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## **The Future Challenges of Communication and Media Reform in Thailand**

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## Abstract

This paper investigates the process and conflict of media reform in Thailand. Despite state resistance to guarantee freedom of speech and to reform the structure of its broadcast media local professionals and community nationwide took up the challenges of reform unto themselves. With hundreds of unlicensed low-power community radio and local cable television services the electronic mediascape has been transformed during the last decade. The dominance of citizen and political communication is rising, especially from below. It is obviously a cause for concern on the part of the Thai state, be it the coup appointed government or the present elected government.

In March 2008 the new Broadcasting Act has been enacted. For the first time the law provides opportunity for commercial and community media to apply for a licence. On the other hand, it also permits state agencies to operate radio and television stations more extensively. In any event, a new dawn of media reform is gradually taking shape. This means that the future challenges lie in the capacity of these new groups and their media to challenge state censorship and control in order to bring back the guarantee on freedom of speech and transform the structure of the electronic media so that the democratization of communication is possible.

**Keywords:** communication, media reform, freedom of speech, low-power community radio, Broadcasting Act 2008

## Introduction

Freedom of speech in Thailand is, more often than not, a privilege and an exclusive right of the mass media. But since the popularization of the Internet in the late 1990s and the boom in low-power FM (LPFM) radio in the early 2000s the media scene has been transformed dramatically. Blogs and citizen websites are fashionable among young people, independent journalists, and concerned citizens. They have created a wide range of cyber networks of communicator (Phansasiri Kularb, 2007). More importantly, issues that have been neglected by the mainstream media such as minority rights and community right to manage their environment are reported and discussed on the Internet. Comments on the much censored topic of the monarchy and its political future have been widespread on many websites. On the other hand, low-power community radio becomes the '*new medium*' of expression for the grassroots. This intermediate communication technology is now making waves all over the country. They are located in the hot spots where grassroots groups struggle against the encroachment of big business to build power plant, gas pipeline, mining of iron ore and potash on their communal land. Some of these low-power stations are able to open up new voices for local people who now have a medium

they could call their own. Some are purely for culture and entertainment. While these networks of communication enjoy their new found freedom they are also faced with serious threat of closure or censored by the state.

This paper discusses the conflict between social movement and the people who exercise their communication right on the one hand, and the state and corporate media on the other hand. While corporate media co-habit with the state under the patronage relation the state continue to use surveillance and control to subdue the voices of the people despite the fact that these methods are out-of-date in the age of network society in which the media and information flow play a key role.

### **State and big media against structural reform**

The social movements on media reform have been gaining strength and popular support everywhere since more and more citizens are aware of their rights and the significance of media space for citizen discourse and action. Furthermore, these movements are opposed to the monopoly and domination of big media. In the US, for example, the reform movement put pressure on the FCC and Congress against public policy that favour media concentration and cross-media ownership of large conglomerates. Active citizens sent millions of email, fax and letter to Congress. They could stop the FCC from relaxing the ownership rule made in 2003 (McChesney, 2007). In South Africa after the fall of the apartheid regime the airwave was freed and community radio has been included as part of the national broadcasting spectrum (Fraser and Estrada, 2001). The post-apartheid South African government initiated a new broadcasting policy to help reconcile past conflicts and to build a democratic and pluralistic society. In Korea the media reform movement has been able to support the setting up of its regulator, KBC - Korean Broadcasting Commission, which open the way for community media and public access policy on satellite television (Kim, 2006).

#### *State and local capital vs democratization of media*

In Thailand the media reform movement has worked incisively to put media reform on the national agenda during the political and economic downturn in late 1990s. The majority of the private press was supportive of the reform movement. On the contrary, state-owned radio and television were openly against reform. In the 1997 Constitution the right of state concessions of mainstream television stations was guaranteed for the rest of their concession period (which could go up to 2022 and 2025

for some stations). From the start, the prospect of reforming the broadcast media was grim. The state, represented by the Public Relations Department and the military, closely allied themselves with corporate media in their all out effort to defend their monopoly. But the Constitution also instituted a new article specifying the reallocation of the airwave as it was a public resource to be shared by all (Article 40). The relentless confrontation between reformer and the state and its ally during the legislative process for the organic law on the National Broadcasting Commission (NBC) and National Telecommunication Commission (NTC) was the highpoint of the movement (Supinya Klangnarong, 2000). The stunning outcome was that the NBC and NTC law has set aside 20% of the airwave for civil society and community media (Article 26 of the NBC and NTC Act of 2000). Hence, the law has initiated the process of structural reform for the broadcast media. But the real struggle has only just begun.

Local resistance against the tidal wave of globalization brought forth many social movements including the search for autonomous media. Civic and grassroots groups have organized themselves to set up ‘unlicensed low-power community radio’ in their communities. The first of its kind, on air in December 2001, was in Kanjanaburi province. Within a span of six months over 140 stations they were broadcasting around the country. In October 2002 they launched the 1st National Assembly of the Confederation of Community Radio of Thailand (Matichon, 12, October, 2002). This group of community broadcasters claimed their legitimacy over the airwave from their constitutional right guaranteed in Article 40 and Article 26 of the new NBC and NTC Act (Boonsong Jansongrasami, 2005). Their direct action from below has created a new momentum towards the democratization of the broadcast media structure despite the lack of political will on the government side to provide this communication right for the people.<sup>1</sup>

### *Neo-liberalism and Thaksinomics on telecommunications and broadcasting*

The arduous task of restructuring the broadcasting system has been placed in the hand of the Thai Rak Thai government with Prime Minister Thaksin Shinawatra, the top telecommunications and media tycoon, at its helm. During his first tenure from 2001-

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<sup>1</sup> The government under Thaksin attempted to avert community radio from their track by incorporating them into the local district authority and the Public Relations Department. Failing to co-opt them the government changed tactics. Angthong station was charged with illegal broadcasting. Its transmitter was seized and its operator arrested in 2003. It threatened to close down more stations arguing that they were interfering with aviation radio communications. See a more detailed analysis in Ubonrat Siriyuvasak, “A genealogy of media reform in Thailand and its discourses” (2005).

2005 two diametrically opposed process took shape. The main thrust of the government which made up of Thailand major business and industrial sector; telecommunications, finance, media, and automobile, was directed towards a neo-liberal economy connected with globalism. It is dubbed 'Thaksinomics' in the Thai context (Pasuk Phongpaichit and Chris Baker, 2004). As such the government moved swiftly to privatize both state telecommunications organizations, the Telephone Organization of Thailand (TOT) and Communications Authority of Thailand (CAT) as well as the state media organization, the Mass Communication Organization of Thailand (MCOT). In addition, a large number of new telecommunications concessions were also given to private sector in its bid to liberalize the industry and boost the domestic market (Pathmanand, 2005).

But small local media were mushrooming to resist the domination of big corporate media. The expansion of local cable television was a case in point. There were over 700 'unlicensed' cable operators who defied the syndication of United Broadcast Corporation's (UBC), the largest multi-national cable operator in Thailand. UBC, now re-branded as TrueVision, was once the cable monopoly in Bangkok (a merger of IBC and UTV). It received concession from the state media organization MCOT. It was a part of Telecom Asia (now TRUE) one of the three major private telecommunications corporation in Thailand. MIH, a US company held 33% shares in UBC. Local cable operators also dared to evade the regulation of the National Broadcasting Commission (under the Public Relations Department). They set up the Cable Association of Thailand to build new solidarity among their network and to negotiate with the National Broadcasting Commission. Their plan was to organize a local cable news network, Thai Cable News Network or TCNN, to produce and share local news around the country. The networking of small independent cable television could be seen as a measure to create local identity against the encroachment of big media corporation. Their effort was to produce and distribute local content relevant to their communities instead of UBC imported content from global media corporations such as CNN, BBC, Disney, Nikleodeon, MTV, StarMovie, and Sports channels (Minutes of the Cable Association of Thailand Annual Meeting, 2005). In this kind of exchange and interaction, they hope to form a forum, a local public sphere, in which their own version of cultural codes could be instituted.

### **The critical juncture of transformation**

Media reform movement has struggled against the interests and monopoly of big corporations and neo-liberal marketization of the media as illustrated above. Although the chance of structural reform seems highly limited but as McChesney elaborates, “*critical juncture of communication transformation comes with three distinctive conditions; first, the revolutionary new communication technology that undermines the existing system, second, the content of the media system is increasingly discredited or seen as illegitimate, and third, a major political crisis – severe social disequilibrium – in which the existing order is no longer working and there are major movements for social reform*” (2007, p.10). The three conditions are already widespread and deepened in their transformative process as I will describe in more detail.

#### *New communication technology and new public sphere*

The Internet, the new electronic media and the convergence of multiple communication and media networks are demonstrating profound change in the Thai media industries. Consumption pattern has turned the audience from passive receiver to active producer of content. Most major newspapers now have their on-line version and provide space for readers’ comment. The Nation, for example, goes one step further to invite readers to have their blogs along with well known columnists in their paper. There are popular websites such as Pantip ([www.pantip.com](http://www.pantip.com)), Sanook ([www.sanook.com](http://www.sanook.com)) in which their political café or web board rapidly surpass other political forum. There are also a small number of alternative sites such as Midnightuniv ([www.midnightuniv.org](http://www.midnightuniv.org)), and on-line press such as Prachatai ([www.prachatai.com](http://www.prachatai.com)), among others, which create a kind of ‘*virtual democracy*’ for members of civil society (Pitch Pongsawat, 2002). The striking change of the digital revolution, however, is that digital technology has enabled local social movements to broaden their networks nationally and internationally. They could educate, campaign, conscientize, and empower themselves and their community. They could influence the public, the political opposition, and the government to change undemocratic and unjust policies on many social and cultural issues (see the case of Pak Mun Dam in Rungrawee Chalermripinyorat, 2002 and Puangpana Kunawat, 2002 for example). Through this kind of communication process these new social movements have extended the notion of the modern public sphere to include not only the discourses of the state and big corporations. The mainstream media could no longer ignore these ‘voices’ that challenge the neo-liberal dominant discourse that rationalized their benefit of national

development and fast track economic growth. The real meaning of socio-economic change has been challenged while the public sphere in the mainstream media is being redefined incrementally from below.

### *Question of media credibility and legitimacy*

The second condition on the quality of media content and the media system itself is clearly at its ebb. There has never been the same depth of decline as badly as it happened in the past several years. Government control of state and private media has directly curtailed press freedom. By so doing it has significantly slashed media credibility in the eyes of voters and concerned citizens. The media has little legitimacy as an open public sphere for all. On international ranking scale Reporters Without Borders (RSF) Global Press Freedom Ranking put Thailand at 65 in 2002, and 82 in 2003 among 139 nations worldwide.<sup>2</sup> Freedom House rank Thailand even lower at 88 and shift category from 'free' to 'partially free'. When compared with her Asia-Pacific neighbours Thailand press freedom is ranked lower than Papua New Guinea, East Timor, Fiji, South Korea, Solomon Island, Philippines and Mongolia.

During this period the Thai Rak Thai government could control state media, acquire private media to assist the Party and Shin Corp. It has effectively silenced the opposition and its critics, the NGOs and intellectual voices. The management of the mediascape and its content by the government has been professionally orchestrated (Pasuk Phongpaichit and Chris Baker, 2004). Shin Corp, the flagship corporation of Prime Minister Thaksin Shinawatra, has been able to control iTV prior to the general election in 2001 in which the Thai Rak Thai Party won a landslide victory. Twenty three reporters and editors were sacked due to their outcry of political interference in the newsroom (Mollana Nakmanee, 2003). Shin Corp then moved to control Matichon and the Bangkok Post, one of the two English papers (Nation Sudsubda, 19 Sept 2005). Both papers are highly credible newspapers and have been critical of the government. But some readers began to see them as Pro-Thaksin media after the acquisition. Prior to the Matichon and the Bangkok Post incidents a family member of the Secretary General of Thai Rak Thai Party, Suriya Jungrungruangkit, bought 20% stake in the Nation

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<sup>2</sup> The index was drawn up by asking journalists, researchers and legal experts to answer 50 questions about the whole range of press freedom violations (such as murders or arrests of journalists, censorship, pressure, state monopolies in various fields, punishment of press law offences and regulation of the media).

Multimedia Group saying it is purely business interest (McCargo, 2005). However, the Nation Multimedia Group continued to be highly critical of the government.

Apart from buying up the influential mainstream media the government used defamation lawsuit as its ultimate censorship weapon. At least 13 cases have been filed against the press and their news sources. During 2002-2005 the charges of major civil defamation cases have been as high as 551 million dollars or 21 billion baht (Ubonrat Siriyuvasak, 2006). It has created what is known as 'the climate of fear' among journalists and editors. But for the owners this is a real threat to the business of the capitalist media. What followed was a crisis of credibility and controversy over what would be counted as libel and what was not in news reports.

In 2005 the newly established Media Monitor Project carried out regular monitoring report of media content, especially on television. They found that the media were obsessed with program rating and displayed political biases in their news reports. Television news programs were generally pro-government by preferring sources from government and state agencies (Media Monitor, 2005). The opposition parties constantly complained of unfair reporting. The ex-Prime Minister, Chuan Leekpai, from the opposition Democrat Party, had to set up a website to broadcast his views to the public in order to counter Prime Minister Thaksin's weekly radio program broadcast on Saturday morning to voters around the country (McCargo, 2005). The deterioration of press freedom due to government media control couple with Thaksin's high spin information and image strategies have politicized the mainstream media in an unprecedented manner. The division between pro-Thaksin and anti-Thaksin press spurred serious debate on whether the media should be 'taking sides' (Aruni Iamsirichoke, 2007). The deep effect on media legitimacy produced terms such as 'sue tae' - 'real media' or 'professional media' versus 'sue tiem' - 'false media' or 'ad hoc media' (media under the patronage of Thaksin's regime). This is a critical juncture in which the crisis in the media system developed hand in hand with the crisis in the political system where 'money politics' looms large.

### **Media politics and the crisis of democracy**

In Thailand, as in Italy during Berlusconi premiership, the Prime Minister has been able to control both state and private media. But despite having the upper hand in politics and information discourse both prime ministers lost their power and political clout. There are similarities and differences between the two leaders though. Castells (1997) demonstrated

the lesson from the Italian political system that overwhelming business influence in the media is not tantamount to political control in informational politics. He defined informational politics as strategic activities involving polling, advertising, marketing, analyzing, image-making and information processing. This is to capture the imagination of voters and citizens and mobilize their political decision. Since this kind of information strategy must depend on the media to report, magnify, simplify and interpret, and to make moral judgment on particular issues through competitive usage of language, image and symbol the media become more than just mediator of events or political maneuvering of politicians. The media enter into politics itself as much as politicians do.

Castells argued that it was the power of the Italian media and judiciary that destroyed the political career and the image of Berlusconi in spite of his control over the media. The media, in Castells' view, have their own symbolic linkages to the judiciary and prosecutorial institutions of democracy and they could set their own pace through their informational networks to destroy, and finally, make the politician irrelevant which is the end of news. So, as soon as Berlusconi became Prime Minister in 1994, the judiciary and the media together, launched an all-out assault on his financial fraud and bribery schemes. They undermined his business, indicted some of his associates and damaged his image. So much so that he lost the 1996 election to the Socialist Party.

#### *Informational politics during Thaksin and Thai Rak Thai government*

In the case of Prime Minister Thaksin Shinawatra he survived the first devastating blow on his 'hiding of asset' case when he came to power in 2001 (Constitutional Court, 20/2544). His victory was owed partly to the pro-Thaksin media and some business groups and influential public intellectuals who believed that Thaksin should be given the opportunity to deliver his promises. Pasuk Phongapichit (2005), taking the example of Peru under President Fujimori in 1990s, argued that Thaksin stabilized his power by silencing the opposition, the judiciary and the media. His popularity rose during his first term in office. In 2005, Thaksin's populist policy with his well orchestrated informational politics has succeeded in securing his power for a second term.

However, his strategies have created deep cleavages among the media, the judiciary and political institutions that would boomerang when political power and media politics entangled. The climate of fear began to wane in the latter part of 2005. The fall out between Sondhi Limthongkul of Manager Media Group, an old friend-turned-foe, and Thaksin Shinawatra sparked off a new wave of media and political protest. Sondhi

criticized Thaksin and disclosed corruption in the government in his television program on Channel 9. After it was cancelled he organized public forum similar to his television program at Thammasat University and Lumpini Park. Huge audience attended these Friday forum. It was a symbolic and encouraging move for those who resent Thaksin. The decisive break came in January 2006. Thaksin announced the sale of his Shin Corp, including Thai Com satellite, valued at 73,000 million baht to Singapore's Temasek Holding.<sup>3</sup> It prompted storm of criticism from academics, the media, the middle class and the public charging Thaksin of self-interest, selling the nation to Singapore, and tax evasion (see for instance Sapon Ongkarn, *Kom Chad Luek*, 10 February, 2006, *Puchadkarn On-line*, 11 February, 2006, Chang Noi, *The Nation*, 17 February, 2006). The blow ignited a bigger move transpired by the media, the political and business opposition. Sondhi Limthongkul organized the People's Alliance for Democracy (PAD) with 4 leaders; from non-governmental organizations – Piphob Thongchai, Railway State Enterprise union leader – Somsak Kosaisuk, Santi Asoke religious group leader, Chamlong Srimuang, and academic-cum-activist – Somkiat Phongpaibun. They staged mass rallies demanding Thaksin to step down. The main charges were Thaksin selling of national assets, his populist policy, conflict of business and political interests.<sup>4</sup> The majority of the mainstream press packed together during this turbulent moment. The most militant anti-Thaksin media is the Manager Media Group, whose owner, Sondhi Limthongkul, is one of the key leader of PAD. The group is made up of the Manager Daily (Thai), Business Day (English), Manager Radio, Manager On-line, ThaiDay.com, ASTV and Manager Monthly.

Although Thaksin and the Thai Rak Thai government have just been elected in 2005 for a second term his silencing strategies broke loose. The government could not survive the forces of media honing, institutional rejection, and street protests. Thaksin

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<sup>3</sup> The sale of Shin Corp was a large and complicated deal. The media put efforts in unraveling its complex trail day after day in their grip of informational politics. They tried to simplify the business deal for ordinary readers while highlighting the faults in the cross-border deal between Thai and Singaporean companies. For a full analysis see Manok and Dek Nok Krob, 'Mua Kuam Tuk Tong Tang Kodmai Yu Nua Kuam Tuk Tong Tang Silatham: Bot Wikhroa 25 Praden Lak Nai Deal Takeover Klum Shin Corp' (When legality rules over moral ethics: An analysis of 25 points on the takeover deal of Shin Corp' (*Onopen.com*, 14 February, 2006).

<sup>4</sup> The ground against Thaksin was already prepared in 2004. Jermsak Pinthong edited a series of collected articles in 3 volumes, 'Ru Tan Thaksin' or 'Knowing Thaksin'. They were written by academics from diverse fields including law, economics, political sciences, international relations, telecommunications, communication, public administration. They sold at least 80,000 copies.

dissolved Parliament and called a new election in April 2006. The election was nullified by the Constitutional Court in May 2006. A new election was set for October 2006. But the final blow of the series of political crisis since 2005 struck before the election. The military staged a coup d'état on September 19, 2006. On that day, the caretaker Prime Minister, was about to deliver a speech at the UN Assembly in New York.

At a glance, it seems Thailand has her lesson of informational politics similar to Italy during Berlusconi. But the difference is that the series of political turmoil have brought the military back into Thai politics after 15 years of parliamentary rule. It is a crisis of democracy for Thai citizens because the cycle of elected government and military appointed government has come full circle again. It is also a crisis of media politics since the media have been unable to make democratic proposals nor conscientize citizens to realize democratic practices in the political and cultural spheres. The media are too engulfed in their own politics, in reporting corruption scandal, and in political personality assassination to the point that the power of information flow overtakes them. Recent events after the coup in 2006 are good examples of how the media are enmeshed in their own politics and in the formal political institutions. These crises have exacerbated the conditions of democracy to an all time low as will be demonstrated in more detail below.

### *The Coup, the media and political institutions*

Television and the mainstream print media splashed on their front page how the coup had been successfully staged. It was '*smooth as silk*' and incurred no violent.<sup>5</sup> As a matter of fact, the military coup by the Council for Democratic Reform under Constitutional Monarchy (CDRM)<sup>6</sup> and its interim government led by General Surayud Chulanond have forcefully suppress freedom of expression through various means of censorship. On the one hand, CDRM seized all national broadcast stations plus Nation Channel. But mainstream media and small alternative media were dealt with differently. The next day CDRM invited the press to request for their support. By contrast, CDRM

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<sup>5</sup> On the streets where tanks patrolled key government buildings people came to cheer and gave flowers to the soldiers, thanking them for throwing out Thaksin Shinawatra and his elected government.

<sup>6</sup> Due to international media criticism on the notion of democratic reform under constitutional monarchy CDRM was renamed CNS or the Council for National Security two weeks after the coup took place. See more detail in Pakawadee Veerapasong's "*Thai coup in the eye of international media*", 2007.

closed down community radio, particularly those in the north. The northern region is seen as the constituency of Thaksin and the Thai Rak Thai Party. The Internet also faced closure especially those opposed to the coup such as [www.19Sept.org](http://www.19Sept.org), [www.saturdaynews.org](http://www.saturdaynews.org), [www.midnightuniv.org](http://www.midnightuniv.org). iTV was seized and nationalized. It was changed from a private station into a state station called Thai Public Broadcasting Service (TBBS) in February 2008. Strong censorship by CDRM or later renamed CNS – Council for National Security resulted in the low ranking on press freedom in 2007. RSF Press Freedom Index ranking for Thailand dropped sharply to 135 from 169 countries (RSF World Press Freedom Index 2007). However, it did not have a great deal of impact on the media itself since the majority of the mainstream press which was anti-Thaksin has helped usher in the military coup. For them the coup was seen as the inevitable way out of the crisis if not a triumph over an evil and corrupt politician.

Although the mainstream media received signal to practice self censorship they were not being punished by CDMR. They were actually rewarded for their role in ousting Thaksin. The following examples are good indicators of how the media flow into political institutions. After the coup CDMR abolished the 1997 Constitution and dissolved Parliament. The media professional associations sent 3 representatives to the 100-member Constitutional Convention. Manit Suksomchit, one of the representatives from Thai Rath newspaper, the highest circulation paper, sat in the inner circle of the 35-member Constitutional Drafting Committee (The National Press Council of Thailand, Dec 2006-Jan 2007). The National Constitutional Drafting Committee was chaired by Prasong Soonsiri, advisor of Naew Na daily newspaper and former Secretary of the National Security Council under General Prem Tinasulanond premiership between 1981- 1988.

The 242-member coup appointed National Legislative Assembly (NLA) has been turned into a ‘professional quota’ representation instead of an elected assembly. It was made up of civil servant (17), judiciary (12 judge and prosecutor), military (35), police (7), state enterprise executive (8), bank and finance executive (6), industrial sector executive (19), general business executive (11), legal counsellor and lawyer (7), political party (4), academic (11 - on philosophy, language, religion and culture), media (20 - journalist, editor, owner, writer, artist), retired civil servant (43 - majority are from the military), local, moral and social development leader (13), and higher education institution administrator (29). Among the representatives in the media category were representatives from the professional associations; the President of the Press Council, the Thai Journalist and Newspaper Association (TJA), and the Thai Broadcast Journalist

Association (TBJA). Apart from these there were owners of the most influential private television stations (under state concession) and newspaper; Channel 3 and Channel 7, and Thai Rath, respectively. In addition, there were 2 representatives from the Manager Media Group, 1 representative from Daily News and 1 from Matichon paper, and several high profile media personality (Matichon, 2006).

The media now sat in the formal political institution, albeit in a military appointed Assembly, sharing power with the military-bureaucratic institutions. Their first function was to legitimize the coup d'état and the interim government. But more importantly, they plunged into 'real politics' despite protest and resentment from young journalists. Representatives from the professional associations and senior journalists who were board members claimed that their action was merely to protect media freedom by working inside the political institution rather than outside (Aruni Iamsirichoke, 2007). The media strategy and informational politics during the rule of CNS and General Surayud government was quite different than that of Thaksin's. CNS included the media into part of its circle by sharing power with them. This did effectively reduce criticism to a manageable level because the media would know exactly what to do (for the regime) and how far they could go. Both the military and the media were well aware that they must work together for their mutual interests if they were to survive the political manoeuvring they set themselves into. But how do media practice their professionalism or claim their objectivity sitting in the high seat of power themselves? What would it entail when media are doubly equipped with media own institutional power and extra political power? The consequence is rather daunting if not unpredictable.

#### *Media laws in the time of the coup*

Two major task media representatives assisted NLA to achieve were enacting the 2007 Constitution and issue a package of 5 media laws. These were; the Computer Crime Act or Cyber Crime Act, the Public Broadcasting Act, the Printing Act, the Broadcasting Act and the Film Act. All of them were highly controversial but all sailed through in spite of series of protests by media reform movement, non-governmental organizations, civil society, and practitioners such as Freedom Against Censorship Thailand (FACT), the Film Director Association and Free Thai Film Movement.

The first medium to lose its freedom was the Internet. The Computer Crime Act, channelled by the government, was passed with a 119 vote against 1 nay vote on May 9, 2007 (Supichaya Rakbua, Bangkok Post, 10 May 2007). The argument of the military

appointed government was the Act was a necessary tool to fight cyber crime such as theft on the Internet, and other illegal activities. Official can seize the server or raid the suspected computer and the penalty can be as high as 20-year imprisonment. The real intention of this law, however, was to censor political expressions. It meant to seal off any criticism of the monarchy and the military. Another important objective was to suppress the voice of the ousted Prime Minister Thaksin Shinawatra. The Public Broadcasting Act has similar objective. It meant to take away iTV from Thaksin. This would rid him of an influential voice for good. The strategy that CDRM used was to turn it from a private station into a state sponsored station under a new label called 'public broadcasting station'. The finance of the station would come from excise tax (of alcohol and cigarette) earmarked at 1,200 million baht annually.

In the NLA the press industry was expressly working for the new Printing Act to replace the 1941 Printing Act. This would shift press regulation to a new regime of control away from the Police Department. Anyone wishing to launch a magazine or newspaper could register with the Ministry of Culture without going through security vetting. On broadcasting, representatives from the Thai Broadcast Journalist Association (TBJA) and broadcasting industry worked closely with the military to replace the 1955 Broadcasting Act with a new one. The new law would theoretically liberalize the present regime of monopoly. In addition, the industry was able to remove the section on professional code of ethics from the law. It promised to practice self regulation instead of state censorship as in the past. Finally, the Film Act was supposed to change its regulation from a censorship mode to film rating mode under the Ministry of Culture instead of the Film Board under the Police Department. To the disappointment of the film community of directors, critics and viewers the Act instituted 'banning' as its ultimate category of 'film rating'. The new law would hardly increase the level of freedom of expression in this medium.

The whole package of media law was pushed through in less than a few months' time. As illustrated above they did not guarantee, protect nor extend the rights and freedom of expressions of the people and practitioner (may be with very little exception). On the contrary, the laws supported the control of free speech and censorship in new wordings. By all purpose and intent the military and the bureaucracy used the law as their draconian measure to seal off criticism and political expression by the people while

letting the media industries focus on their economic interests.<sup>7</sup> It was ironic that the new rules to curtail freedom of expressions have been framed with the assistance and consent of the media industries themselves.

*Media prophets and the crisis of democracy*

The media were already deep in its politicization track during the first term of Thaksin and the Thai Rak Thai government. Their split in political ideology produced conflict in the way they manufactured news. The Manager repeatedly stated its ‘militant anti-Thaksin’ position since PAD was first formed in early 2006. With ASTV satellite broadcast as its main information distributor Sondhi Limthongkul’s weekly, later daily, speeches on the open platform of PAD put him in political spotlight. Added to this were front page news headlines in most major newspapers and commentaries by columnists. All of the free-to-air television aired on location live report, from Sanam Luang, Radjadamnern avenue and Siam Paragon, in their main news bulletin. The Manager Media Group, with the support of its website, print, and radio, raised Sondhi’s image to a new height. PAD declared their political victory when they were able to force Thaksin to step down after his Thai Rak Thai Party won 377 seats from the 500-member Parliament in April 2006. The newly elected government crumbled in front of a media led people’s power movement. Suddenly the leaders of PAD became the prophets for their believers and those who deeply distrust Thaksin.

*“They are prophets in the sense that they declare the path, affirm the values, and act as symbol sender, becoming a symbol in themselves, so that the message is inseparable from the messenger.”*

(Castells, 1997, p.362)

Sondhi was the gem of PAD’s five leading political stars. He has the style, the clarity, the forcefulness and communicability of a genuine public speaker. His strategic wit could easily capture the minds and mobilize the masses using succinct, hyperbole yet critical language to expose the greediness and unpatriotic nature of Thaksin. Sondhi

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<sup>7</sup> In August 2007, one month after the Cyber Crime Act was passed two webmasters, Ton Chan and Phraya Pichai, were arrested and jailed for two weeks. They were charged with lese majeste (*Prachatai*, 13 October, 2007). They were expected to lead the police to a larger network but they were found to exemplify individuals who use the Internet for free expressions.

would end his sentence by asking his audience ‘is it not so?’ and they would heartily give him a ‘yes’ to his question. Sondhi and the core leaders of PAD were given voice to the anti-Thaksin voters. They were the face of a symbolic movement whose ‘nationalist’ identity was circumscribed by neo-liberalism and globalization. But what exactly is this identity that could speak so powerfully to the society? What is the message of the new prophet?

During PAD’s 2-month demonstration (February – March 2006) the theme of mobilization was ‘save the nation’ or ‘ku chat’. At the rally yellow head bands with the word ‘ku chat’ were given out. The charges against Thaksin were on his ‘selling of national assets’, tax evasion, corruption and conflict of interests. Thaksin sold his Shin Corp which owned, among others, key telecommunications concessions, including mobile phone (AIS), satellite (Thai Com), and television (iTV), to Singapore’s Temasek. These were seen as belonging to the nation. They could not be sold to a foreign company. Hence, PAD has the mission to salvage all these ‘national properties’ by ousting the wrongdoer, Thaksin Shinawatra (PAD 2/2549 statement, 24 February, 2006). PAD claimed there were a total of one million people joining the demonstrations at different times. These were the Bangkok middle class, professional and business people, and the aristocrat.

The symptoms of a crisis in the democratic system pointed out by PAD were corrupt politician, rigged election or vote-buying and the domination of ‘politics’ over the routine operations of state agencies. But most of all, it was the ill reverence manner of the elected government towards the monarchy. This was read as a sign of disloyalty and arrogance. It was a symbol of un-patriotic act if one does not uphold ‘nation-religion-king’ to the highest esteem. This prescription of a failed democracy was close to what CDRM spelled out in its first statement read by General Sondhi Boonyaratkalin, the leader of the coup makers, on 19 September 2006. Both PAD and CDRM could not see any clear solution to the economic and political problems from politicians and the formal political institutions of a democracy. Neither did they believe in grassroots activism or social movements that signified decentralized and bottom-up democracy. PAD proposed that a royal appointed prime minister was the only proper way out of the quagmire of the political crisis in 2006. It hoped that royal power would expel Thaksin and clean up ‘corrupt and immoral politics’ (PAD 6/2549 statement, 23 March 2006). What actually

happened was that the judiciary and the military were brought into politics instead.<sup>8</sup> The crisis continued through 2006-2007.

## **Conclusion**

In the last section I will sum up the movements discussed above by an analysis on the construction of identity and the media. Identity gives meaning to social actors and their communities. And since identity is in the symbolic realm media plays a central role to identity construction. I will borrow the category of identity building from Castells (1997) to illuminate on our examples of recent contestations of identity building. There are three forms and origin of identity building; legitimizing identity, resistance identity, and project identity. Legitimizing identity is introduced by the dominant institutions of society to extend and rationalize their domination vis a vis social actors. While resistance identity is generated by those actors that are in positions/conditions devalued and/or stigmatized by the logic of domination, thus building trenches of resistance and survival on the basis of principles different from, or opposed to, those permeating the institutions of society. Lastly, project identity is built when social actors redefined their position in society and by so doing seek the transformation of overall social structure.

There are different kinds of social movement struggling against the power of the state and globalization. Among these are media movements of diverse historical, geographical and cultural nature. Firstly, the media reform movement with its ally of community radio has been resisting the domination of state and commercial media. They are seeking a local identity which is opposed to both national and global media. By this process they are building a new identity that would redefine their position in society. They have been stigmatized as pirate radio but they resisted this labeling. They hope to create their own public forum and network among themselves, especially those movements on environmental issues, minority rights and human rights. This is a new kind of project identity that social actors construct through their live experience. Their project, when actualize, would transform their identity and secure a communal space that they could depend on. It might impact upon the structure of the media system if the project has a broad base network. In other words their movement could democratize communication and the existing media structure.

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<sup>8</sup> The King did not go along with the idea of an appointed prime minister. His speech to the judges on April 25 to uphold righteousness and solved the nation's crisis was taken as the guiding path to 'judicialization'. PAD vowed to take heed to the King's speech in its 7th statement on 27 April 2006.

Where small media, such as community radio and local cable television, resist the domination of big media the mainstream media have been confronted with a crisis of legitimacy. Their credibility in the eyes of the public has dropped dramatically, both at home and internationally. They lost their objectivity having ‘taking political sides’ during the democracy crisis. In order to regain their credibility they plunged themselves into deeper media politics. The mainstream media, especially the anti-Thaksin camp and the influential press, have joined the Establishment in retaining and expanding their positions. They cheered the coup and sat in the NLA, the military appointed assembly, to assert their interests and power. By so doing they become part of the legitimizing identity introduced by the dominant institutions of society. This is none other than to extend and rationalize their domination over other social actors, meaning corrupt politicians and their institutions in this case.

Our final example is the protest against Prime Minister Thaksin Shinawatra in 2006. It started out to resist the powerful capitalist who is a telecommunications and media tycoon linked up with global capital. Nationalism has been the main theme of PAD’s resistance. The resistance identity they chose was of a particular variety, ‘royal nationalism’ unique to Thailand.<sup>9</sup> This is to rationalize and legitimize their movement. In order to sustain the movement PAD must propose a new path as well as affirming shared social values. They sought royal nationalism as their project identity hoping it would unify the nation. But it did not quite work out as Thongchai Winichakul argued in 2001 that although royal nationalism was highly influential it could not completely over take the discourse of mass democracy instituted by the people themselves from 1973 onward. Democratic values and principles, as well as socialists ideas, also have their place in the

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<sup>9</sup> Thongchai Winichakul (2001) proposed the concept of ‘royal nationalism’ as a unique variant of Thai nationalism to explain the mind set of the bourgeois and their conservatism since the 1970s student up-rising. It is based on the notion of ‘Dhammaraja’ or ‘Righteous and benevolent’ king. Royal nationalism as taught in school text books propagate how great kings in Thai history saved the independence of the nation (at the time when there was no such thing as modern nation-state) and how they fought against European imperialists in the 19<sup>th</sup> century. In contemporary history another variant, ‘neo-royal nationalism’ has emerged. The king is perceived as a ‘democratic’ monarch sacrificing himself for the Thai people. The monarchy rose to an unprecedented prominence after his role in the 1973 student up-rising. This is the foundational historical memory shared by the large majority of Thais. When PAD evoked nationalism and (neo-) royal nationalism as its mobilizing theme it could easily stir up a deep seated and powerful memory in the collective consciousness of the Thai people. It was seen as an effective symbolic tool to overthrow Thaksin and as such resist the encroachment of globalization.

collective consciousness of the Thai people. Therefore, the proposal for a royal appointed prime minister fell through.<sup>10</sup>

The media led movement of PAD was in search of an identity to resist the existing democratic institutional arrangement and globalization, represented by Thaksin Shinawatra – the individual capitalist and corrupt politician. Although it used nationalism as its primary identity to mobilize the largest number of masses possible it was only partially successful. Supporters and opponents of Thaksin were nearly equal in numbers (there were about 14 million pro-Thaksin voters versus 11 million anti-Thaksin voters in the 2005 election). When PAD proposed royal nationalism as its new path it split up the anti-Thaksin voters who supported PAD. It showed that PAD has gone back to rely on the legitimizing identity of the powerful institutions as their true identity. If nationalism cannot resolve the crisis of democracy what is the alternative?

All of the movements analyzed so far are against the domination of globalization. Some depend on local networks and communal identities such as community radio and cable television networks. Some collaborate with the state and its institutions such as the professional media associations. They hope to strengthen their power position and be able to survive the encroachment of global media. But PAD is the strongest movement by far. It seems to speak the mind of the people who are distressed by the economic, environmental, social and cultural impact of globalization. The symbolic nature of the media and information network mobilized by PAD has been able to encourage hope and create communal images of a nation proud and equal to others. Nonetheless, the collective identity of royal nationalism is an identity shared by some and questioned by many others. During critical times nationalism might be revived to put its symbolic strength to test. However, if we look closely at the power relations of social actors we can detect the ambiguity of the state vis a vis social movements - media/political movements - and the imagined communities of a nation. The media reform movement and its network of community radio continues to evade state authority in spite of their 'illegal' status. The state could not use its authority or legal action to arrest all of the stations. On the contrary,

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<sup>10</sup> In their second round of protest to overthrow the new government in May 2008 PAD suggested another political reform to build new democracy or new politics – *karn muang mai*. The objective is to discard representational politics and replace it with direct democracy in the 'final battle to salvage the nation'. The political set up would be an inclusive one so as to end the vying of power among social institutions that were excluded from the present democratic structure. The Parliament would make up of the royalty, military, judiciary, professional, business, peasant, worker, under-privileged people, the poor and others to share power in the 70% selected members vs 30% elected members quota system (Suriyasai Katasila, 26 June 2008).

the state must, in some ways, come up with an acceptable solution which is more or less a democratic one. On the other hand, PAD has risen to be a very powerful movement. It continuously made demand to dismantle the government. If the government and politicians could not strategically rationalize their position they are bound to be overthrown. Such was the case with Thaksin Shinawatra and his Thai Rak Thai government in 2006. But the prospect of a coup d'etat was definitely not an alternative to a democracy in crisis as event in 2007 showed.

Globalization is forcing people to respond in their best collective experience, may they be tradition, religion, national or local historical memory of peaceful community or violence, as their final salvation. In this process it creates crisis of democracy, and media and information crisis along with it. The movements under discussion all posed themselves as symbolic and real challenges to the social transformation in the making – they are networks of anti-globalization against the domination of globalization. Perhaps we are in for a long revolution as Raymond Williams would have foreseen.

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