

Who Owns the Asian Media: Thailand Media Report

Ubonrat Siriyuvasak

The media in Thailand has been criticized for their lack of freedom in reporting in recent years. In the 2004, Thailand ranked 59 in the Reporters Without Borders' World Press Freedom ranking. In 2005 it went down as far as 107. This is lower than Fiji, East Timor, Indonesia, and the Philippines for instance. What has become of press freedom in a country once seen to be one of the freest in Southeast Asia? Is it because of Prime Minister Thaksin and his Thai Rak Thai government monopolizing the media and censoring press freedom? Is structural constraint in the media system the root cause of the violation on the rights and freedom of expressions of the citizens and the press? Or is it because there is a lack of policy on the diversity of public opinion in the press? This paper attempts to investigate the pattern of ownership and control of the media in Thailand to understand the deteriorating situation of freedom of expressions. The information in the following pages may shed some lights to the above queries.

Changing media structure and the erosion of publicly owned media

In 1997, when the new Constitution was promulgated, civil society and reform advocates were optimistic on the agenda for an overall reform including media reform. But what happened in reality were political maneuver against reform and a trend towards privatization in all sectors of the economy (Kasian Tejapira, 2005). The media and communications sectors are no exception. Furthermore, there are signs that the media landscape will be one in which concentration of ownership and cross-ownership between and within each of these sectors are being formulated among large corporations.

Let us take a brief look at the media structure, which is the subject of reform after the Constitution of 1997 was enacted. Article 39 of the Constitution of 1997 enshrined that freedom of expression of all forms is a basic right for individual and for the mass media. It also guaranteed the right of the press and broadcasting stations to publish without pre-censorship, interference nor closure by the state. In addition, Article 40 was expressly written to liberalize the media structure from total state ownership. It is a paradigm shift that removes state monopoly of the electro-magnetic spectrum and replaces it with public ownership. The radio frequency is, thereby, transformed to a public resource. Hence, open

its access to the people and the private sector.¹ This means ending the seven decades legal monopoly over the broadcast media by the Thai state (Ubonrat Siriyuvasak, 1999, 2001).

Under the existing power structure and the Radio and Television Act of 1955 the broadcast media are entirely owned by the state. Private concessions were given to a limited number of private operators on a privileged patronage relationship. In effect, the state and a handful of media corporations have monopolized the channel on the rights and freedom of information and communication, for which creative ideas and culture are distributed. But as mandated by Article 40 the Parliament passed a new law on the Radio Frequencies Allocation and Regulatory Body in March 2000 or the NBC and NTC Act in short. This would bring about two new independent regulatory bodies, the National Broadcasting Commission (NBC) and the National Telecommunications Commission (NTC), to reallocate the radio frequencies under state monopoly for private and public access. The NBC selection is still in process after 5 years of political and legal conflict.

Table 1: State Ownership of Radio and Television Stations (2000)

Radio		
<i>State Agency</i> (Bangkok & Provincial stations)	<i>Number</i>	<i>%</i>
-Public Relations Department	147	28.05
-Ministry of Defense	201	38.35
• Military High Command	(14)	
• Army	(127)	
• Navy	(21)	
• Air Force	(36)	
• Defense Secretary Office	(3)	
-Police	44	8.40
-Mass Communication Organization of Thailand (MCOT)	62	11.83
-House of Parliament	16	3.05
-Ministry of University Affairs	12	2.30
-Post and Telegraph Department	12	2.30
-Others	30	5.72
Total	524	100.00

Source: Public Relations Department, 2000.

Television		
<i>State Agency</i> (National Terrestrial Stations)	<i>Number</i>	<i>%</i>
-Public Relations Department	1	16.67
-Ministry of Defense	2	33.33
• Army	(2)	
-Mass Communication Organization of Thailand (MCOT)	2	33.33
-Office of the Prime Minister	1	16.67
Total	6	100.00
<i>State Agency</i> (Bangkok & Provincial Cable Stations)	<i>Number</i>	<i>%</i>
-Public Relations Department	78	98.70
-Mass Communication Organization of Thailand (MCOT)	1	1.30
Total	76	100.00

Source: Public Relations Department, 2000.

¹ Article 40 read as follow;

“The radio frequencies for radio and television transmission, and in radio communications are national resources to be used for public interests

An independent state regulatory agency must be set up to supervise the allocation and licensing of frequencies for radio and television broadcasting and for telecommunications stipulated in clause one of this article

The objectives of clause two must take into consideration the highest public interest at the national and local levels, in the area of education, culture, security and public safety and other public benefits, including free and fair competition.”

Table 1 shows the relationship between the broadcast media ownership and the political power embedded in the Thai bureaucracy since the 1950s. The Ministry of Defense, the Army in particular, and the Public Relations Department are the two major players in this structure. The Mass Communication Organization of Thailand (MCOT) became the third major player in the late 1970s in which the conservatives staged a coup after the massacre of students at Thammasat University in 1976. These state agencies not only control the rights and freedom of expressions but use radio and television to seek economic power at the same time. This is based on the traditional practice of rent seeking by either giving privileged concessions of stations or airtime to private operators. The model opened the way for a small number of media entrepreneur to have access to the airwaves. (See Table 2)

Table 2: Major Private Operators of Radio and Television Stations (2003)

Radio		
<i>Bangkok FM station</i>	Total	40
<i>Private operator</i>		35
1. A-Time Media/Master Plan		5
2. Radio Arm/Click Radio		4
3. U & I Corporation		3
4. GG News		2
5. Skyhigh Network		2
6. CA Studio		2
7. INN News		1
8. Traffic Corner Radio		1
9. Studio 107		1
10. Sport Syndicate		1
11. Smart Bomb		1
12. Media of Media		1
13. Army 5 Radio		1
14. BNT		1
15. Pacific Corporation		1
16. Wilai Center		1
17. JS Broker (KCS Group)		1
18. Others		6

Source: Public Relations Department, 2003.

Television		
<i>National Television Network</i>	Total	6
<i>Private operator</i>		3
1. Krungthep Television & Radio	Channel 7	1
2. Bangkok Entertainment	Channel 3	1
(BEC - TERO)		
3. Independent Television	ITV	1
(Shin Corporation)		
<i>National Television Network</i>		
<i>State operator</i>		3
1. Army Television	Channel 5	1
2. MCOT-Modern 9 TV	Channel 9	1
3. Public Relations Dept	Channel 11	1
(+ 8 regional stations)		
<i>Bangkok Cable Network</i>		1
1. UBC (formerly IBC & UTV)		1
(CP & TA Group)		

Source: Public Relations Department, 2003.

Table 2 shows the major players in the broadcast media industry. For radio, the top six radio operators in 2003 in Bangkok were A-Time Media of GMM Grammy Group, Radio Arm, U & I Corporation (presently Virgin Radio) of BEC-TERO, GG News formerly of UCOM Group, Skyhigh Network of RS Promotion, and CA Studio. They

make up 51.42% of the total share of ownership of 35 privately operated radio stations in Bangkok. From the study of Somkiat Tangkitvanich (2003) there is a growing concentration of ownership and revenue in the radio industry. Among these top ten radio stations in Bangkok 8 are music stations, and the other 2 are local traffic news and talk stations. And A-Time Media has the largest share of audience with 4 out of its 5 stations listed on the top five stations. In 2001, among the top 10 operators in Bangkok the top 3 shared 18.27%, and the 7 operators down the line shared 24.29% of the total advertising revenue in the radio sector. Together they shared 42.52% or nearly half of the 5,091 million baht advertising revenue in this sector.

On the national scene, there are 15 large business groups who operate both AM and FM radio stations around the country. The top 3 operating groups in 2002, KCS Corporation and JS Broker of the Satitsatien group, Prince Marketing, Belloy, Smart Bomb and Minute Band of the Bunsatit group, and RK Media, R&T Media, and IT Inter of the Rungtanakiat group, shared 80 stations or 15.26% of the total radio stations. The top 5 operators share 115 stations or 22% of the industry (Jira Hongsamrerng and Thanawit Sutarattanakul, 2002).

Most of the major players in the radio industry in Bangkok are either part of a large entertainment media corporation such as U & I Corporation (Virgin Radio) BEC-TERO one of the top television operator, or of major music corporations such as A-Time Media of GMM Grammy, Skyhigh Network of RS Promotion, or media broker. However, the major national operators are mostly concessionaires from the 1960s whose business is brokering between state agencies and media producers. But there is a trend among the latter group to forge business partnership with media corporation which produce media content, such as Smart Bomb with the Nation News of the Nation Multi-Media Group, INN Radio with INN News, Pacific Corporation with Pacific News and the Army Radio Network. Obviously both groups of owner have great business interests in the radio and media industry in general. They are large and powerful corporations with a lot of political influence. We shall come to this point shortly.

For the television industry the spectrum is highly limited. Only very few media corporations could enter and compete successfully. As demonstrated in Table 2, at the national level there are 3 privately operated terrestrial networks, Channel 7, 3 and iTV, and 3 state operated stations, Channel 5, 9 and 11. Channel 7, owned by the Krungthep Witayu lae Thoratat of the Kanasut family, received a 56-year concession (1967-2023) from the

Royal Thai Army. Channel 3, owned by Bangkok Entertainment Corporation (BEC) of the Malinont family, received a 50-year concession (1970-2020) from the Mass Communication Organization of Thailand (MCOT). ITV, owned by Shin Corp of the Shinawatra family, received a 30-year concession (1995-2025) from the Office of the Prime Minister. These concessions are protected by the Constitution of 1997. They will remain intact up to the end of the concession period according to Article 335 (2).

Television in Thailand is the most influential medium among the mass audience. It has a 94% penetration rate (AC Nielsen, 2001). Television is also the most concentrated sector in the media industry in terms of ownership and market share. In 2002 the three privately operated stations, Channel 3, Channel 7, and iTV shared 65% of the total viewers. In 2004 the audience share of Channel 3 and 7 combined is approximately 75% whilst Channel 5 and Channel 9 coupled with Channel 11 and the newly established iTV² command no more than 25% share of the total audience. The three state stations, Army Television Channel 5, Channel 9 of the MCOT, and Channel 11 of the Public Relations Department, are small stations compared with Channel 7 and Channel 3. Within this structure the core of the broadcast media system is the private commercial media and not the state media. Commercialism has been the dominant force by far.

The NBC and NTC Act of 2000 has introduced three new categories of broadcast media ownership, public, community and private ownership. According to this law the broadcast media under the Public Relations Department, the Mass Communication Authority of Thailand (MCOT), the Ministry of Defense, and other state agencies must either transform their operations into public services or turn these stations to the NBC for reallocation.³ But the previous government, led by the Democrat Party (1997-2001), was reluctant to reform the state media. During the first term of Prime Minister Thaksin

² iTV was set up with a mandate to be the independent news station after the May 1992 political crisis. The content must be 70% news and information, and 30% entertainment. The Siam Infotainment group, which is a consortium of 10 companies – 10% share for each partner, won the concession as it proposed the highest bidding price at 25,200 million baht. But after four years iTV was having financial trouble. It asked the Democrat government to scrape the 10% limit rule to bring in new shareholders. In 2000, Shin Corporation, founded by Thaksin Shinawatra and owned by his family, bought 39% of iTV. The take over bid was strategically planned prior to the election in 2001 for which Thaksin Shinawatra and his Thai Rak Thai Party won a landslide poll. iTV journalists rebelled against the take over and 23 of them were fired right after Thaksin Shinawatra sworn in as the Prime Minister. Subsequently, iTV was listed in the stock market in 2002. Shin Corp has 55.53% share of iTV. As the dominant shareholder Shin Corp negotiated with the government for 2 major changes. It was permitted to slash off 17,430 million baht from its concession, and to lower the news and entertainment ratio to 50:50%. iTV was then set to compete with Channel 3 and Channel 7 for a larger market share (Ubonrat Siriyuvasak, 2005).

³ State owned and operated radio and television stations are called state media by the government. They are supported by the national budget, and the employees are civil servants. They are not accountable to the public but to the government and the state agencies owning the stations. The programmes generally serve the government and various state agencies. They are usually seen as the propaganda organ of the government of the day. The public do not have direct access to the state media.

Shinawatra (2001-2004) the government took a sharp turn towards the opposite direction. It set out to privatize the state media. Channel 9 underwent drastic image change and re-branding into Modern Nine TV. In August 2004 Channel 9 along with MCOT was fully privatized. In 2005, Prime Minister Thaksin Shinawatra entered his second term with the plan to commercialize Channel 11 and Radio Thailand. This took effect in December 2005. The government policy was clearly against media reform. Instead of transforming the state media into public media so as to guarantee the rights and freedom of expressions of the people its strategy was to make state media answerable to the market and the government.

With this shift the majority of the state media has now pass into the commercial sector. Hence, the whole broadcast media system is thrust into private ownership. Except for the small group of low-powered community radio stations operating without a license there is little guarantee for any other kind of publicly owned radio and television station at the moment.

Concentration of media ownership in the Thai press

The Thai press has a tradition of being a part of the private enterprise. But newspapers have a smaller penetration rate compared with the broadcast media. The total number of circulation is estimated at 3 million copies/day, and the readership may reach around 10 million. However, they are politically influential especially among the elite and the urban middle classes. They are also the originator of the news flow in the news industry. Most of the radio and television talk programs pick up their news items from the major daily newspapers.

Table 3: Number of Newspapers (2002)

Private commercial newspaper	80
National newspapers	25
• Thai	20
• English	2
• Chinese	2
• Muslim	1

Source: Public Relations Department

Nuannoi Trirat and Thaneer Chaiwat's (2004) study on the Market Structure and the Regulation of Newspapers in Thailand showed that in 2002 the market is highly

concentrated. The general daily papers have 87% share of the market, the business dailies have 8% share, and the English dailies have 4% share. For the general daily papers the 4 largest newspapers, Thai Rath, Daily News, Khao Sod and Matichon, command 80% share of this market. The two leader papers, Thai Rath and Daily News, together hold 53% share. For the business papers and the English papers there are only 2 major papers in each of these markets. The business dailies are Krungthep Thurakit of the Nation Multimedia Group and Puchadkarn of the Manager Group. The English papers are the Bangkok Post and the Nation. (See Table 4)

The concentration ratios of the above categories of newspaper generally remain the same in 1997 and 2002 except for the general daily papers and the business papers. The concentration ratio of the general daily papers dropped from 92 to 80 and the business paper from 100 to 92. This is due to the launch of new papers in the market such as Kom Chad Luek, and Post Today. For the business dailies and the English dailies the ratios are 100. The comprehensive concentration ratios (CCR) in 2002 are as follow; the general daily newspaper is 0.53, the business daily is 0.84, the English daily is 0.60, and the business paper is 0.88. The ratio for the entire industry is 0.57 (Nuannoi Trirat and Thanee Chaiwat, 2004).

Table 4 shows the range of ownership of the major newspapers and their political disposition. The two leading tabloid newspapers, Thai Rath and Daily News, are conservative in their political disposition. Thai Rath, in particular, is pro-government whereas Daily News attempts to keep its balance. For the major newspapers group; Matichon, the Nation Multimedia Group, the Post Publishing, and the Manager Group they are liberal papers with a critical stance towards the present Thai Rak Thai government. The most vocal among this group is the Nation Multimedia Group. Each of these papers had experienced open and serious confrontation with the Thaksin government.

Table 4: Major Newspapers Ownership (2003)

Newspaper*	Corporation	Market Share (%)	Other business	Political disposition/ affiliation
<i>General daily papers</i>				
1. Thai Rath	Vacharapol Co. Ltd	34%	Paper industry	Conservative
2. Daily News	Sipraya Karnpim Co. Ltd	19%		Conservative
3. Khao Sod	Khao Sod Co. Ltd (Matchon Group)	15%	Magazine and book publishing	Liberal
4. Matchon	Matchon Plc	12%	Magazine and book publishing	Liberal
5. Kom Chad Luek	Nation Multimedia Group Plc	11%	Magazine and book publishing Radio & television, news agency	Liberal
6. Thai Post	Thai Journal Group Ltd	{ }		Liberal
7. Naew Na	Naew Na Newspaper Co. Ltd	{ }		Opposition party
8. Baan Muang	Baan Muang Newspaper Co. Ltd	{ 9% }		Chat Thai Party
9. Seri Daily	Samnak Khao Seri Co. Ltd	{ }		
10. Siam Rath Daily	Siam Rath Co. Ltd	{ }		Owner is a senator
<i>Business Daily papers</i>				
1. Krungthep Thurakit	Nation Multimedia Group Plc	85%	Magazine and book publishing Radio & television, news agency	Liberal
2. Puchadkarn Daily	Manager Media Group Plc	15%	Magazine and book publishing Radio & television, international investment	Liberal (used to be an ally of the Thaksin government)
3. Post Today **	Post Publishing Plc		Central Group, South China Morning Post	Liberal
<i>English Daily papers</i>				
1. Bangkok Post	Post Publishing Plc	55%	Central Group, South China Morning Post	Liberal
2. The Nation	Nation Multimedia Group Plc	45%	Magazine and book publishing Radio & television, news agency	Liberal
<i>Business papers ***</i>				
1. Prachachat Thurakit	Matchon Plc	38%	Magazine and book publishing	Liberal
2. Than Setakit	Than Setakit Co. Ltd	32%	Book publishing and printing, marketing, catering	Liberal
3. Puchadkarn Weekly	Manager Media Group Plc	12%	Magazine and book publishing Radio & television, international investment	Liberal
4. Siam Thurakit	Siam Ruamjai Co. Ltd	10%		
5. Others		8%		

* Most papers have on-line version

** Started in 2004

*** Business papers are published every 3 days, some are weekly papers

Political-cum-business control of freedom of expressions

Despite the high concentration ratio in the industry there is a certain degree of competition within each category of the papers, and to a lesser extent, in the broadcasting media. This allow for a diversity of opinion, debate and news report to be articulated. But this was to change in 2001 when the Thai Rak Thai Party became a one-party government, and put in place Prime Minister Thaksin Shinawatra at its helm. The government was not only in control of state radio and television but had set out to control the private media at the same time. The carrot and stick tactics were applied to shape up an ‘*orderly press*’ that would manufacture the needed political consensus. The plan was carried out by several means. These are; open intimidations by using legal and bureaucratic investigation on media owners/editors assets, put pressures in the newsroom and meddling with editorial independence, file defamation lawsuits with extremely high amount of compensation against critical papers/columnists/news sources if the media continue to publish critical reports. The ultimate economic measure would be buying up shares or take over media corporations which resisted government coercion. For those who acquiesce to the force of the political power the reward would be large amount of advertising revenue (Wilasinee Phiphitkul, 2004 and Pirongrong Ramsut, 2005). Let us take a closer look at some examples of the intimidation and coercion lashed out at the media during the past years.

Before Thaksin Shinawatra became prime minister Prachachat Thurakit, Matichon’s group business paper, published a series of investigative report on the business empire of Thaksin Shinawatra. The reports exposed the historic case on Thaksin’s concealment of over 20,000 million baht asset.⁴ In 2000 the Anti-Corruption Office brought the case to the Constitutional Court. But the Prime Minister won the lawsuit by 8 to 7 votes (Sanoh Sukcharoen, 2005). Prachachat Thurakit highly critical reporting was halted after the verdict. The paper removed its editor, Prasong Lertrattanawisut, to an inactive position in Matichon.

The second example is The Nation Multimedia Group. It is known for its independent reporting, and has been the most vocal watchdog of the Thaksin government. In 2002, it suffered from an investigation by the Anti-Money Laundering Organization (AMLO) after Prime Minister Thaksin Shinawatra took office. This was seen as an open threat to silence the paper. The measure, however, was ineffective. Nonetheless, the political pressure continued. Nation radio programmes on 90.5 FM were taken off air by

⁴ He did not declare his asset in the 1990s according to the law that politician who took office must declare his/her asset prior to taking public office and after leaving the office.

the Ministry of Defense, the legal owner the station. In 2003, Kom Chad Luek, the group new tabloid paper, printed a front-page report on the premier's son cheating in the exam room. It caused the paper to sideline the editor, Thepchai Yong, also formerly managing editor of iTV channel (Wilasinee Phiphitkul, 2004).

In the case of the Bangkok Post, it has been under constant political pressures throughout the first and second term of Prime Minister Thaksin Shinawatra. In February 2004, Suthikiati Chirathivat, the Chair of the Executive Committee and Acting Managing Director of the Bangkok Post, announced the transfer of its editor, Veera Prateepchaikul. At the time, Veera Prateepchaikul was the President of the Thai Journalists Association of Thailand. The Southeast Asian Press Alliance's (SEAPA) statement on the Bangkok Post editor's removal criticized that *"the move was widely seen as the government and big business' scheme to muffle Thailand's independent media as the Bangkok Post is one of the most credible window to the outside world"* (SEAPA, 2004).

In September 2005, during Prime Minister Thaksin Shinawatra's second term, the Bangkok Post forced the news editor, Chadin Thepwan, to resign and sacked its senior reporter, Sermsuk Kasitipradit, who was the chief of the military and security desk. This was due to his front-page report on an alleged crack on the runway of the new airport (Bangkok Post, 9 August, 2005). The report was published at the moment when the government was under deep trouble about an investigation by the Opposition Party on the corruption scandal of the CTX scanner at the Suvarnabhumi International Airport. Sermsuk admitted it was a mis-report and the Bangkok Post published a retract in its front-page the following day (Media for Peace Project, 2005). Nonetheless, on 15 August the Airport Authority of Thailand and the New Bangkok International Airport, Plc filed a defamation lawsuit against the Post Publishing and its publisher, Kovit Sanandang, for 100 million baht damage.

On the business front, one of the coercive means to quell the media was to take over the organization. This was meant to put an end to the rights and freedom of expressions, and to the critical and truthful report of the press. The deadly step began at the dawn of Thaksin Shinawatra election campaign in 2001. It is to have a television station of one's own. iTV was the first casualty. Shin Corporation took over iTV station in June 2000 before the Thai Rak Thai Party won the election in January 2001. During the election campaign the news agenda would be *'ordered'* by the new staff sent by the new executive team. 23 journalists who protested against such interference were fired after

Thaksin Shinawatra took office (Suwanna Uyanan, 2001). Hence, the pro-Thai Rak Thai news campaign had ushered in Thaksin Shinawatra and his business empire to political center stage. Thepchai Yong commented that *“the suppression of independent voices was modeled after Malaysia and Singapore whose media have been severely restricted and pro-government. For Thaksin the media will be part of his business and political empire. They would be answerable to the businessmen who would be answerable to the politicians”* (Casella, 2005).

In 2005, with most television channels under the government direct control news reports on the February 2005 general election campaign were found slanted. A survey by the ABAC poll showed that television news coverage was overwhelmingly biased towards Thaksin and his Thai Rak Thai government. On February 6, Thai Rak Thai won 377 seats of the 500-seat parliament.

The next logical step to seize the media is to control the critical voices of the press. The three unyielding media groups are; the Nation Multimedia Group, the Post Publishing, and Matichon group. The Nation and the Bangkok Post are Thailand’s most credible and vibrant English papers while Matichon has been politically influential among the educated classes. They all faced similar business threats, as we shall demonstrate below.

The Nation Multimedia Group was the first media group confronted with business acquisition from the political power close to the government. Following the investigation into its financial transactions by AMLO in 2002 the Nation Multimedia Group faced further pressures in their professional practice. In 2002 and early 2003, both its radio programmes and television channel on UBC cable station were cancelled. The latter was due to the enforcement of the National Broadcasting Commission’s no-ad rule on cable channel (Wilasinee Phiphitkul, 2004). Despite these business-cum-political intimidations the Nation remain a staunch watchdog and critic of the Thai Rak Thai government. In the last quarter of 2003 the Jeungrungruengkit and Julangkul families acquired a large chunk of the Nation Multimedia Group’s shares. Suriya Jeungrungruengkit is the Secretary General of the Thai Rak Thai Party, and the Minister of Transport and Communication, and subsequently Minister of Industry in the present government. The two families together hold 24.62% shares in the Nation Multimedia Group. They become the dominant shareholders of the corporation (www.settrade.com, 3 May 2005).

In the first part of the second term of the Thai Rak Thai government it resumed its media acquisition strategy once again. The notorious take over bid was carried out by GMM Media Plc., a subsidiary of GMM Grammy Plc., the country major entertainment

corporation and a close ally of Thaksin Shinawatra. Paiboon Damrongchatham announced in a press conference that it would buy 32.23% of Matichon Plc. and 23.60% of the Post Publishing Plc. The deal was estimated at Bt2.7 billion in value (Bangkok Post, 12 September 2005). Subsequently, he planned to increase his holding in Matichon to 75%. GMM Media would be the dominant shareholders in both media group. The acquisition would add three major newspapers in the Matichon group, and two of the Post Publishing papers into the GMM Media group. There was tremendous public up-roar against the hostile take over bid. GMM Media retreated in the case of Matichon and bought about 21% of its share. Analysts and critics see the move as a strategic political takeover by a business proxy of the government.⁵

The media and telecom political network

Previously the Thai media are mostly operated by media entrepreneur. Some of them may have political affiliations such as Naew Na and Baan Muang papers. And some owners of broadcast production company have been elected to public office such as Somkiat Onwimon of Pacific Communications, Jernsak Pinthong of Watchdog, and Kasem Rungthanakiat, brother of the KCS (radio broker) media group. These are individuals who move from the media sphere into the political sphere. But since Prime Minister Thaksin Shinawatra came to power the merging of political and business interests in the media and telecommunication industry have been intensified. With the carrot and stick tactics the government could, to a certain extent, suppress serious criticisms and investigative reports of the independent press. Rules and regulations can be waived or altered, and new legislation enacted to support the business interests of the rising political networks.⁶ This has in turn enabled the business empire of those close to the government to deepen and expand.

Table 5 shows the major telecommunication and media groups, which are closely related to the government. These are large corporations owned by the richest families in the country; the Shinawatra, Chearavanont, Maleenont and Damrongchaitham families. They form part of the present power network by pulling together their economic wealth and political influence. McCargo (2005) pointed out that, in fact, “*Thai Rak Thai and*

⁵ In 2004 the revenue of Matichon group was 1,620 million baht and the net profit was 103 million baht. The revenue of Post Publishing was 1,880 million baht and the net profit was 194 million baht. By comparison, GMM Grammy made 2,869 million baht profit from its 6,671 million baht revenue. The capital gain was seen as secondary to the political gain in the takeover bid.

⁶ See detailed description in “*Thaksin and the politics of telecommunications*” (Ukrist Pathamanand, 2001).

Thaksin's populist policies were carefully designed as a political strategy to consolidate support from the grassroots level while also protecting and expanding the economic control and political influence of those allied with Thaksin Shinawatra". The economic base of the Thai Rak Thai Party is made up of large telecom corporations such as Shin Corp, TA, TT&T, and M Link Asia, banks such as the Bangkok Bank and Thai Military Bank, real estate such as M.Thai Estate, Srivikorn Group, petrochemical/steel such as Thai Nox, automobile such as Toyota (Thailand). TRT also has a strong base in the entertainment media. These include Shin's iTV, BEC World, GMM Grammy, EGV and RS Promotion. We will focus our attention on some of the prominent telecom and media corporations on Table 5. These close allies work to legitimize the TRT government and Thaksin's political clout.

The Shinawatra family, founder of Thai Rak Thai Party, owned the largest telecommunications corporations, Shin Corporation, AIS mobile phone and Shin Satellite, and other telecom and media related businesses. The family also owned iTV, which is made into the marketing and public relations arm of Shin Corp and a propaganda tool of the government. The family has built new media businesses such as Traffic Corner owned by the Prime Minister's sister, and How Come owned by the Prime Minister's son. There are other areas of business that the family invested in such as real estate, hospital, low cost airline, finance and loan.

At the time of writing there are reports that SingTel, which Temasek Holding - the Singaporean government investment arm holds 59% shares, will acquire Shin Corp. The value of the deal is estimated at 2 billion US dollars or 80,000 million baht. The Shinawatra family and Banapoj Damaphong hold about 40% of Shin Corp and Shin Corp, in turn, holds about 42% of AIS shares and SingTel holds 19% of AIS shares (*Krungthep Thurakit*, 13 January 2006).

The Chearavanont family, once the wealthiest family of the country, has one arm of its empire in agro-business, Charoen Phokapand (CP), and the other in telecommunications and media, Telecom Asia (TA) / True – the largest landline telephone company, TA Orange mobile phone and United Broadcasting Corporation (UBC) – the sole cable television service in Bangkok and nationwide. This group is one of the key business supporters of the government. Ukrist Pathamanand (1998) described how Shinawatra and CP cooperated in their business operations after the financial crisis in 1997. Before founding the TRT party, both Thaksin and CP were forced to give financial support to various political parties simultaneously. With the emergent of TRT they can concentrate

their financial and political resources in one party, the political party of a giant telecommunications capital group. CP put in place Wattana Muangsuk, the family son-in-law, in the first and second term of the Thaksin government. He is presently the Minister of Social Development and Human Security.

The Maleenont family, long running broadcast media operator turned politician, has put Pracha Maleenont in the cabinet. He is a member of the TRT top party list. During the first term of the Thaksin administration he was Deputy Minister of Transport and Communication, and later became the Deputy Ministry of Interior. He is Minister of Tourism and Sports in the present government.

The Damrongchaitham family, who owned GMM Grammy - the major music corporation, is said to be part of Thaksin's inner political circle. His contributions are organizing campaign and events supporting TRT social and cultural policies. In return the corporation gets protection from the government regarding copyright and broadcasting concessions (McCargo, 2005). In addition, Paiboon Damrongchaitham has been the open figure to assist the government in some of the special missions. For example, he liaised for Thaksin in the bid to buy the Liverpool football team during his first term in office. This was to divert attention from the censure debate in the House of Parliament in May 2004 (Janya Charoen-apiwan, et al, 2005). Paiboon again played the key role in September 2005. He announced the take over bid of Matichon group and Post Publishing amidst grave corruption scandal in the new airport.

Table 5: Major Telecommunication/Media Group (2004)

Family	Telecommunication / Media Corporation	Revenue (million bht)	Profit (million bht)	Political Affiliation
1. Shinawatra	Shin Corp, AIS, Shin Sat, iTV, CS Loxinfo, SC MatchBox, etc Traffic Corner How Come	124,310 *	30,017	Prime Minister Head of Thai Rak Thai Party Yaowapa Shinawatra, PM's sister Panthongtae Shinawatra PM's son
2. Chearavanont	Telecom Asia, Orange Mobile UBC cable television	41,801 **	1,448	Wattana Muangsuk Minister of Social Development and Human Security
3. Maleenont	BEC-TERO, Virgin Radio	6,472 ***	1,601	Pracha Maleenont Minister of Labour
4. Damrongchaitham	GMM Grammy, GMM Media, A-Time Media, GMM Film Matichon and Post Publishing (new acquisition in 2005)	9,206 ****	3,192	Inner political circle Reveal special relationship through media acquisition

- * The figure is derived from the revenue of Shin Corp, AIS, Shin Sat and iTV (www.settrade.com). The profit of the group has tripled over the 4-year period from 2000-2004. The total revenue in 2000 was 55,630 million baht and the profit was 8,917 million baht (Ukrist Pathamanand, 2005, p.49).
- ** The figure is derived from the revenue of True and UBC. If CPF – Charoen Pokaphand Food is added the revenue figure is 135,340 million baht. (www.settrade.com)
- *** The figure is derived from BEC World (Channel 3) company highlight (www.settrade.com)
- ****The figure is derived from GMM Grammy and GMM Media companies highlight. (www.settrade.com)
See detail of Matchon and Post Publishing take over bid by GMM and company profiles and assets in (www.nationmultimedia.com/specials/mediaupheaval/)

Defamation lawsuit: the ultimate censorship weapon

Defamation cases against the press have risen. During the past years no less than 13 major defamation cases were filed against the press and their news sources. This is a heavy blow when legal and capital penalty is forcing the press to censor themselves or else. The Prime Minister, cabinet members and their business corporations as well as state agencies have sued the press on both criminal and civil charges. Thai legislation contains provisions for defamation in two separate laws: The Thai Penal Code for criminal defamation, and the Thai Civil and Commercial Code for civil defamation. In the past, most defamation cases filed were criminal cases. But since the late 1990s more civil defamation cases were filed for very high damage fees, from 50-10,000 million baht (See table 7). These are obviously seen as a measure to intimidate the press from exposing any wrong doing by politicians and corporations close to the government.

Although Article 39 of the Constitution of 1997 has provided the basic guarantee for the rights and freedom of speech it has not been applied in the ruling of cases seen to suppress freedom of the press. On the contrary, newspapers are sued even if they printed a correction of the piece.⁷ This goes against the redress measure set out in the 1941 Press Act. In addition, the Penal Code and Civil and Commercial Code were strictly applied.⁸ And as a rule the burden of proof falls to the defendant to demonstrate that he/she does not have any hidden or malicious intention in the published statement or news report. These

⁷ Although the press could avoid legal action by making use of Section 41 of the 1941 Press Act, under which a damaged party no longer had the right to sue if the newspaper had published a correction, it did not seem to be the case. The Bangkok Post was sued after it printed a retract of its piece on the crack in the runway of the new international airport.

⁸ Penalties for offending Articles 326-333 of the Thai Penal Code B.E. 2499 (A.D.1956) in any defamation lawsuit include up to two years' imprisonment or 200,000 baht fine. The defamation provisions in the Thai Civil and Commercial Code do not distinguish between libel and slander. Section 423 of the CCC states that "any person who, contrary to the truth, asserts or circulates as a fact that which is injurious to the reputation or credit of another, or his earnings or prosperity in any manner, shall compensate the injured party for any resulting damage." The court can also order (additional) measures to restore the injured party's reputation.

legal processes have been the focus of international media freedom advocacy groups such as Article 19, International Federation of Journalist (IFJ) and Committee for Protection of Journalists (CPJ), and human rights organization such as the Asian Human Rights Commission (AHRC). The campaign is aimed at the decriminalization of libel and defamation lawsuits. In the long run, it is deemed that the Thai legal system would adopt the standard of international principles and practices on the basic guarantee on the rights and freedom of expressions.

Table 6 shows the ratio of defamation cases by comparing the percentage of cases brought to court and those cases resolved outside of court by means of an appeal to the Press Council of Thailand. The bulk of court cases, or 73%, were filed by politicians, civil servants and police. The general public, however, seeks redress for defamation publicity through the Press Council of Thailand whereas only 7% of the appeals came from politician. While politicians prefer to use legal measure against the press, the press generally chooses to settle out of court (Mongkol Bangphrapa, 2005)

Table 6: Defamation Cases

Court Cases (1999 – 2003)

Plantiff	No. of cases (%)
politicians	41%
civil servants	19%
police	13%
media professionals	10%
businessmen	6%
general public	4%
celebrities	7%
Total	100%
Source: Thai Rath Information Centre	

Appeals to Press Council (2000-2002)

Plantiff	No. of cases (%)
general public	55%
media professionals	6%
celebrities	0%
police	0%
civil servants	6%
politicians	6%
businessmen	27%
Total	100%
Source: Press Council of Thailand	

Table 7 shows the critical condition of the Thai press. In a span of three years the damage of the major cases added up to 20,700 million baht. These cases are either open criticism on government corruption or abuse of power leading to corruption in the businesses owned by politicians in the Thai Rak Thai Party (Chaiyarit Yonpiem, 2005).

The exceptions were cases filed by the Director General of the Police Department about criticisms on his alleged sexual abuse of a woman journalist.

Table 7: Major Civil Defamation Cases Against the Press and News Sources (2002-2005) *

Plaintiff	Defendant	Defamation charge	Damage charge (million bht)	Verdict
2002				
PM Thaksin Shinawatra	-Prasong Soonsiri -NaewNa Newspaper	'Prasong Speak' column on criticizing PM Thaksin's plea on his 'Honest mistake' in concealing his asset and the 'Silent force'	600	Not guilty
2003				
Minister of Agriculture, Sora-At Klinprathum	-Senator Dr.Prasit Pitoonkitja -ThaiRath Newspaper	Alleged corruption of 30 million baht on Potharam hospital construction project	500	Settled out of court
2004				
Police Director General, San Saruthanont	Co-ordinator of Women's and Constitution Network, Ticha na Nakorn	Alleged sexual abuse of a woman reporter	100	Not guilty
Police Director General, San Saruthanont	Bangkok Post senior reporter, Yuwadee Thanyasiri	Alleged sexual abuse of a woman journalist	100	Not guilty
Shin Corporation, Plc	-Secretary of CPMR, Supinya Klangnarong -Thai Post Newspaper	Criticizing the conflict of interest of Shin Corp and the Prime Minister	400	Criminal court verdict 15 March 2006
2005				
Picnic Corporation, Plc	Prachachat Thurakit Newspaper	Alleged insider trading of Picnic shares causing share price to drop & damage to company reputation (Picnic Corp is owned by Minister of Commerce, Suriya Lapwisuthisin's family)	5,000	In process
Picnic Corporation, Plc	Prachachat Thurakit Newspaper	Alleged insider trading of Picnic shares	10,000	In process
Thai Rak Thai Party	Thai Post Newspaper	Publishing Sanoh Tienthong criticism of the Prime Minister and Thai Rak Thai Party. Sanoh is senior member of TRT commanding 30 MPs under his faction	500	In process
Yaowares Shinawatra PM's sister	-Lattapol Ketkotin, Director of Lat Fur Thai company (in vcd) -Alongkorn Polbutr -Thai Post	Alleged bribery on bidding of government project	500	Court initial investigation of the case
Thai Airport Authority Inc. & Bangkok New Inter-national Airport Co.	-Post Publishing -Kovit Sanandang, Editor of BKK Post	Publishing news on the runway crack at Suvarnabhumi Airport damaging the country image	1,000	Pending court investigation
PM Thaksin Shinawatra	-Sondhi Limthongkul & Sarocha Pornudomsak (criminal case) -Thaiday.com	Muang Thai Weekly tv program defamed PM on his loyalty to the King and the appointment of the Patriarch	500	Case ** withdrawn
PM Thaksin Shinawatra	Manager Media Group	Publishing Luangta Maha Bua's preaching which criticized the PM	500	Case withdrawn
PM Thaksin Shinawatra	Sondhi Limthongkul, owner & publisher of Manger Newspaper	Alleging PM on his privileged concession of Thai Com Satellite	1,000	Case withdrawn

Source: Chaiyarit Yonpiem (2005).

* Criminal charges were also filed in most of these cases such as Shin Corp against Supinya, PM against Sondhi.

** Cases against Sondhi Limthongkul, Sarocha Pornudomsak and Manager Media were dropped after the King's birthday speech on 4 Dec 2005 asking the Prime Minister to take heed to public criticism.

All of these cases are meant to silence the press. But in the case that Shin Corp sued Supinya Klangnarong, a media activist and Secretary General of the Campaign for Popular Media Reform (CPMR), and the editors of Thai Post newspaper, the effort seemed to have backfired. It received international attention as it is seen as a fight for freedom of speech of a citizen's group and the press against big corporation, or between David and Goliath (see <http://www.wacc.org.uk/supinya>, <http://www.taipetimes.com/News/world/archives/2005/07/15/2003263594>, *Reuters*, 20 July 2005, *The Nation*, 15 Aug 2005). Shin Corp charged Supinya and Thai Post on publishing an interview on 16 July 2003 criticizing that Shin Corp profits had soared since Prime Minister Thaksin Shinawatra came to power and had questioned the relationships between politics and commercial interests.⁹ The case had effectively created a chilling effect on press freedom. Despite strict control and manipulation the press kept its vigil on investigating corruption and conflict of interests in the government. More defamation lawsuits followed in 2005.

In October and November the Prime Minister filed a series of defamation lawsuits, both criminal and civil charges, against Sondhi Limthongkul and his media group after his weekly television program '*Muang Thai Rai Sabda*' was suddenly banned from MCOT Channel 9. The defamation damage total 2,000 million baht. The hard-hitting talk show was seen as a pro-government program in its early stage in 2003. But in 2005 Sondhi, who co-hosted the program with Sarocha Pornudomsak, began to expose government corruption and wrong doing, and openly criticized the Prime Minister. The program was axed after Sondhi accused the Prime Minister of being disloyal to the King (http://www.nationmultimedia.com/specials/sondhi_vs_thaksin/). Sondhi was outraged and adamant. He fought back blow by blow in his '*militant journalism*' style (Suthichai Yoon, 1 December 2005). Interestingly, however, the Prime Minister withdrew all defamation cases against Sondhi immediately after the King's birthday speech on 4th December 2005. The King in a subtle way pointed out that the Prime Minister and those with high dignity in public office can do wrong just as the King himself can do wrong. Everyone must,

⁹ After a series of testimony in 2005 the criminal court verdict is due in March 2006. And the procedure of the civil case will depend on the outcome of the criminal verdict.

therefore, listen to criticism not only to compliments. The ultimate weapon used by the Prime Minister to quell his enemy has boomeranged.

Media monopoly, press freedom and political protest

In summary, during the Thai Rak Thai government the Thai mediascape has been drastically transformed. Firstly, the policy of the government on the broadcast media is to privatize the state radio and television. This would transfer the ownership of the broadcast media, once in the hands of a limited number of state agencies and private operators, into the business empire of those connected to the government. Secondly, acquisition of key media groups such as the Nation Multimedia Group, Post Publishing, and Matichon group work as a political control mechanism and business expansion into the major corporations of the media industry. This was reinforced by heavily charged defamation lawsuits to intimidate and suppress critical voices. And thirdly, the attempt to prohibit the community media sector to have access to the radio frequency will ultimately nullify the media reform agenda. But community radio stations are mushrooming everywhere. Some are commercial local radio stations that jump on this opportunity of media deregulation. This would be the significant structural transformation to counter the monopoly forces. If it materializes the people will have a share in the ownership of the broadcast media guaranteed in Article 40 of the 1997 Constitution.

Paradoxically, the dynamism of the ownership and control relationship discussed above shows that government control of the press did not take full effect. On the contrary, the most recent series of lawsuits in 2005 have turned into a political catalyst on the legitimacy of the government. It had gone beyond the question of press freedom as events unroll in 2006. The defamation cases filed by Prime Minister Thaksin Shinawatra against Sondhi Limthongkul exemplified how legal measures which are used to suppress his opponent produced negative results. Critics see the conflict between Sondhi and Thaksin as business conflict spiced with love-hate relationship since Sondhi was the Prime Minister's pal who turned foe ("The Truth about Thaksin, Sondhi", *The Nation*, 29-30 November, 1 December 2005). Nonetheless, disclosures about Thaksin's abuse of power and conflicts of interest in the government have gained credibility and political support for Sondhi. After 'Muang Thai Rai Sabda' program was banned from Channel 9 in September 2005 Sondhi moved it to Thammasat University, and later to Lumpini Park. The programs were broadcasted simultaneously on television, radio, and the internet, and picked up by local cable stations around the country. The weekly program had gathered large crowd,

and Thaksin's business and political critics were among them. With growing public support Sondhi vowed to bring down the government. His program on 13 January 2006 ended with a march to the government house and 40 people arrested by the police (*The Nation*, 14 January 2006).

We have seen widespread press control and intimidation, intense media monopoly by people close to the government during Prime Minister Thaksin Shinawatra's first and second term. When Grammy GMM sought to take over Matichon and Post Publishing, there was public furore. Civic groups forced Grammy GMM to retreat. But the fall-out struck Thaksin hard, with the public firmly believing the newspaper buy-ups were linked to his government's continual moves to muffle the press. Effort to silence the press failed further when libel suits against Sondhi and his '*Muang Thai Rai Sabda*' program were dropped because of the King's advice. In addition, the crowd attending Sondhi's program at Lumpini Park grew in numbers. It would seem that the issue of freedom of speech and citizen political actions has linked up. Judging by the development of recent events there is a new sense of direction against control of press freedom among urban middle and lower middle classes. The climate of fear has gradually dissipated.

16 January 2006

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