007
4	Somkiat Tangkitvanich	Research Director for Information Economy, Science and Technology Development Program, Thailand Development Research Institute (TDRI)		June 5, 2007
5	Ubonrat Siriyuvasak	Assoc. Professor (Chulalongkorn University), researcher in media policy, President of CPMR		July 5, 2007
6	Uajit Virojtrirat	Ministry advisor, vice president of CPMR, Civic Net, Community radio researchers and trainers		July 10, 2007

Media professionals

		<i>Current position</i>	<i>Involvement</i>	<i>Date of interview</i>
7	Sopit Wangvivatana	Director, Thai Broadcast Journalists Association (TBJA)	Broadcast Journalist, Former secretary general (2000-2002)	May 18, 2007
8	Thepchai Yong	Editor, Nation Multimedia group, Advisor TBJA	Former president of TBJA (2002-2004)	June 12, 2007
9	Pacharaporn Chomklin	Broadcaster, radio program producer, journalist Former director of Pacific news center		May 20, 2007
10	Jamnan Siriton	CEO, JSL company (TV program production) President, Federation of Broadcasting Media Professionals Associations		June 26, 2007
11	Sompong Wanpinyo	President, TV Thunder (TV program production), Member of Broadcasting Media Professionals Association		May 28, 2007
12	Yuwadee Boonkrong	President, Asian Media Plus (TV program production), Member of Broadcasting media professionals association		June 14, 2007

List of Informants (continued)

NGOs/Activists

	<i>Current position</i>	<i>Date of interview</i>
13 Supinya Klangnarong	Secretary General, Campaign for Popular Media Reform (CPMR)	June 13, 2007
14 Jon Ungphakorn	Chairman of the Thai NGO Coordinating Committee on Development	July 25, 2007 (phone)

Commissioners and Candidates

	<i>Current position</i>	<i>Involvement</i>	<i>Date of interview</i>
15 Pana Thongmeearkom	Assoc. Professor and Dean, School of Communication Arts, Huachiew Chalermprakiet University	NBC candidate	May 17, 2007
16 Pichien Amnajvaraprasert	Member of Constituent Assembly (2006-2008), Media commentator	NBC candidate	August 7, 2007
17 Sethaporn Cusripituck	National Telecommunications Commissioner, Former Director of Post and Telegraph Department	NTC commissioner (2004-2007)	August 6, 2007

Parliament Members

	<i>Current position</i>	<i>Involvement</i>	<i>Date of interview</i>
18 Somkiat Onwimon	Member of National Legislative Assembly (2006-2008), Executive Producer (TV 3) (International news division)	Former Senator (2001-2006) initiating reform	May 24, 2007
19 Chirmsak Pinthong	Member of Constituent Assembly (2006-2008), Broadcaster, Current Affair Analyst	Former Senator (2001-2006) investigating NBC selection process	August 3, 2007

State Officials

	<i>Current position</i>	<i>Involvement</i>	<i>Date of interview</i>
20 Pramroj Rathavinij	Director General of Public Relations Department (PRD)	Government Agency	July 23, 2007
21 Grisanaporn Soempanich	PRD, director of policy and planning development division	Former director of National Broadcasting Administration office	July 24, 2007
22 General Lerdrat Ratanavanit	Army General, Ministry of Defense	Former Director of Civil Affairs, Royal Thai Army (1999-2005)	July 26, 2007 (phone)
23 Major General Surasak Kanjanarat	Director of Civil Affairs, Royal Thai Army		July 27, 2007

List of Informants (continued)

Others	<i>Current position</i>	<i>Involvement</i>	<i>Date of interview</i>
24 Prasan Wangrattanapranee	Lawyer, International Law Company	Legal Advisor of Federation of Broadcasting Media Professionals Associations	May 24, 2007
25 Vitsanu Varanyu	Associate professor, Judge, Administrative court	Legal scholar (research in independent regulatory agency), NBC applicant	August 15, 2007
26 Narongdej Surakosit	Legal scholar (communication law and constitution study), School of Law, Chulalongkorn University		July 25, 2007 (phone)
27 Surichai Wankaew	Associate Professor, Sociology (civil society studies), Chulalongkorn University		July 31, 2007

APPENDIX F

Interview Questions

During the implementation of Section 39-41 in the 1997 Constitution, there have been several stakeholders involved in the reform of broadcasting media particularly the NBC establishment. I would like to ask several questions related to the reform issues.

A. Rationales of the reform, stakeholders, issues being addressed, goals and expectations

(RQ#1: *What are the key debates in Thai broadcasting policy reform?*)

1. What issues have arisen in the Thai broadcasting policy debates?
2. How have the broadcasting policy issues been addressed by the state, the media professionals, media scholars and non-governmental organizations?
3. What are the goals of Thai broadcasting policy reform?
4. What is/are your expectations of change after the reform, including in the media system, broadcasting policy, and regulators?

B. Establishment of the new regulatory agency (NBC) and media democratization

(RQ#2: *How has the reform of Thai broadcasting media contributed to media democratization?*)

5. What does media democratization mean to you?
6. To what extent did the reform of broadcasting media lead to democratizing of Thai media up to today?
7. Do you think the reform will lead to media democratization in the future? Why or why not?

C. Involvement, strategy, assessment of the movements

(RQ#3: *How has media activism contributed to media democratization in Thai broadcast reform?*)

8. What does “media activism” mean to you? Who are media activists?
9. What role did media activism play in the reform of Thai broadcasting?
10. In your opinion, have media activists’ involvement in the reform been effective or ineffective? Why or why not?

D. Assessment

(RQ#4: *What could be the lessons from the effectiveness or ineffectiveness of the policy reform?*)

11. What lessons can we learn from the broadcasting reform?
12. What alternative and/or supplement policies of broadcasting reform should be proposed? What should be suggested in the reform of Thai broadcasting?

APPENDIX G

Human Subjects Approval



Office of the Vice President For Research
Human Subjects Committee
Tallahassee, Florida 32306-2742
(850) 644-8673 · FAX (850) 644-4392

APPROVAL MEMORANDUM

Date: 4/5/2007

To:
Monwipa Wongrujira
MC: 2664

Dept.: **COMMUNICATION**

From: **Thomas L. Jacobson, Chair**

A handwritten signature in black ink, appearing to read "Thomas Jacobson".

Re: **Use of Human Subjects in Research**
Media democratization: A study of media activism on the path of broadcasting policy reform in Thailand

The forms that you submitted to this office in regard to the use of human subjects in the proposal referenced above have been reviewed by the Secretary, the Chair, and two members of the Human Subjects Committee. Your project is determined to be Expedited per 45 CFR § 46.110(b) 7 and has been approved by an accelerated review process.

The Human Subjects Committee has not evaluated your proposal for scientific merit, except to weigh the risk to the human participants and the aspects of the proposal related to potential risk and benefit. This approval does not replace any departmental or other approvals, which may be required.

If the project has not been completed by **4/3/2008** you must request renewed approval for continuation of the project.

You are advised that any change in protocol in this project must be approved by resubmission of the project to the Committee for approval. Also, the principal investigator must promptly report, in writing, any unexpected problems causing risks to research subjects or others.

By copy of this memorandum, the chairman of your department and/or your major professor is reminded that he/she is responsible for being informed concerning research projects involving human subjects in the department, and should review protocols of such investigations as often as needed to insure that the project is being conducted in compliance with our institution and with DHHS regulations.

This institution has an Assurance on file with the Office for Protection from Research Risks. The Assurance Number is IRB00000446.

Cc: Stephen McDowell
HSC# 2007.233

APPENDIX H

Oral Consent Form

My name is Monwipa Wongrujira. I am a doctoral candidate working under the supervision of Professor Stephen McDowell at Department of Communication, Florida State University, Tallahassee, Florida, USA. I am conducting a research study on Thai broadcasting policy reform. The project will explore the debates and changes in Thai broadcasting policy, regulation and the institutional restructuring process, particularly the contribution of media advocacy groups to the reform of broadcasting policy in Thailand during 2000-2006. The research result will benefit in providing information for communication policy makers in the future.

Our conversation would be around forty five minutes to one hour. I will ask a series of open-ended questions about broadcasting policy. Your participation in this project is voluntary. Thus, if you do not want to answer any question or want to stop your participation at any time, you may proceed as you wish. There will be no penalty.

If you would allow, I would like to use a digital audio recorder to record our conversation in order to insure that I don't miss any important information. The audio tape will be kept confidential in a locked filing cabinet in an office at Department of Communication, Florida State University, including the notes and interview transcript. They will be destroyed after three years. I and my supervising professors will be the only ones with access to the data.

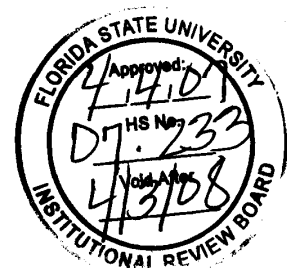
The results of the research might be published, but your name will not be used without your permission. In the publication, you will not be identified as making certain statements without your permission. Rather the statement may be referred by a position, such as a broadcast news editor, a policy analyst, a communication professor.

Later if you have any questions concerning the study, you can contact me at mw03d@fsu.edu, my advisor (smcdowel@mailers.fsu.edu), or FSU's Human Subjects Committee (phone: 1-850-644-8673, e-mail: phaire@mailers.fsu.edu).

When you continue in this project, you are giving your consent to participate.

Signature _____
(Consent to be interviewed)

Signature _____
(Consent to have the interview recorded)



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* Due to Thai language academic writing system, Thai authors' first names are firstly stressed instead of last name. Thai names maintain the English spelling preferred by the person involved. Also, to save space and avoid confusion in the references, translated English titles, except Thai newspaper titles, are used rather than transliteration (i.e., instead of *Rabobb Vittayu lae Toratat Thai*, 'Thai broadcasting system' is used). Thai-language sources are indicated by the words "in Thai" at the end of the reference.

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- 2001-2003 Lecturer at School of Communication Arts, Sukhothai Thammatirat Open University, Nontaburi, Thailand
- 1997-2001 Chairperson, Department of Communication Arts, Faculty of Humanities and Social Sciences, Naresuan University, Pitsanulok, Thailand
- 1994-1995 Copywriter, Crusoe Company, Bangkok, Thailand (part-time)
- 1991-1993 Reporter, *The Nation* newspaper, Bangkok, Thailand
- 1990-1991 Editorial staff, *Computer Journal*, Computer Association of Thailand, Bangkok, Thailand (part-time)

Scholarship/fellowship

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