

Media Reform in Thailand

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Epilogue

After failing twice on the selection process for an independent regulatory body, namely the National Broadcasting Commission (NBC), the government stalled the third round of selection. It has inadvertently violated the legal stipulation that the NBC and NCT¹ must be institutionalized within 120 days after the Frequency Allocation Act was enacted in 2000. As we discussed earlier, the counter-reform groups used all their efforts to make sure their interests are represented in the NBC. On the other hand, they worked incessantly to derail community radio. Nonetheless, the reform movement has made the reform agenda one of the top public agenda and kept it alive during the past decade. The legitimacy of the right to communication and freedom of expression has been extensively debated and officially acknowledged. Through these processes the anti-reform groups are constantly kept in check.

The media reform movement was in deep conflict with the government of the Thai Rak Thai party between 2001-2004. In 2005, the Thai Rak Thai party was re-elected and Thaksin Shinawatra took the helm once again as Prime Minister. During his first term the media, especially the printed press, has been politicized. Critical journalists were removed. Defiant newspapers were threatened, sued or bought up. This curtailing of press freedom and the government's populist policies in economics, public health, social welfare, and education has aggravated elite and middle-class discontent from the outset of his second term. It was the prelude to the political crisis in 2006.² In September the

¹ The first Telecommunications Act was enacted in 2001 as well as the National Telecommunications Commission (NTC).

² The sale of Shin Corporation, the Prime Minister's business asset, to Temasek, the Singaporean investment corporation, in January 2006 ignited widespread protests in the country.

military staged a coup d'état which ousted Thaksin Shinawatra and the Thai Rak Thai government.

After the military coup on 19 September CDRM or the Council for Democratic Reform under Constitutional Monarchy abolished the 1997 Constitution, dissolved Parliament and seized all television stations in Bangkok. The first undertaking of the new government was to draft a new constitution. Article 47 of the 2007 Constitution stipulated that there would be a regulatory body on the allocation and regulation of telecommunications and broadcasting services. Abide by the Constitution the Ministry of Information and Communication Technology is preparing to amend the 2000 Frequency Allocation Act. This would legalize the merging of NTC with NBC (though it has yet to be set up).

The National Legislative Assembly (NLA) which replaced the Parliament has in effect enacted a series of five media laws during its fifteen-month tenure (Oct 2006 – Dec 2007).³ One of them, the Public Broadcasting Act, has transformed *ITV*, the commercial television station owned by Shin Corporation, into a public service station. *ITV* was initially nationalized after the coup d'état and re-named *TITV* under the supervision of the Public Relations Department. On February 15, 2008 the station, *TPBS* or Thai Public Broadcast Service, was inaugurated as the first public service television. The total funding of 1,700 million baht per annum for *TPBS* comes from excise tax (alcohol and tobacco duty), not from viewer licence fees.

In December 2007 the government sponsored Broadcasting Bill, with support from the military, the broadcasting industry, and the Thai Broadcasting Journalist

³ These are; The Computer Crime Act, The Press Act, The Film Act, The Public Broadcasting Act, The Radio and Television Act.

Association, was passed without much public debate.⁴ The new Broadcasting Act retains the ownership right of the military, the Public Relations Department and other state agencies on all of the existing radio and television stations. But the law also provided for the right of three classifications of radio and television stations; public, commercial and community service. Legally the structure of the broadcasting media has been transformed from state monopoly to an open structure. However, there are two contradicting features built into the law. While the new licence classification points to a deregulation mode the status quo on state ownership hinders the re-allocation of the frequencies for new licensees. Another critical problem is the temporary committee or an ad hoc NBC that must operate with the NTC's secretariat as its secretariat. The ad hoc NBC is to take the responsibility of the NBC on radio and television licensing. Although it would seem that it is left to the discretion of the ad hoc NBC to take the media reform process forward the majority of the 3,000 plus 'unlicensed' community radio, satellite and cable television are on alert to seize this critical opportunity to participate in the new mediascape.

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⁴ The NLA proposed a parallel draft bill. The main difference is the section on self regulation. The industry negotiated successfully with the government to lift the regulation on professional ethics out of the draft bill.