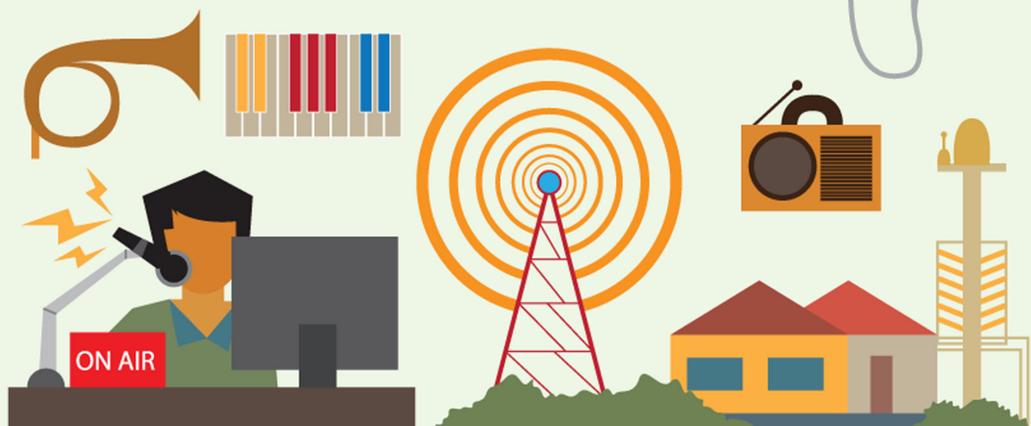




Community Radio in Thailand

from Media Reform to
an Enabling Regulatory Framework

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Preface

I came to know “community radio” in Thailand for the first time in 2003 during the process of completing the research “People’s Media” which was part of the Media Reform Research Project, a landmark project funded by the Thailand Research Fund (TRF) in the early 2000s. At the time, community radio was a new vocabulary and new idea in Thailand which had only seen mass media, state media, and private media. There might have been some exposure to local media and regional media, but not extensively. The basic assumption about frequency-based media like broadcasting tended to waver towards an organized institution, state or private, rather than a people-oriented endeavor. So it should come as no surprise that many acquaintances that I had spoken to at the time from academics, bureaucrats, to mainstream media professionals commonly exhibited skepticism towards the fact that ordinary people or *chao baan* (translated as peasants in Thai) would be capable of owning and managing their own media. The underlying concern seemed to revolve around the confusion and problems that may result from a non-government entity managing a form of broadcast media.

As a result, policy responses from the state towards the emergence of community radio have been reluctance, intervention, and interference. Even in cases where there was no deliberate intent to hinder the presence of community radio, policy authority still showed lack of understanding about the

basic philosophy of community media, hence executing inept policy or regulatory scheme that adversely impact the direction and sustainability of community radio. These policy fallacies have to be recognized within the context of an incomplete media reform process which has transpired changes in central rules, players, and substance of frequency allocation and relationship between frequency allocator and frequency users. Given a long inherited state monopoly of the airwaves prior to the reform, the reluctance for change and fixation with the old system by old players are understandable.

In 2008, I had a chance to undertake an action research entitled “Building a democratic regulatory framework for community radio in Thailand” which was supported by the New York-based Social Science Research Council (SSRC). Along the course of the research, which was a collaborative project with academic and civic alliances locally and in the overseas, three important lessons have been learnt about structural elements that will contribute to the sustainability of community radio as a sector in society

The first thing is the political will to support community radio presence. Secondly, the law that renders community radio a legal status and a physical existence through guaranteed access to the airwaves; and last but not least, an enabling regulatory framework that supports its continuity. In Indonesia, for instance, community radio has had legal status

since 2000, but there is no regulatory system in place. As a result, there are about 500 community stations that are legal but unlicensed. Meanwhile, in Bosnia, community radio licenses are available, but to date, not one application has been filed because the law imposes so many limitations on funding that there is no way for stations to support themselves financially.

In the case of Thailand, community radio has encountered similar fate as in Indonesia and Bosnia. They have also been borne in the absence of regulation since a statutory regulator could not be established. On the one hand, this regulatory vacuum has made it possible for community radio which would otherwise be regarded as pirate radio to emerge in sheer numbers. On the other hand, this same regulatory void has contributed to the disorderly, to the point of chaotic expansion of small localized radio under the “community radio” label.

In addition, in the context of divisive politics and ideological conflict of the past few years, many of small localized radio have been used as political propaganda mouthpieces, hence resulting in community radio becoming public forum and social defendant at the same time.

In this highly complex and volatile situation of community radio, I have had the chance of becoming involved in the regulatory sphere related to community and have observed the dynamics within that sphere at a close rank. This regulatory exposure combined with research experiences are compiled into the substance of this book

which should help furnish the readers with some background knowledge about the regulatory development of community radio in Thailand.

Indeed, I owe many thanks to many people, particularly members of the civic community radio community in Thailand, and the unsung heroes who assisted in the last stages of the book-writing – Carina Chotirawe, Phansasiri Kularb, Pimonpan Chainan, Nida Moryadee, Nanthaporn Techaprasertsakul, Al Parivudh, and Sittichai Satravaha. Special thanks also go to Heinrich Boell Foundation for their support in the printing of the book. Last but not least, thank you to my lovely husband and my beloved family for their support.

Pirongrong Ramasoota
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01

Development of Media Reform in Thailand

From 1992 to 2011, media reform in Thailand developed in what could be said to be a piecemeal fashion. Then, in 2011, attention to media reform once again gained prominence emerging as a national agenda in the National Reconciliation Plan proposed by former Prime Minister Abhisit Vejjajiva. This followed the political upheaval the country experienced during March and May 2010, that caused an unprecedentedly deep social divide.¹

By taking the international context into consideration, media reform has always been a leading factor, an accompanied factor or a dependent factor of political reform and democratization. The most important factors are the development of new media technology as well as a lack of credibility and legitimacy in news media coupled with political crisis. In the Thai context, these factors were

¹The post-2006 coup era saw a contested nature of Thai politics as reflected in a bitter divide between two opposing camps: the red-shirted supporters of the United Front of Democracy against Dictatorship (UDD) and sympathizers of the self-exiled former prime minister Thaksin Shinawatra, who was ousted from power on charges of corruption and for disloyalty to the crown; and those who back the country's "network monarchy" -- a loose alliance of the palace, the military, the ruling Democrat Party and the People's Alliance for Democracy (PAD) or the yellow-shirts.

apparent, particularly in the first media reform which began in earnest in the aftermath of the May 1992 crisis and the latest attempt initiated by the former Prime Minister following the other May crisis in 2010. The main objective of such reformation is clearly to address politically biased media outlets. Mass media was deemed to be a major source of political schism.

The political uprising that took place in May 1992 reflected a struggle to overthrow the unelected military-led government of General Suchinda Kraprayoon. This uprising was reportedly successful in large part by demonstrators using mobile phone to disseminate political information in response to strict media censorship and interference. The employment of information technology in this case led to the so-called 'mobile mob' which signaled an abrupt end of the military government.

During the political crises in March and May 2010, new media in more accessible forms such as community radio, cable TV, satellite TV and the Internet where users can create and manage content opened up a new political sphere once monopolized by state and pro-state media to anti-government media, hence enabling the people to present different political views.

After the May 1992 incident, there came a clamor in Thai society advocating media reform to be elevated to the national level leading to the three following important incidents:

1. The abolition of radio and television committee responsible for censorship of content before airing. The new system of content regulation allows each radio and television to practice self-regulation in content filtering. A new content regulation unit was set up at the Department of Public Relations and has been responsible for monitoring program content after the program has been aired.

2. The rise of a new terrestrial television station called independent TV where concession is given to private bodies through distribution of shares for the first time in history (concession in the past was given to a single private company, but in the new concession, the largest share holder must not own more than 10% of total stocks) to prevent shareholders from dominating the overall content. The proportion of knowledge programs and entertainment programs is set to be 70:30 to create a difference in content shown from mainstream media where entertainment is the prime objective.

3. Provision in the Thai constitution was made for the first time in 1997 to include issues on media reform in three sections -- 39, 40 and 41. Section 39 ensures freedom of expression, limiting censorship and interference of content in radio, television and other forms of mass media. Section 40 sets guidelines to allocate and manage frequency for public interest, accessible by every stakeholder particularly civil society. An independent body is to be set up to manage frequency and spectrum and oversee radio, television and telecommunication businesses. Section 41 protects liberty and

freedom of media professionals both in state and private agencies.

From the experience of what took place internationally, media reform took one of more of the following forms as follows:

1) A trend or campaign on policy, law and media regulation reform initiated for a change in media structure in the society;

2) A change in content (qualitatively and quantitatively) and practices of mainstream media by opening space for alternative media, presenting and promoting certain types of content and lifting up media professional standards;

3) A creation and reinforcement of independent media with democratic mindset to promote the rights of the underprivileged;

4) A shift in relationship between the media and its audiences and media users by raising media literacy to promote a critical consumption of media and monitoring media accountability through systematic watchdog and promoting media monitor in society.

By whatever means, the main objective of media reform in countries around the world seems to be aimed at 'public interest', not state or corporate interests. This objective is applicable to mainstream media (mass media operated commercially at national level), state-owned media and civic media or the newly-established community media, although expectation for such objectives might not be at the same level in each type of media.

In the Thai context, attempts to promote media reform in the past decade have been undertaken under these four themes. Emphasis has, however, been given to certain issues. In general, media reform from the May 1992 incident to the political crisis that occurred during March and May 2010 can be classified into five approaches, none of which are totally isolated from one another as in many cases they are interrelated.

First Approach: Structural and Regulatory Reform of the Media

This approach has been employed for the longest time and is the most apparent in the Thai experience of media reform, albeit not the most successful. The main methods are law and policy advocacy and social campaigning. The purpose is to restructure the access and utilization of frequency-based communication resource. A new structure is expected to create equitable opportunities to access broadcasting and telecommunications. According to this approach, a new regulatory body which takes the form of an independent organization will design new rules and regulations for free and fair competition among industry players and to ensure that the media uphold the public interest. The reform movement was concurrent with political reform and coalesced in the promulgation of the historic 1997 Constitution (B.E. 2540) as discussed below.

The 1997 Constitution (B.E. 2540)² and provisions for media reform

Although past Thai constitutions might contain sections on rights and freedom of Thai citizens, no provisions existed that specifically addressed allocation of communication resources and freedom of expression. The new constitution which was part of the political reform in 1997 was the first to lay a groundwork for a more liberalized communication environment, which is usually dubbed by local observers as media reform. Section 40 of the Constitution, for instance, mandated a reallocation of radio frequency, an essential resource in the broadcast media and telecommunications. The article reads

Transmission frequencies for radio or television broadcasting and radio telecommunications are national communication resources for public interest.

²The 1997 Constitution, the sixteenth in Thai history, was called “the People’s Charter” or the “Constitution of the People.” Its promulgation marked the much awaited political reform. Due to the public distrust of the politicians appointed or elected under the old system, the task of drafting the new Constitution was conferred upon an independent 99 member Constitution Drafting Committee who were recruited from people from all walks of life. This Constitution was abolished in 2006 as a result of the military coup that overthrew the civilian government of former PM Thaksin Shinawatra and has been replaced by the 2007 Constitution, which was drafted by an assembly of drafters appointed by the junta. The 2007 Constitution passed the National Referendum in August 2007 by a small margin of 51:49.

There shall be an independent regulatory body tasked with the responsibility of distributing frequencies under paragraph one and supervise radio and television broadcasting and telecommunication businesses as provided by law.

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

It should be noted that radio frequencies have always been dominated by a handful of government agencies (this will be discussed in greater detail in the next section). These agencies usually gave out concessions to private media companies that in turn sub-contracted to other private content developers to maximize profits from the allocated frequencies. As a result, broadcast content in Thailand is usually inundated with entertainment programs and advertising, with very little news and useful information, since entertainment programs provide the quickest way to recoup investment and generate profits.

Table 1: Breakdown of frequency allocation and radio stations under state agencies

Agencies	Number of stations	Percentage
The Public Relations Department	147	28.05
Ministry of Defence	201	38.30
The Supreme Command Headquarters	(14)	
The Royal Thai Army	(127)	
The Royal Thai Air Force	(36)	
The Royal Thai Navy	(21)	
Office of the Permanent Secretary for Defence	(3)	
The Royal Thai Police	44	8.40
Mass Communication Organization of Thailand (MCOT)	16	3.05
Ministry of University Affairs (currently part of Ministry of Education)	12	2.30
The Post and Telegraph Department (The frequency allocation is now transferred to the NBTC)	12	2.30
Others	30	5.70
Total	524	100.00

Source: The Public Relations Department

Table 2: The allocation of terrestrial television frequency and ownership by government agencies

Agencies	Number of stations	Percentage
The Public Relations Department	1	16.67
Ministry of Defence (The Royal Thai Army)	2	33.33
MCOT	1	33.33
Office of the Permanent Secretary of the Prime Minister's Office	2	16.67
Total	6	100

Source: The Public Relations Department

Table 3: The allocation of cable television frequency and ownership by government agencies

Agencies	Number of stations	Percentage
The Public Relations Department	78	98.70
MCOT	1	1.30
Total	79	100.00

Source: The Public Relations Department

According to the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act B.E. 2543 (2000), which is an organic law of Section 40, the people sector will be guaranteed with access to at least 20 per cent of available frequencies. If the reform is carried out successfully, advocates of children rights, minority groups, disabled persons, underprivileged people and rural peasants will be able to tap from the 20 per cent segment of the frequencies to disseminate news and information to their targeted audiences. In the past, it was extremely difficult for these activists and their organizations to mount any significant movements via the mass media, particularly broadcast media. To ensure that this intent is carried out to fruition, a working group to follow the enforcement of Section 40 was set up. The working group has evolved into what has come to be known as the Campaign for Popular Media Reform (hereafter CPMR), a highly active NGO that represents the public interest in many communication rights issues.

Apart from Section 40, two other articles also address communication rights. Section 39 and Section 41 are legal guarantees for freedom of expression and rights to privacy of Thai people in general, and freedom of media professionals, respectively. The two articles are cited below:

Section 39:

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

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

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

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

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

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

Section 41:

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

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

The three provisions in the constitution are pertinent to the rights and freedom of expression of citizens and the media. Section 40, which places emphasis on access and utilization of communication resources, was the first step paving the way to access to frequency enabling a true freedom of expression for citizens, media organizations and media professionals as protected by the law, making Section 40 the most important provision in this media reform.

In the past experience of media reform in Thailand employing this approach, civil society has played a leading role as evidenced most clearly in the setting up of the working group to monitor the implementation of Section 40. As mentioned earlier, this committee later became the CPMR which concentrated not only on the issue of media reform, but also

has played an important role in monitoring policy process and takes part in implementing media law and policy. For example, in drafting organic laws and related laws for Section 40 such as the draft Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2543 (2000), there was a representative from the CPMR³ in the drafting committee in the House of Representatives. Moreover, a CPMR staff⁴ also noted a possible discrepancy in the selection process of the National Broadcasting Commission (hereafter NBC) in 2001 and launched an appeal to the Administrative Court which finally ruled that the recruiting process was invalid and void.

In the meantime, groups of academics have been collaborating with civil society by forming a body of knowledge on media reform. A monumental project in this regard is the Thai media reform research project (2002-2004). This features a large-scale project that is aimed at researching all-encompassing issues relating to media reform including structure, content, and public participation. The research team mainly comprises academicians from the Thailand Development

³Dr. Jiraporn Vitayasakpan served as one of the committee members in reviewing an Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2543 (2000).

⁴At the time Mr. Pittaya Vongkul was deputy chairman of the CPMR and he was the one who filed an appeal to the Administrative Court to investigate into the possible discrepancy in the selection of the NBC.

Research Institute (TDRI) and Chulalongkorn University⁵. This research serves as the genesis of media reform resource in Thailand. Researchers from this project would acquire expertise in media reform and later developed a tangible framework to advocate policy on media. One of the remarkable cases is that of the head of the research team who served as part of the drafting and tabling commissions of several media laws particularly after the 2006 coup⁶ while also advocating a number of media policies.

The movement of NGOs and members of the academia, however, would have been meaningless had it not received cooperation from media associations which are at the center of the media profession and media entrepreneurship. As professional associations are direct stakeholders and direct beneficiaries who will be first affected by structural media reform, the role of professional media association therefore became highly crucial in the reform process. This became particularly apparent during the first selection process of the NBC in 2001. The structure of the selection committee for the

⁵The leading members of the media reform research project (2002- 2004) are Dr. Somkiat Tangkitvanich, Associate Professor Dr. Nualnoi Treerat, Assistant Professor Dr. Wilasinee Pipitkul, Associate Professor Dr. Thitinand Pongsuthirak, Assistant Professor Dr. Pirongrong Ramasoota Rananand and Dr. Jade Donovanik.

⁶For example, Dr. Somkiat Tangkitvanich of the Thailand Development Research Institute (TDRI), was commissioner in the reading of three draft laws under the National Legislative Assembly (NLA) -- Public Broadcasting Service of Thailand Act 2008, Broadcasting Act 2008, and Computer Crime Act 2007.

NBC, as outlined in the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2543 (2000), requires 17 representatives from four sectors as follows:

1. five representatives from state agencies
2. four representatives from communication and mass media academia
3. four representatives from media professional associations
4. four representatives from the private sector and civil organizations

Since then the role of media professional associations/organizations in reforming media structure became an integral part particularly in reforming the laws concerning media practice and media regulation. The movement of media professional associations gained even more currency after the 2006 coup when representatives from these associations and organizations played a key role as initiators, reviewers, and advocates of policies and laws such as the Print Notification Act 2007 and the Broadcasting Act 2008 which extricated the media from state control and opened a space for the new media industry, unlike previously state-owned media.

In parallel with the last wave of the media reform initiated by former Prime Minister Abhisit Vejjajiva who commissioned media reform research to the Dean of Faculty of Communication Arts, Chulalongkorn University, professional journalist associations also formed their own separate reform path. On 10 May 2010, four leading journalist

organizations/associations -- the National Press Council of Thailand, News Broadcasting Council of Thailand, Thai Journalists Association, and Thai Broadcast Journalists Association -- jointly set up a special committee to develop and promote free and responsible media as a proxy for self-protection for all professional associations under the 'Reforming State-owned Media and Developing Private Media Plan.'

State-initiated media reform

In separate developments which were born earlier, there were a number of initiatives on structural reform of the media initiated by politicians in different administrations. For instance, during the onset of the Abhisit administration (2008-2011), a government-appointed committee was set up to study the possibilities of reforming state-owned media, chaired by respected economist Associate Professor Dr. Warakorn Samkoses. This committee comprised representatives from all sectors in society, namely state agencies, civil society and media practitioners associations, and academia.

The committee concluded its study and made recommendations in late 2009, indicating three important points of structural reform of the media as follows:⁷

⁷See more in Political Trend: A result from state-owned media reform. *Lokwannee wan sook*, 25 June 2010.

1. Reforming Television Channel 11, a state-owned television station under the Department of Public Relations. According to the committee's recommendation, an independent public organization would have to be set up by royal decree to steer the reform of the station as well as to manage and give oversight after the reform. The new enterprise would also receive the state subsidy of 280 million baht (approximately nine million US dollars) per annum. Additionally, it was deemed that revenue for the new station could be generated from corporate image public relations and renting out of air time, but not commercial advertising. Public relations plans needed to be provided by the state agency ordered by way of a Cabinet Resolution.

The committee was instrumental in drafting a royal decree that would restructure Channel 11 as an independent public organization and submitted to Mr. Sathit Wongnongtoey, then Minister of the Prime Minister's Office, to secure the Cabinet's approval. But this did not materialize. However, to enable Channel 11 to seek revenue under a new proposed business model, the government needed to draft an Act for revenue sources, namely TV license and video tax in order to raise funds to promote Channel 11. This could not be accomplished within the Abhisit administration, however.

2. Reforming of the Mass Communication Organization of Thailand (MCOT): The major problem in the MCOT is the conflict in its organizational structure as it enjoys the status of both a state and private organization at the same time. MCOT is listed in the stock market and assessed in terms of the

profit it generates while requiring a quasi-public mission. Moreover, political interference is pervasive through the appointment of its board members. The committee set up to study the approach for reforms of state-owned media proposed that it would be inappropriate to draw MCOT into the hands of the state; however, to allow the private sector to hold the majority of shares is also not a logical option.

One plausible approach for MCOT reform was by having the Ministry of Finance, which is its largest shareholder, adjust the index used for the company's performance evaluation by TRIS rating. The recommendation was to shift from a purely profit-based evaluation to a balanced scorecard system which gives more weight to the proportion of news and current affairs in the programming of the station. To avoid political interference and increase accountability, it was also recommended that there be experts or independent representatives proposed by non-state agencies such as the Press Council of Thailand (PCT) to counter the power of the members of committee appointed by government.

3. Ten rules to comply with in order to reform state-owned media. The committee recommended adoption and implementation of such guidelines as proper frequency allocation approaches, promoting the right and freedom of expression, financial subsidy, and promotion of professional standards for media professionals as well as audiences. All of these should be carried out so as to establish the foundations for systematic reform.

Establishment of the National Broadcasting and Telecommunications Commission (NBTC)

The first wave of media reform which primarily stemmed from civic movements after the May 1992 crisis was not successful mainly because of the failure to create the National Broadcasting Commission (NBC). The NBC, together with the National Telecommunications Commission (hereafter NTC), would have formed two core components of a regulatory entity envisioned in the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2543 (2000). Unfortunately, two rounds of selection of the NBC in 2001 and 2005 met with the same fate – being ruled by the Supreme Administrative Court as null and void from discrepancy in the selection process. The NTC, however, was established in 2004, after a lengthy selection and appointment process. Consequently, as the telecommunications sector was moving forward with a new independent regulator outlining new rules and regulations, the broadcasting side was left in a regulatory vacuum, leading on the one hand to a massive emergence of new small, localized media and on the other hand to disarray in the use of the airwaves.

In 2006, in the aftermath of the military coup that ousted standing PM Thaksin Shinawatra, new windows of opportunities in media reform opened again as members of the media reform research project in the early 2000s were appointed to key positions in the post-coup political establishment. At least three researchers from this group were participating in the legislative process that led to the

promulgation of new media-related laws and one was appointed member of interim policy board of the new public service television station.⁸ The leader of the project, Dr. Somkiat Tangkitvanich, was the most influential in this regard. Part of his influence is reflected in advocating for the merging of two regulators – NBC and NTC. His rationale for the merging was on technological convergence and on the fact that several countries around the world have transformed from divergent regulators to a convergent regulator. Although faced with disagreements from many stakeholders and observers, the proposal for the convergent regulator was accepted by members of the National Legislative Assembly (hereafter NLA) who stipulated in the wording of Section 47 of the 2007 Constitution (almost an echo of Section 40 of the 1997 Constitution, with some modifications) that there will only be one regulator overseeing the allocation of radio frequencies and regulating telecommunications and broadcasting. The beginning part of this Section 47 reads:

Transmission frequencies for radio and television broadcasting and radio communication are national communication resources for public interest.

⁸For instance, Dr. Somkiat Tangkitvanich was appointed commissioner of three media-related laws as mentioned in Footnote # 6 while Dr. Pirongrong Ramasoota was commissioner in the tabling of the public service media organization law and Dr. Jade Donovanik appointed member of National Legislative Assembly (NLA), an interim legislature. Dr. Nualnoi Treerat was appointed member of the interim policy board of the Thai Public Broadcasting Service (TPBS).

There shall be an independent regulatory body having the duty to distribute the frequencies under paragraph one and supervise radio or television broadcasting and telecommunication business, ensure free and fair competition, and encourage the public to participate in management of public communication facilities.

The promulgation of this constitutional provision required a new organic law. But because there were already quite a number of media-related laws waiting in the legislative pipeline of the NLA,⁹ the plan for the new frequency allocation and regulation of communications law did not manage to make it to the legislative agenda during the NLA's term. After the interim administration and legislature ended in early 2008, the newly elected governments of Samak Sundaravej and subsequently Somchai Wongsawat were in doldrums from the PAD's prolonged protest and seizure of the Suvarnabhumi airport. So the government, let alone the legislature, was not able to advance any course of development.

Another window of opportunity arose after the abrupt shift of political power from the People Power Party (PPP) to the Democrat Party in late 2008. The Democrat-led government

⁹In all, there were five new media-related laws that were passed during the NLA's term (November 2006 – January 2008) as follows: 1) the Computer-related Offences Act 2007; 2) the Print Notification Act 2007; 3) the Broadcasting Act 2007; 4) the Film and Cinematography Act 2007; and 5) the Public Service Broadcasting Organization Act 2007.

was more responsive to media reform initiatives and it was during this administration that a commission was appointed to table a new draft law which is meant to be an organic law for Section 47 of the 2007 Constitution, as mentioned above.

The commission was composed of 45 representatives from MPs as well as appointed representatives from the larger realms of society, under a proportionate quota allocated for each political party. The then Minister of the Prime Minister's Office Sathit Wongnongtoey was the commission's chairperson, while the TDRI research director Dr. Somkiat Tangkitwanich served as the secretary. The commission took almost one year (April 2009 – February 2010) to table the draft law. After a reading by the Senate and a public hearing, the law was passed with majority votes in parliament in December 2010 under the title "the Act on Organization to Assign Radio Frequencies and to Regulate Broadcasting and Telecommunications Services, B.E. 2553 (2010)." The new law in effect consolidated and transferred the regulatory authority of both broadcasting and telecommunications to the 11 members of the so-called National Broadcasting and Telecommunications Commissions (hereafter NBTC).¹⁰ The new regulatory body took over the NTC office and uses it as the secretariat office. Meanwhile, the seven members of the NTC ceased their duties after the establishment of the NBTC.

¹⁰Section 6 of the Act provides that the NBTC shall consist of 11 commissioners, comprising experts in the following fields: radio broadcasting, television broadcasting, telecommunications services, law, economics, consumer protection or people's rights and freedom, and telecommunication regulations, and education, culture, or social development

The selection of the 11 NBTC members was a lengthy undertaking involving two separate preliminary processes of selection and nomination, followed by a final selection of candidates by the Senate. During this months-long selection process, several complaints were launched, lawsuits filed, leading to investigation into the appointment process by the Department of Special Investigations (DSI) that attracted considerable media attention. Finally, in September 2011 the Senate chose the 11 final candidates and forwarded the names to H.M. the King for signature of appointment. The new 11 NBTC members began working in October 2011. Their most significant responsibilities, as provided in the Act on Organization to Assign Radio Frequencies and to Regulate Broadcasting and Telecommunications Services, B.E. 2553 (2010), are:

- Formulating a master plan on frequency allocation, broadcasting, and telecommunications which will establish a framework for further guidelines and regulations for all types of services under the NBTC's regulatory authority;
- Classifying, reforming, regulating, licensing, and assigning frequencies for broadcasting and telecommunication services in accordance with relevant laws, (the most prominent of which are
 - o Telecommunications Act 2007
 - o Broadcasting Act 2007
 - o Act on Organization to Assign Radio Frequencies and to Regulate Broadcasting and Telecommunications Services 2010

- o Radio Communication Act 1941, this part in parentheses added by this author).

The NBTC, which comprises two lower boards – the broadcasting board and the telecommunications board¹¹ – took to the formulation of three master plans as their first endeavors. This includes the frequency management master plan, the telecommunications master plan, and the broadcasting master plan. On the broadcast side, the broadcast board also appointed 22 sub-committees, mainly with experts and representatives from outside NBTC, to act as advisory boards on different regulatory issues. Licensing criteria have been drafted and formulated into NBTC Notifications, Codes, and Directives. Following a series of public hearings, the NBTC Notification on Criteria on Temporary Licensing of Community Radio B.E. 2555 (2012) was announced in the Royal Gazette on 19 September 2012, paving the way for interested community operators to enter their applications for licenses since.

Second Approach: Change of Content Trends in Media

Another important approach towards media reform is to attempt a shift in content trend in the media. This is to counterbalance the predominant trend that may not necessarily be serving the public interest. In the Thai experience, such approach towards media reform was primarily owing to the

¹¹Both the broadcast board and the telecommunications board consist of five members each, with the chairperson of the NBTC, sitting in both boards and assuming the chairperson position in both.

movement launched by members of civil society networks, including academia, parent network, public organizations with extended networks such as the Thai Health Promotion Foundation¹². Moreover, the government has also played a part towards such reform by positively responding to the policy lobbying from civil society or by initiating change along the same line.

An example of such movement was during the first Thaksin Shinawatra administration (2001-2005) when a Cabinet Resolution was passed on 4 November 2003 that led to a reshuffle of free TV program schedule to incorporate special air time allotted for children programming. According to this new policy, at least one to one and a half hour during 4.00-10.00 p.m. must be assigned for children's program. This resolution was a result of social pressure and findings from research which indicates that appropriate TV programs fostering positive learning in children are limited. This is in stark contrast to the high level of exposure of children to television.

¹²The status of the Thai Health Promotion Foundation is neither that of a state agency nor state enterprise. It was established under the Thai Health Promotion Act 2001, supervised by the Office of Prime Minister and is funded by excise tax from alcohol and cigarettes (two per cent per year)

Thai Health Promotion Foundation monitors and supports media reform advocacy as a part of its 10 social marketing missions, under 13 main strategies. The role played by Thai Health Promotion Foundation aims at raising awareness and new social values through media reform as a way to social reform. One of the approaches for media reform is to create developed consumers who are able to learn how to balance consumer culture and have high level of media literacy. Consumers are expected to understand the ever-changing media landscape particularly in new media where everyone can be content creators. Media reform needs mechanism such as media monitoring through consumer network and consumer protection law in order to shift the issues to the level of a national agenda.

Cabinet Resolution on TV program for children (4 November 2003)

The Cabinet approved the guidelines proposed by reviewing committee, 4th and 7th committee. A proposal was made by former Deputy Prime Minister Chaturon Chaisang for guidelines and measures on using state-owned media for educational purposes as well as to uplift the children and their families. The Cabinet was in agreement that using radio and TV for educational purposes would be more efficient and effective, and the State should only delineate a loose framework and be open to private organizations, experts and media practitioners to develop production of content in detail under such framework. In so doing, a committee might be set up to monitor its content and nominate programs to receive rewards or financial support. The proportion of programs for children and family is 10-15% of the total airtime. The Public Relations Department should pioneer the effort, followed by other channels as they are ready. Programs for children and family should be broadcast for one hour during the period between 6.00-10.00 p.m.

Text box 1: Cabinet Resolution on TV program for children (4 November 2003)

This Cabinet Resolution marks the beginning of an extended network of civil society and academia that pursue a common goal of content reform in media. TV4Kids was its first project, launched as a part of this process, with the collaboration of academics, professionals and children media activists in a study funded by the Thai Health Promotion Foundation.

Apart from a drive from the academic sector, civil society, such as family network and media for youth network, also converged to pressure the government and media entrepreneurs on resolving the problem of inappropriate programs for children. An open letter was submitted to the Prime Minister urging the following four measures:

- 1) Requesting all television channels to pay attention to content broadcast during the period between 4.00-10.00 p.m. Sex, disturbing images, violence and risky behavior related to health should be avoided;

- 2) Requesting governmental support in the media monitoring process;

- 3) Supporting rigorous self-regulation in television stations;

- 4) Requesting at least one hour after 8.00 p.m. news to be allocated to educational programs for children;

These four measures demonstrate the cooperation between civil society networks in convincing the government to emphasize and give importance to TV content by calling for quality content appropriate for children.

During the subsequent Surayuth Chulanont administration,¹³ the National Safe and Creative Media Committee was formed, with the approval of the National Security Council, under the supervision of the Prime Minister and chaired by the then Minister of Social Development Paiboon Wattanasiritham. This committee aimed at formulating developmental media policy under the theme 'Eradicating bad media, supporting good media.' Emphasis was given to children's media. The government of Abhisit Vejjajiva later reappointed this National Safe and Creative Media Committee, led by the Ministry of Culture, in accordance with a new agenda by his government

The Ministry of Culture played an important role in moving "safe and creative media" strategies by forming the same National Safe and Creative Media Committee at the provincial level as well. This committee is composed of representatives from local councils, local administrative constituents and local citizens. A committee at the district level is being set up nationwide to solve children's addiction to online game problems. The Ministry has been allocated a budget of 20 million baht (approximately 645,000 US dollars) from the government, through the National Culture Committee, to inspect online game cafés.

¹³The Surayuth administration (2006-2008) was an interim government installed by the National Security Council or formerly the Council for Democratic Reform (CDR), a military junta that overthrew the civilian government of Thaksin Shinawatra on 19 September 2006. His administration comprised mainly former high-ranking government officials and senior military personnel.

Moreover, the Public Relations Department, during the Democrat-led government, according to a policy spearheaded by Satit Wongnongteoy, Minister of the Prime Minister's Office, set up the so-called white wave radio channel focusing on content beneficial to children and the family. For this purpose, the frequency FM 105 was then revoked from private concessionaire and turned into 'a radio channel for children and family', broadcast since 14 April 2009.

A radio channel solely dedicated to children and the family is the only media providing public space for these particular target audiences. Content is presented in the form of news, documentaries and knowledge-based programs in an easily understandable format and language targeted specifically for children. Selected programs from television will also be broadcast through this radio channel. The revocation of frequency from private company is a part of government's media reform strategy to utilize communication resource for public interest.

In media professional associations, a shift in content can be seen in the movement spearheaded by the Isara Institute¹⁴, where news production reformation took place by setting up an independent editorial teamwork with the participation of

¹⁴Isara Institute takes its name from an eminent deceased journalist by the name of Isra Amantakul. The creation of the Isra Institute is quite recent resulting from the merging of the 'Institute of Mass Media Development of Thailand' and the 'Isara News Institute' in 2009.

various journalists in the Central region as well as those in the three southern border provinces. The so-called peace journalism approach is introduced and applied when reporting incidence of violence in the restive southern part of Thailand.

A finding from local research confirms that the Isara Institute has been consistent in the application of peace journalism in their reporting approach. However, they have not been as successful in promoting such approach to the wider circle of journalistic practices. This is despite the fact that administrators of Isara Institute belong to the same group of people that run the Thai Journalist Association (TJA), the most central professional association for print journalists in Thailand.¹⁵

Third Approach: Establishing Public Media and Opening Space for New Independent Media

As for this approach, the following phenomena have evolved which gradually unlocked the mediascape that used to be monopolized by the state and a selected few private concessionaires.

From Independent TV to Public TV

The founding of an Independent Television station

¹⁵Wichayawanee Choonui. 2009. *Role of the Southern News desk, Isara Institute as peace journalism: in the case of insurgency in three southernmost provinces*. unpublished master's thesis. Chulalongkorn University, Bangkok, Thailand.

(hereafter iTV) after the May 1992 incident is a phenomenon reflecting the attempt to reform free TV which was populated by entertainment programs, and with little space for news and current affairs. However, iTV was not able to fulfill this mission of content reform due to a series of political cum commercial interference which finally led to its concession being revoked in 2007.¹⁶

¹⁶The establishment of independent TV (iTV) which broadcasts in UHF (Ultra High Frequency) band, under the care of the Office of Prime Minister was an attempt to open new channel of communication with an objective to present serious news and knowledge to public. The concession was granted through public auction under media and public attention. The iTV concession was initiated as a response to the media blackout during the May 1992 incident when all television stations were under control of state. News has been distorted leading to public prevented from accessing update on military operation. In the very first years of iTV, news production has been widely accepted as a quality professional independent media focusing mainly on investigative news. However, iTV could not make much profit under stringent concession conditions. When there was a financial crisis in 1997, iTV could not cope with mounting debts and it was eventually sold in 2000 to Shin Corporation, owned by then media tycoon Thaksin Shinawatra. As Thaksin was preparing to reenter politics, iTV was reportedly used as his political mouthpiece. After Thaksin became prime minister and his administration became consolidated, there was an attempt to change the iTV's concession condition on content proportion, by allowing more time for entertainment programs. This led to a controversial debate since it contradicted with the original intent of establishing iTV. In 2004, an arbitration committee ruled in favor of Shin, who proposed for a new content ratio – 50-50 news and entertainment. But after Thaksin was superseded by the military junta in a coup in 2006, the Supreme Administrative Court ruled that iTV had breached the concession contract, hence imposing hefty fines and revoking the concession. The frequency to broadcast iTV was reverted to the Office of Permanent Secretary of the Ministry of PM's Office which in turn allotted it for the establishment of the new public service television – Thai Public Broadcasting Service (TPBS).

After the 2006 coup, during Surayuth's interim government, the first public service television station in Thailand was established under the Public Broadcasting Organization Act 2008.

The revocation of the iTV concession coincided with much advocacy from civil society during the Surayuth administration to found a new public television station that operated independently from state and capital control. The new public television is expected to provide society with wholesome content beneficial to the audience. This trend draws mainly from a series of 'Media Reform' research project funded by the Thailand Research Fund (TRF), which were developed earlier.

Prior to the military takeover, NGOs had proposed the idea to establish public television by reorganizing the state-owned Channel 11, but had never received any response from the government. During the Surayuth administration the clamour for public television was driven from various sectors groups such as parent and family networks, youth groups, academics, the private sector, media professionals and the Thai Health Promotion Foundation, who came together under the name 'Friends of Public Television' working in cooperation with TDRI to explore an appropriate form of public television for Thailand.

Findings from research conducted by TDRI enabled 'a Friends of Public Television' group to work to extend its network to promote better understanding about public service media in people from different backgrounds, both in the central region and other parts of Thailand. The group also mobilized support

to accelerate policy formulation through the National Legislative Assembly, an interim legislature also installed by the Council for National Security (CNS).

In early 2008, after two months of tabling by appointed commissioners, the Public Broadcasting Organization Act 2008 was enacted and became effective on 14 January 2008. iTV was then transformed into Thai Public Broadcasting Service (TPBS) or TV Thai and made its debut on 15 January 2008. The change was welcomed by some but opposed by others particularly professionals previously working at iTV who felt the concession reversion and the setting up of public TV were politically motivated in order to trim down Thaksin Shinawatra of his media resources.



Picture 1: Primary school students recruited to campaign for the new public service television, using the frequency of the defunct iTV, or subsequent TITV

Community Radio and Local Commercial Radio

In addition to public television, there have been at least two separate developments in new media outlets after the space for independent media for the people had been provided for by Section 40 of the 1997 Constitution. The most prominent case is the pervasive community radio phenomenon that brought about a lucrative local radio business and the emergence of political-oriented radio stations. Moreover, the Internet and new communication technology devices such as mobile phones also became widely available throughout the country.

Broadcasting of community radio was possible as a result of the interpretation of Section 40 in the 1997 Constitution which holds that frequency is a public resource. Section 26 in the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) ensures access to frequency to all citizens for civic purposes and at least 20 per cent devoted to programs of public interest. If the people are not capable of taking advantage of this provision, an independent organization must lend support to them. These formed the inception of a civic movement in the learning process and materializing a new form of communication right.

The first community radio in Thailand began airing in the province of Kanchanaburi in December 2001. From there on, the number of community radio expanded to 145 stations, leading to the forming of operators under the name of 'the National Federation of Community Radio (hereafter NFCR)' in the following year.

The first wave of community radio movement operated under a broad umbrella of ‘belonging to community, by community, for community.’ Local people jointly claimed ownership of a radio station, managing and producing programs by using low frequency, broadcasting within a district area to create two-way communication within the community. Community radio is run without advertising, for no commercial purposes and does not operate under state, capital and political constraints.

During that period, however, the independent organization supervising radio and television business had not yet been established. Broadcasting of communication radio by local people had been suspended by the National Broadcasting and Television Commission leading to a campaign for citizen’s communication rights protected by the Constitution and an Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services. The Cabinet finally ruled on 16 July 2002 that “Forbidding the people from community radio broadcasting might be construed as a violation of constitution.” The Permanent Secretary Office of the Prime Minister’s Office Ministry was assigned the task to draft provisional guidelines to regulate frequency used by community radio.

On 26 June 2003, a Cabinet Resolution was reached which assigned the Department of Public Relations to take charge of community radio. The Division of the Broadcast Commission, a unit within the Department of Public Relations, was responsible for mapping out regulatory guidelines for

community radio. The importance of this cabinet resolution lies in the fact that it allows community radio to seek revenue from advertising at no more than six minutes per hour. This new policy direction led to the setting up of a high number of “local commercial radio stations” in a short period of time. Within three months after the Cabinet Resolution that permitted small localized radio to carry advertising, more than 2,000 local commercial radio stations, but known to the public under the name “community radio” were set up.

In the middle of 2004, a group of small localized commercial radio stations formed together and registered as the Network of Local Radio to differentiate themselves from existing community radio. This group has the following stated missions: 1) to operate small commercial radio (not larger than provincial level; and 2) to create diversity and balance of information between local information and information from the center (mainstream media).

In the beginning of 2005, a new community radio station called “Democracy Lover Community Radio Station” was set up by a group of dissidents who hold different political standpoint from the government. Content direction of the station was geared towards checking and criticizing government policy. This marked the beginning of the wave of political radio that has come to occupy a large faction of community radio development thereafter.

After the 19 September 2006 coup, a number of small localized radio station (both community radio and local commercial radio) with political objectives/role were closed

down. In 2008, when the new Broadcasting Act was enacted, the condition provision of the law stipulated for temporary licensing of community radio. To enable this process, the NTC was assigned the role of interim regulator to issue a one-year temporary license to community radio station. Meanwhile, there was a provision for the establishment of a sub-committee on broadcasting to act as advisory board.

In July 2009, NTC issued a “Notification on guidelines and temporary licensing of community radio” and paved the way for all types of small localized radio to notify their intent to operate community radio or to register as community radio. NTC, through the aid of the sub-committee on broadcasting, was able to bring what would otherwise be known as “underground” radio stations to come into system in exchange for a 300-day permission to remain on the air.

At the closing of 2010, the NCFR surveyed the number of existing community radio stations which abide by the universal principle of community radio. They found that there is an estimate of genuine community radio 200 stations nationwide. According to the NTC’s figures in January 2011, there were more than 7,500 community radio stations all over the country. Of this, 6,521 stations registered with NTC, 1,050 did not register, and 900 stations applied for temporary licenses.

After the NBTC, the convergent regulator for broadcasting and telecommunications, was appointed in 2011, a new process of temporary licensing for community radio was again launched. The NBTC, through the sub-committee on commu-

nity broadcasting, drafted a new notification and guidelines for temporary licensing of community radio, which were announced in the Royal Gazette and took effect on 19 September 2012.

Cable and satellite TV

Apart from community radio and local commercial radio, another segment of the media which has been growing by leaps and bounds during the regulatory vacuum was Pay TV through two main dissemination technologies -- cable and satellite.

Conventionally, there are six terrestrial free-to-air (FTA) television channels in Thailand, operating as national networks. Two operate under long-term privileged concession schemes awarded by the Army and the Mass Communication Organization of Thailand (MCOT) to large private corporations. The rest are self-managed by frequency-owning organizations. This began to change with the emergence of iTV after the historic May 1992 crisis as earlier mentioned. Initially operating under the state concessionary system, the station was later found to breach the concession agreements. After the contract was revoked, the channel was eventually re-invented as a public service broadcaster.

At the more local level, towards the late 1990s when cable technology became more affordable and widespread, a growing of small and medium-sized local entrepreneurs began to experiment with small local cable television broadcasting by laying cable lines along electricity poles. At first,

these entrepreneurs had to obtain permits from the Department of Public Relations. But when the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2543 (2000) was passed and the NBC selection began, the Public Relations Department had to relinquish its regulatory role. In the ensuing years of regulatory vacuum, cable TV took advantage of the regulatory disarray and expanded further. After the new Broadcasting Act was passed in 2007, forcing the NTC and the advisory sub-committee on broadcasting to become interim regulator, there were more than 900 small local cable stations countrywide that applied for interim licenses.

Meanwhile, in the late 1990s, new and more advanced satellite technology -- Direct-to-home (DTH) satellite technology -- enabled newer satellites to operate in higher frequency bands (e.g. Ku and Ka bands), allowing satellite transponder to send signals at higher power and narrower satellite footprint than previous satellites that operated on C band. For instance, geo-stationary satellites like Palapa and Intelsat transmit signals mainly on the C band frequencies and intended to be used by cable television networks rather than received by home viewers. The antenna dishes required were large (over three meters in diameter).

The new technological advent helped create new services of Direct broadcast satellite (DBS) in which the subscribers, or end users, receive signals directly from geostationary satellites. The signals are broadcast in digital format at microwave frequencies and are intercepted directly

by satellite dishes. Dish antenna was reduced in size from three meters in diameter to only two to three feet. Signal converter next to TV set that is linked to satellite dish produces output that can be readily viewed on TV receiver, hence giving rise to the beginning of satellite television.

In the beginning (late 1990s- early 2000s), the growth in the satellite TV market was slow as prices of reception devices (set-top box and dish antenna) were still relatively high.¹⁷ The turning point for satellite TV market came in 2006 as a result of the popularization of ASTV,¹⁸ a major political medium of the People Alliance for Democracy (PAD) during the mass rallies to ouster then PM Thaksin Shinawatra, on alleged charges of corruption. Daily live broadcasts of highly organized PAD protests in the months leading to the 19 September 2006 coup significantly boosted satellite TV viewership.

¹⁷Investment in satellite TV is relatively small, comparing to other broadcast services. A startup fund for a satellite TV station is estimated at 40 million baht, with promising possibility of recoument in a few-year-time.

¹⁸ASTV or Asia Satellite Television is the more household name for its predecessor -- 11/1 or 11 News1, being concessionaire of the Public Relations Department which runs channel 11 on free-to-air TV. ASTV is part of the Manager Media Group, owned by Sondhi Limthongkul, a media mogul who is one of the key leaders of the PAD movement. After Sondhi's highly popular and controversial "Weekly Thailand" program was removed in late 2005 from the state-controlled MCOT channel 9, he shifted this programming to satellite broadcast, hence forming ASTV. Despite an effort by the Thaksin government to shut down ASTV, the station was allowed to continue under a court injunction on grounds of public interest.

Other pioneering satellite TV providers include DMC Channel of Wat Phra Dharmakaya and Thai Global Network (TGN), a satellite spin-off of Channel 5's broadcast.

Another critical turning point for satellite came in 2008 as a result of the new Broadcasting Act that allows a six-minute advertising spot in commercial broadcasting. Although the law has no direct provisions on satellite TV, a number of entrepreneurs have cleverly exploited this legal loophole in setting up satellite TV stations.

The expansion of satellite television also coincided with the growing use of small, localized medium for political mobilization. Notably, color-coated politics of the yellow and the red-shirts that has developed in Thailand in the past half of the decade has contributed directly to the growth in satellite TV reception.



Picture 2: The Muang Thai Rai Sapda (Thailand Weekly) TV program, hosted by Mr. Sondhi Limthongkul and Miss Sarosha Pornudomsak, was aired on the ASTV satellite TV channel, after the program was cancelled by MCOT's Channel 9.

Apart from ASTV, which represents the yellow-shirt camp, the red-shirt TV also played a role in boosting the popularity of satellite television. In 2007, a new satellite TV station called People's Television or PTV formed by former executives of Thai Rak Thai Party, was scheduled to begin its first broadcast during the junta-installed administration. Unfortunately, its debut was interrupted. This was because the state enterprise and monopoly internet gateway provider CAT Telecom, allegedly under the order by the CNS, refused to grant PTV Internet link from Bangkok to a satellite up-link station outside Thailand which is in Hong Kong.



Picture 3: Founders of People TV from the Thai Rak Thai Party



Picture 4: D-Station's screen capture when its satellite transmission was disconnected

The PTV's incident developed into a political rally which later became known as the red-shirt movement or more formally "the United Front of Democracy against Dictatorship" (UDD)." Although there were periodic efforts by at least two governments (those led by Surayuth Chulanont and Abhisit Vejjajiva) to interfere with the airing of PTV signals, under emergency decree threats, the PTV's popularity and its ability to galvanize mass support for the red-shirt movement did not wane. In fact, the re-emerged channel of PTV – known as D-Station and later as People Channel – was largely attributed as a key factor in propelling mass participation in a series of the red-shirt movements between 2008-2010 as more and more people were tuned into the new channel to get access to alternative information and dissident opinions. After the "yellow-shirt/red-shirt" phenomenon, other political interest groups also took advantage of satellite television operation. Among the prominent examples are Voice TV, owned by the Shinawatra family, and Blue Sky Channel, founded by the Democrat Party in early 2010.

A survey by AC Nielsen indicates that from 2007 to 2012, the television viewing pattern of Thai households has changed significantly, as seen in Figure 1 below.

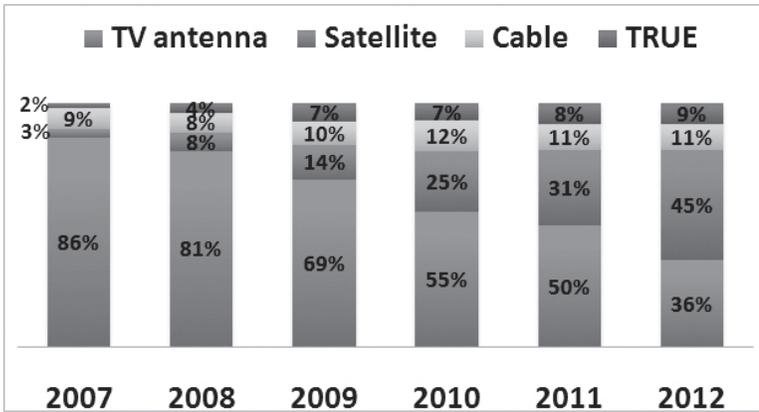


Figure 1: Bar charts demonstrating the changing television viewing patterns of Thai households from 2007 to 2012

Source: AC Nielsen

From 2006 to 2009, the combined penetration of cable and satellite has reached 6.37 million households, accounting for 31 per cent of the entire 20.35 million households in Thailand, according to AC Nielsen, which also predicted an annual growth of 30 per cent in this sector.

The satellite television sector showed a prominent growth, leaping from a few per cent in 2007 to 45 per cent in 2012. While cable and satellite TV have experienced a steady growth, the popularity of terrestrial television which has always been a dominant source of public information is declining.

One reason for the declining popularity of terrestrial television is the inferior quality of antenna transmission, compared to that of cable and satellite television of which

transmission is usually relayed or repeated before reaching the audience's receiver. Moreover, the television industry in Thailand is in the transition period from analog to digital (at the time of writing in 2012), and most major operators remain uncertain about the future. Therefore, they have yet to invest in the development of network and transmission technology and rather wait to see the stability of digital system. In the meantime, consumers have to solve this problem by turning to cable and satellite television as earlier mentioned. These services can be categorized as pay television, non-subscription service, and video on-demand service.

According to the NBTC, there are approximately 200 satellite television operators operating as stations and channels; nonetheless, there are a few major players. Most of them are the extended business enterprises of existing radio and television corporations. For instance, the Nation Group owns two news channels, Nation Channel and Krung Thep Turakij TV. Sahamongkol Film International runs M Channel, which shows the in-house production movies or foreign movies whose copyrights were acquired by the company. GMM Grammy and R.S. operate music and entertainment stations and channels. Workpoint Entertainment runs a variety show channel, and the Siam Sport Group owns a sports channel.

As a result, the current overall broadcasting landscape after the reform can be summarized as in the text box below.

Number of Free National Television Network in Thailand (classified by ownership and control)	6
• Private operators under state-owned concessions	3
1. Krungthep Television & Radio (Channel 7)	1
2. Bangkok Entertainment (Channel 3)	1
• Public organization	
1. Thai Public Broadcasting Service (Channel 6)	1
• State operator	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)	
Number of National Cable Television Network in Thailand	1
• True Visions (True Corporation)	1
Number of Local Cable Television stations	
• Provincial and regional cable TV	990
Number of satellite stations/program channels	150-200

Text box 2: Distribution of television services in Thailand by ownership and dissemination technology

Source: Data compiled by the author based on the NBTC's and other sources' statistics

Online Media

Since the early 1990s, the Internet and new information and communication technology (ICTs) have become an integral part of the emerging public sphere in Thai society. As an alternative to the otherwise state or commercially-dominated mass media, the Internet has strengthened the information capacity of the society, particularly in the areas that differ from the mainstream media.

The most apparent beginning of the Internet as a reformist media in Thailand was during the May 1992 crisis when mobile communication, email, and newsgroups became important media to bypass local state censorship. News from foreign news agencies that were blocked by state-owned broadcast media could be disseminated to Internet users, hence making the Internet a reliable alternative source of information.

The emergence of online forums like Bangkok.com and pantip.com in 1996-1997 opened up a new public sphere for Internet users to exchange their views freely on social issues, while trailblazing the development of civic news websites. Daily life problems of the people can now be voiced through this forum to the public. Public participation of Internet users on this website has prompted the mainstream media to become more responsive and to pay more attention to the people's problems. Among these, the website of Prachatham news agency was founded under an inspiration from the "Project Censored Thailand" which was aimed at presenting newsworthy issues about the average people that were not presented as news in professional mainstream media.

Subsequently, two more civic news/information websites --Thaitopic.com and prachatai.com -- have been founded to provide an open forum for social dialogue on problems faced by ordinary people. When it was first set up, www.Thaitopic.com¹⁹ was known to be an unprecedented discussion board on social problems faced by ordinary people from a civic perspective while www.prachatai.co.th was founded by a veteran activist²⁰ with the aim to be an online civic newspaper and a forum for opinion exchange for socially conscious and progressive-minded citizens. Prachatai has grown to become household name for alternative platform of political exchange and communication. Its popularity reached new height during the red-shirt movement especially after the more mainstream online forum like www.pantip.com decided to close down as an extreme form of self-censorship in the aftermath of the 2006 coup and during several subsequent political uprisings staged by the PAD and the UDD.

¹⁹The beginning of Thaitopic.com, as stated in the website's homepage, was given rise by the lack of "freedom to express opinion" stemming from a controversy in 1998 over a Buddhist temple which had an unorthodox teaching and practice. The debate over the controversial temple led to the creation of the so-called "sensitive forum" which later evolved to wider topics and scope of issues. Source: <http://www.thaitopic.net/aboutus.php>

²⁰Jon Ungpakorn, a veteran activist who founded Prachatai, has made a name for himself earlier from his long-standing advocacy and development works for AIDs patients and health rights. Mr. Ungpakorn was later elected Senator, and appointed as member of the policy board at Thailand's first public service television, Thailand Public Broadcasting Service (TPBS).

Since the advent of Web 2.0 in the early 2000s, the use of ICTs to bypass conventional media has become more widespread, to the point of leapfrogging towards the mid-2000s. Smart phones based on various technologies such as Apple's IOS, Windows, or Android that provide better data communication and social networking have become very popular and there are now more than 5.4 million smart phones in use at the beginning of 2012.²¹ Blackberry and iPhone are the two major brands dominating the smart phone market while computer tablets are increasingly making their emergence through various manufacturers' brands. In 2012, the Yingluck Shinawatra government began distributing 800,000 PC tablets to Grade 1 schoolchildren nationwide. A continuing plan in the next year is to acquire a further 700,000 tablets for which the government has earmarked 2 billion baht (approximately 64 million US dollars).²²

The access to different ICTs in Thailand is growing steadily with mobile phones leading the way. In 2012, there are more than 120 million mobile phone numbers in use in Thailand. This almost doubles the country's population at 67 million people. However, the growth in Internet access and broadband access has not advanced at a comparable rate. According to the National Statistics Office, the number of Internet users in Thailand is estimated at 18 million while

²¹Bangkok Post, "Engsogo wants to tap growing smartphone population," 4 April 2012, p. B1.

²²Bangkok Post, "Tablet Delivery Under Way," 19 July 2012, p. A1.

broadband access has only reached about 10 per cent of the population.

The diffusion of ICT access and use in terms of hardware goes in parallel with the boom of social networking, blogging and microblogging services or what are known in short as online social media with such examples as Hi5, Myspace, Facebook, and Twitter, being the leading applications. While Thailand's Internet users is estimated to number 17.5 million, 75.8 per cent are users of social media which have become growingly accessible to the local Internet users through such devices as computer notebook, netbook, smart phone, and computer tablet.

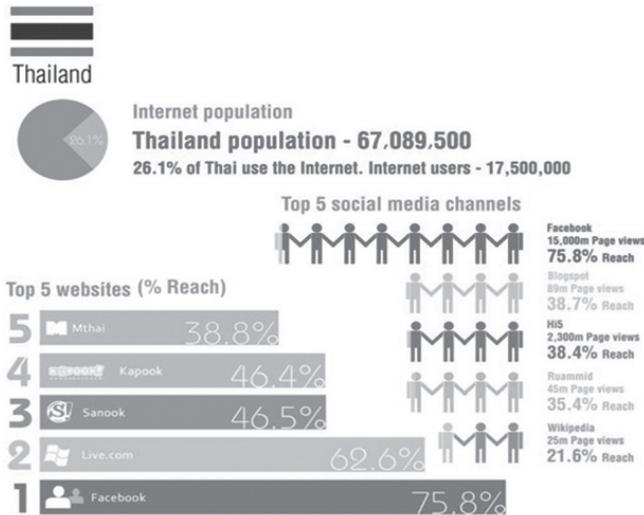


Figure 2: Infographics for Internet use in Thailand

Source: Burston-Marsteller Asia Pacific Social Media Infographics Booklet 2011, downloadable at www.digitalbuzzblog.com/infographic-asia-pacific-social-media-statistics-stats-facts

On the political front, new social media have become an important platform for interactive political communication with far reaching impacts to offline politics. The emergence of online political communication has become evident since 2006 when the last coup took place as people were barred from discussing politics freely in mainstream media. People of all different political hues and ideologies have made use of online social media to advocate for their beliefs and rights.

Meanwhile, this revolutionary medium has also been exploited for civic and more socially-oriented purposes. For instance, in the aftermath of the crackdown on red-shirt protesters who occupied the major thoroughfares of Bangkok for more than two months in March- May 2010, online social media was tapped to campaign for public participation in the case of the “Big Cleaning Day.”²³ Similarly, in the recent major flooding that engulfed Bangkok in late 2011, online social media were intensely used to network among volunteers, government agencies, and the public, on flood-related information and for mobilizing support.

The Media Monitor Project Thailand, an independent unit that researches on media performance related to certain social issues, carried out a content analysis of selected online social media sites – Facebook, Twitter, Pantip.com – and forwarded

²³The Big Cleaning Day is a memorable event in the recent history of Thai politics as tens of thousands of Bangkokians, mostly youth and young adults, joined forces in cleaning up the streets of Bangkok after a bitter end to a two-month long red-shirt occupation of Bangkok major streets. These volunteers were notified and mobilized into this civic endeavor via online social media like Facebook and Twitter.

mails in the period of the red-shirt crisis in April 2011. They found that online space was extensively, actively, and intensely used for political expression and communication. However, the prevailing use, as evidenced in the high number of fanpages carrying a certain political message, has been to broaden the social and political divide rather than reconciliation or seeking peaceful resolution. Facebook communication, in particular, reflected violent and judgmental standing of users. The “us” versus “them” attitude was evident. The main discourse used was “We are confident that more than one million Thais ...(specifying action or certain belief or expectation).” For instance, the fanpage with the most number of “likes” was “We are confident that more than one million Thais opposes the dissolution of parliament,” with 556,339 likes recorded.

During the political crisis, Twitter was prominent in its ability to render up-to-date and swift communication among users. Interestingly, professional mainstream journalists were the information leaders in the twitter sphere, with the top most number of followers.²⁴ Meanwhile, more conventional online social media like pantip.com’s rajdamnoen online forum became rigorous in their monitor of the posting of messages. Verbal attacks and indecent language were censored. Concurrently, forwarded email messages abound that provide

²⁴During the political crisis, veteran and youngblood reporters from mainstream professional media recorded the most number of Twitter followers. For instance, household media names like Sutthichai Yoon, Noppatjak Attanond, and Nattha Komolvathin were among the top five in terms of Twitter followers.

educated information about the political crisis as well as disseminating hate speech and ungrounded political slander.

Although the political uprisings and protests have passed and the intensity of online political exchanges has waned, online social media continues to be used as to voice political dissent, disagreement, or even collective anger in Thai society. A good case in point is the incident in December 2011 when a car driven by an unlicensed teenager at high speed hit a passenger van and killed nine people on the elevated Don Muang Tollway. The teenager turned out to be a daughter of an influential social persona. As soon as this news was publicized, a new fanpage was created on Facebook entitled “We are confident that more than a million Thais are enraged at (the name of the teenager who drove the car).” The page drew more than 300,000 members overnight. This was after the announcement on the fanpage by its creator that the page risked being closed down as all types of information about the accident, particularly names and personal information, were reportedly mysteriously deleted soon after the accident took place.

Similarly, other social movements of no political relevance are also making increasing use of online social media. In one instance, local football fans, angry over the performance of the Thai professional football team, have grouped together to found a fanpage called “We are confident more than one million Thais denounce the present Thailand Football Association.” The fanpage drew tens of thousands new members overnight.

Fourth Approach: Promoting Media Literacy

Media literacy is a major approach in building immunity against ill impacts from media for media consumers, particularly children and youth, by equipping them with critical skills in media exposure and use. Generally, media literacy is a learning process through such mechanisms as parents, school, and other social experiences.

However, as the media are proliferating in channels as well as volumes of information, media literacy has become a more pressing issue than ever before. In this light, civil society organizations have been the leader in promoting media literacy for consumers, focusing on the young. Their operation has been at the level of individual organization as well as networking with partners within and outside of civil society.

More recently, civil society organizations working in the area of media literacy have become more focused on new media like the Internet and mobile phones as it is generally felt that parents of the new Internet generation are not as technologically savvy and could not be resources for advice, let alone monitor the use of these new media by their youngsters meaningfully. Besides, the Internet and mobile phones are highly open and decentralized media of which content dissemination and generation came from users rather than central mediators as would be the case of conventional media like newspapers or television.

An important NGO which has been at the forefront of advocating for online awareness and Internet literacy is the Internet Foundation for the Development of Thailand. The

activities of this organization are various including public seminars, workshops to promote Internet safety, literacy through hands-on experience in online content creation, promoting safe and creative use of the new medium. Central in their approach is the promotion of “netiquette” as guiding principles for safe and constructive Internet use. The organization tap from partners like schools, and interested networks of parents as prime movers, providing them with materials like books, CDs, and other digital resources, free-of-charge,

On a wider scope than the Internet, there has been a concerted effort by a network of civil society organizations working in the area of children rights and welfare to push for the creation of a “Media Consumer Protection Organization of Thailand.” The host of this endeavor is the Child Media Network which is a working group under the highly influential Thai Health Promotion.²⁵ The push for a centrally coordinated entity for media consumer protection is one of the top agenda of the Thai Health Promotion Foundation which designated the

²⁵The Child Media Network is a working project under the Thai Health Promotion Foundation and was established in 2006. The objective of the project is to develop a media creation and dissemination system that are healthy for youth, family and society. Such system, as the project developers envision, would need participation from all sides including the state, media owners, media producers, commercial sector, civil society, communities, family as well as youth. The main role of the Child Media Network is to help fund organizations or individuals who are intent on working in projects or activities related to the Network’s main missions in these areas: 1) development of new dissemination channels for creative media; 2) support of creative media production; 3) capacity-building for creative media producers; 4) advocacy and promoting public participation in creative media; and 5) advocating and lobbying for policies and laws that benefit children and family media.

Foundation for Child Development and the Child Media Network as managers of the project. The two organizations have been active in organizing meetings, workshops and fostering collaboration among alliance organizations to draw support for the founding of the new consumer protection organization. With such organization, they foresee that the tasks of consumer protection related to the media as well as promotion of creative media and media literacy will have a permanent host with permanent funding resources. Thai consumers are generally seen as weak when it comes to realizing and protecting their rights. This is worse in the case of media consumers since the media tend to be influential institutions in society which render consumers powerless in dealing with them. However, the push for the creation of this new organization is still in its infancy stage. They will need to have an agreement from the state as well as a law to lay the groundwork for the new organization. All of these will take some time.

Meanwhile, another civil society organization has also been playing a prominent role in monitoring the performance of media. This is the case of the Media Monitor Project²⁶ which was established in 2005 to keep the media in check whether

²⁶The Media Monitor Project began as part of the Health Public Policy Plan under the National Health Foundation. Initially, the National Health Foundation granted a three-year contract to the Civicnet Thailand to undertake the project. After the HPP's term was over, the Project was renewed under a new contract with funding from the Thai Health Promotion Foundation.

their performance are in line with the public interest and promotes the well-being of society.

The concept of the Media Monitor Project came from the realization that media are important institution in society and have direct implication for the public-policy making process of the country. If the media are weak in their performance and are not adhering to the professional code of ethics, they will not only affect a good public-policy making process by not giving accurate, reliable information, but may also cause damage to media consumers and the general public, particularly the socially disadvantaged like children, women, and marginalized groups, by violating their rights.

The Media Monitor Project was thus created as an information feedback mechanism about media performance to society. Apart from periodically doing content analysis of media reports and programs, it also organizes seminars on current and controversial issues related to the media, while maintaining a website that records on interesting news and developments on the local media. In all, the activities of the Media Monitor Project are to forge a strong knowledge base for interested public to critically assess the media in Thai society. This is so that the media consumers will be empowered to deal with discrepancy in the media intelligibly and forcefully. Alongside, the constant monitoring of the media will also prompt the media professionals to keep self-regulation through professional ethics intact so that state control of the media will no longer be necessary and rights and freedom of the media could be sustainably and beneficially maintained.

Fifth Approach: Self-Regulation and Promotion of Media Ethics

Last, but not least, as an approach to media reform in Thai society is self-regulation and promotion of ethical standards through professional associations and organizations. Although there were a number of professional associations established before the first wave of media reform, their role in self-regulation was not apparent. This became evident in the wake of the promulgation of the 1997 Constitution which contains a provision on promotion of media self-regulation and promotion of ethical standard. This provision has direct bearing on the establishment of a historic professional media organization in the same year – the Press Council of Thailand (hereafter PCT).

The PCT was set up under an organized effort between owners, editors, and reporters of newspapers in Thailand. The objective in setting up the new organization is to promote freedom and responsibility in the journalistic profession, while upgrading the ethical standard of print journalists, and promoting the right to know of Thai people. At the time of its founding, six leading newspaper groups were the core components of the new organization; namely Thai Rath, Daily News, Matichon, Manager, Bangkok Post, and The Nation. The founding members were instrumental in promulgating ethical guidelines and code of professional practice in different areas from general reporting to more specific issues such as reporting on gender, and sexually abused children.

Since its initial establishment 15 years ago, the PCT has exhibited these roles in the self-regulation of print media:

- 1) Issuing a public statement to seek cooperation and promote certain ethical conduct of journalists, especially when a case surfaced to the public eyes that may compromise ethical integrity of journalists. For instance, public statements on receiving gifts in news conferences, public statements on reporting graphic news about abortion and unborn babies;

- 2) Issuing public notification on ethical journalistic guidelines to emphasize code of ethics that member organizations must pay particular attention to in certain time and context;

- 3) Receiving, investigating, considering and ruling on complaints filed by members of the public on ethical conduct of member organizations;

- 4) Acting as core unit for the committee to promote rights, freedom and responsibility of the media, which is meant to be the central organization for the new wave of media reform following the political unrest in March-May 2012.

The PCT has become the model for a self-regulatory organization of the media. Other subsequent self-regulatory entities in other sectors like broadcasting and the Internet have emulated from the code of ethics of the PCT in promulgating their own. Thus far, the News Broadcast Council of Thailand (NBCT) and the Webmaster Council of Thailand (WCT) have tried to promote professional standards, but with varying outcomes and sustainability. Regulatory features commonly

displayed among these organizations are complaint-handling procedures, investigation process, and reply mechanism to the parties affected by the alleged misconduct of member media organizations.

But self-regulation is indeed difficult to execute particularly in a fragmented industry like broadcasting and the Internet. Take the case of the Webmaster Council of Thailand (WCT); for instance. It was created in 2003 to establish a regulatory framework based on code of ethics of webmasters. At present the Webmaster Council of Thailand is no longer an active organization as it lacks a workable enforcement mechanism as well as a substantial membership base. Meanwhile, the NBCT is also in its infancy stage. So their role is largely limited to public relations work and public education about the existence of the organization.

Apart from professional councils like the PCT, there are also professional associations whose line of work is to develop and uphold the standards of mass media professions. These associations organize activities like award contests, trainings, seminars, publications, research while looking after members' welfare through different support schemes. From the perception of the general public, prize contests on news programs and entertainment programs are possibly the most recognizable contributions of these associations, next to organizing seminars and issuing of public statements to warn against interference on press freedom. But in fact, a few of these associations went beyond that call. For instance, the

Thai Journalist Association (hereafter TJA) has been consistent with its efforts in promoting public awareness about the journalistic profession, its functional duty and social responsibility through seminars, publications and research.

In 2010, a number of journalistic professional associations and organizations, under the leadership of the PCT, TJA, NBCT, and the Thai Broadcast Journalist Association (TBJA), formed the Committee to Promote Rights, Freedom and Responsibility of the Media. This committee played a key role in lobbying for the promulgation of an organic law for Section 46 of the latest Constitution which provides for protection of rights and freedom of media professionals from owners, state and private. The draft law is entitled the Protection of Right and Liberty, Promotion of Mass Media Practitioner Standard Act. The main idea of the draft law is summarized in Text Box 3 below.

Protection of Right and Liberty, and Promotion of Mass Media Practitioner Standard Draft Bill

Section 46 of the 2007 Constitution has this provision:

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

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

Any act, directly or indirectly, by a person holding a political position, official of the state or state agencies to obstruct or interfere with the presentation of news or opinions on public interests by persons under paragraph one and paragraph two shall be regarded as an intentional act of abuse of authority and have no effect except in compliance with the law and professional ethics.

Protection of Rights and Liberty, and Promotion of Mass Media Practitioner Standard Bill which will be an organic law for Section 46 of the 2007 Constitution carries the objectives as stated in the title of the law. Media practitioners will be protected under this law under a newly-set mechanism called the Committee to Protect Right and Liberty, and to Promote Mass Media Practitioner Standard. The new committee will help implement the law of which the substance will contain four chapters and 43 sections. Each chapter will deal with specific issues as follows:

- Chapter 1: Protection of rights and liberties of mass media practitioners
- Chapter 2: Committee on the protection of rights and liberties and the promotion of mass media practitioner standard
- Chapter 3: the Office of the committee on the protection of rights and liberties and the promotion of mass media practitioner standard
- Chapter 4: Measures for the protection of rights and liberties and the promotion of mass media practitioner standard

Text box 3: Summary of the Protection of Right and Liberty, and Promotion of Mass Media Practitioner Standard Draft Bill

In late 2009, the TJA collaborated with the PCT and TBJA in setting up the Media Law and Policy Center to be a central coordinating unit for compiling knowledge about media laws, as well as to support the functioning of and protect media practitioners from state interference and curbing of rights and freedom through rules of law. The Isara Institute and the Foundation to Promote Mass Media of Thailand are assigned as the initial host of the new unit. Since its establishment, the Media Law and Policy Center has been the main mechanism in lobbying for the enactment of the Protection of Right and Liberty, Promotion of Mass Media Practitioner Standard Act. If passed, the new law will be the first of its kind in the world to enforce legal protection of mass media practitioners from control of owners. Two principles building upon rights and liberty, and freedom of expression are the main fundamentals of the law. On 4 January 2011, the Cabinet, under the Abhisit Vejjajiva administration, approved the draft law in principle and forwarded it for tabling by Parliament. Although the law had gone through the reading of the Council of State, it has not yet been enacted until the present time (December 2012). Change in government administration in May 2011 to the Yingluck Shinawatra administration has stalled this legislative process.

Conclusion with additional observations

In all, the movements for media reform in Thailand have developed in crisis as well as ordinary times although the movements made during the crisis period tended to make their

presence felt more strongly. Key stakeholders that have played prominent role in initiating the reform are civil society activists, academics, the state, and professional organizations/association of the media. Media consumers and the media industry have been the least visible throughout this decades-long process which involve the following approaches:

- 1) Structural and regulatory reform of the media;
- 2) Change in content trends in the media;
- 3) Establishing public media and opening space for new independent media;
- 4) Promoting media literacy;
- 5) Self-regulation and promotion of media ethics.

In the beginning, the reform movements taking these approaches went on separately and are independently executed by different players in different sectors. As time progressed, a network of cooperation has been forged across different sectors of players, resulting in sharing of resources and personnel. Owing largely to the limited number of persons who are actively involved in the media reform movements, a single person or unit tends to assume multiple roles in advancing the course of reform. This has led to a growingly more harmonized reform agenda and direction over the years.

One important transition towards a more harmonized reform agenda is the establishment of the Thai Health Promotion Foundation in 2004. This gave rise to a central organization, with high-funding power, to support reform-related activities, steer the course of reform, and lobby at

public policy level, in a consistent fashion. Notably, media reform was interpreted as an indication of a “healthy” condition for society. Apart from funding reform-oriented research like a commissioned study on the feasibility of a television station for youth and family²⁷ and all research under the Media Monitor Project, the Thai Health Promotion Foundation also extends grants and supports to activities related to ethics and professional standards of professional media organizations; for example, maintenance of units like the Isara Institute and the Media Law and Policy Center, conference, seminars, workshop, trainings, award competitions, publications, and other relevant projects. In addition, the Thai Health Promotion Foundation also provides financial assistance to independent media producers, particularly those working in the areas related to youth and family through the Child Media Network. Yet, their most prominent role in this regard is in lobbying at the public policy level such as the lobbying for the so-called National Safe and Creative Media Fund. It merits notice that some key leaders in professional media organizations also serve as executive boards at the Thai Health Promotion Foundation or have close connection.²⁸ This provides a

²⁷Somkiat Tangkitvanich, Alsit Vergara, and Thiansawang Dharmavanich. 2007. Feasibility study of and approach for the setting up of a television station for youth and family.,” Thailand Development Research Institute (TDRI), funded by the Thai Health Promotion Foundation.

²⁸For instance, Manich Sooksomjitra who is president of the Foundation for Journalist Development of Thailand, founding president of the Thai Press Council, and senior editor of Thai Rath newspaper is member of the executive board of the Office for Public Communication, the Thai Health Promotion Foundation.

channel for knowledge and expertise transfer that enable the course of media reform to be more in accord.

In the latest wave of media reform, two major endeavors – the setting up of and activities under the Committee to Promote Rights, Freedom and Responsibility of the Media, and the research project for the planning of media reform commissioned by the Abhisit Vejjajiva government to the Faculty of Communication Arts, Chulalongkorn University²⁹ -- were both funded by the Thai Health Promotion Foundation.

Another important transition for the course of media reform in Thailand is the outbreak of political crises which has escalated in intensity and scope of impact since the 2006 coup. Ever since the coup and the subsequent political struggle, the media, both mainstream and small localized ones, have been used extensively for political gains. The media has come under heavy criticisms for setting political agenda

²⁹The commissioning of the research project for the preparation of the National Media Reform Plan was part of the Abhisit Vejjajiva's National Reconciliation Plan. As concluded and presented by the research team, the research project consists of five reports as follows:

- Research report on the approaches towards media reform: studies of the opinion of communication academics on Thai mass media
- Research report on the approaches towards media reform: studies of the opinion of media consumers on Thai mass media
- Research report on the approaches towards media reform: studies of the opinion of regulatory and monitoring organizations
- Research report on the approaches towards media reform: studies of the opinion of professional associations/organizations on media reform
- Research report on the approaches towards media reform: studies of the opinion of media practitioners on Thai mass media.

and instigating political friction which spiraled into an unprecedented social conflict and deep ideological divide among the populace. These phenomena became the main reason for the announcement of the National Reconciliation Plan by the Abhisit government and the subsequent mapping of media reform plan in 2010 (this never actually materialized, however.)

The coming into existence of the NBTC at the end of 2011 marks yet another historic development for media reform since it completed the reformist vision for an independent regulatory entity to steer the frequency reform. However, the NBTC's task is herculean and is not without misgivings. Frequency-dominating organizations, state and private, from the past will relentlessly put up a fight towards the reform and it shall remain to be seen how far the NBTC can resist a regulatory capture which has been a major deterrent for reform in other post-reform countries with long-standing inherited monopoly of the airwaves.

02

**Development of community radio regulation
in Thailand**

Community radio began in Thailand in 2001 following the promulgation of the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act B.E. 2543 (2000), an organic law of a constitutional provision that laid down a mandate for frequency reform. From the 2000s onwards, Thailand has seen a gradual liberalization of the airwaves and a rapid expansion of community radio. Despite its benefits to small broadcasters and grassroots audience, this relatively new media sector has faced constant challenges from state interference, politicization, and a lack of enabling regulatory framework. A series of policy interventions has resulted in the community radio (hereafter CR) landscape becoming dominated by commercial and political influences, while a new broadcasting legislation in 2008 has produced mixed blessings in terms of licensing scheme and resulting regulations. While the setting up of a new convergent regulator – the National Broadcasting and Telecommunications Commission (hereafter NBTC) in late 2011 is regarded as a new potent force to reform the media sector in the doldrums, there are still pending processes and many problems remain untackled.

While CR in Thailand has gained its legal status as one of the three tiers in broadcasting – public, commercial, and community -- with emerging rules and procedures, as well as guaranteed access to the radio spectrum, its social role and long-term sustainability remain in doubt especially for those civic CR practitioners. State regulation and self-regulation which should provide an enabling basis for development have yet to be conducive to the CR sector. The account in this chapter will present the course of development in regulation of CR by the state from the beginning of this nascent sector in 2001 until the present time (2012).

Media Reform and Early Development of CR

Community radio in Thailand was born as a result of media reform movements that began after a political crisis in 1992 following a bloody military crackdown on pro-democracy demonstrators and intense censorship in the mass media. These movements ran in parallel with political reform movements that gave rise to the new Constitution, the People's Charter,¹ in 1997. The Thai Constitution B.E. 2540 (1997) went much further than previous Constitutions in terms of provisions on citizen's rights and liberties, particularly those concerning the mass media.

Media reform and early development of CR

Article 40 of the Constitution B.E. 2540 (1997), the People's Charter, laid down a mandate for frequency reform with the following provisions:

- Transmission frequencies for radio and television broadcasting and radio communication are national communication resources for public interest.
- Independent regulatory bodies shall be set up with these duties: to distribute the frequencies for public interest; to supervise radio or television broadcasting and telecommunication business; to ensure free and fair competition, and to encourage the public to participate in management of public communication facilities.

The promulgation of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2543 (2000), the organic

¹The 1997 Constitution, the sixteenth in Thai history, was called "the People's Charter" or the "Constitution of the People." Its promulgation marked the much awaited political reform. Due to the public distrust of the politicians appointed or elected under the old system, the task of drafting the new Constitution was conferred upon an independent 99 member Constitution Drafting Committee who were recruited from people from all walks of life. This Constitution was abolished in 2006 as a result of the military coup that overthrew the civilian government of former PM Thaksin Shinawatra and has been replaced by the 2007 Constitution, which was drafted by an assembly of drafters appointed by the junta. The 2007 Constitution passed the National Referendum in August 2007 by a small margin of 51:49.

law of Section 40, in 2001 has led to the interpretation by some members of the civic sector that they have the right to access and use frequency. Hence, a few pioneers were inspired to initialize the early waves of community broadcasting in the country. According to the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2543, also known as the 2000 Frequency Allocation Act, two independent regulators of the state shall be established to manage spectrum allocation and to administer license allocations and renewals for broadcasting and telecommunications, in order to achieve the above aims. Article 26 of this law also provides that 20 per cent of available frequencies be allocated to the people sector, who may use it for non-commercial and community-oriented broadcasting purposes. The National Telecommunications Commission (hereafter NTC) was set up in 2004 while two rounds of selection for its counterpart – the National Broadcast Commission (hereafter NBC) failed -- in 2001 and 2005 -- following two successions of nullifications by the Supreme Administrative Court (See details in the chronology of important events related to CR's regulatory development in Thailand at the end of this chapter).

Despite the failed selections of the NBC and the consequent absence of a broadcast regulator, media reform movements seemed to have borne fruit, as evidenced in the case of CR. The first CR station went on the air on 19 December 2001 in Kanchanaburi, a province on the Thai-Myanmar border. The first community broadcast featured

cooperation between progressive intellectuals, networks of NGOs that advocate on media reform and civil liberty, and the Thailand Social Investment Fund.² All of these allied with one another in encouraging the people to exercise their communication rights as enshrined in the Constitution, particularly in Section 40. This historic broadcast took place amidst high civic enthusiasm for a more accessible channel of communication and strong support from local and international NGOs.³

²The Thailand Social Investment Fund or SIF is a development project under the World Bank in the late 1990s which was allocated to Thailand in response to the financial meltdown in 1997. The aim of the Fund is to help those affected by the social and economic crisis through community organization networks that are made up entirely of volunteers. These networks help distribute social fund financing directly to needy groups in the form of social assistance and cash transfers. The SIF has mobilized thousands of volunteer network members all over the country while building strong partnership with civil society to improve the pace and targeting of disbursements and strengthen community networks themselves. A total of US\$120 million was allocated from this Fund.

³During September 2000-2002, dozens of training workshops and seminars on CR were held throughout the country. This was supported by the Social Investment Fund, Civicnet Institute, Local Community Development Institute, Community Development Institute and Friedrich Naumann Stiftung (FNS). The trainings were aimed at preparing members of the community and civic groups to learn the basic of radio broadcasting, station management skill and to organize the community to participate in this process. See more in Uajit Wirotetrairat. 2005. "Community Radio: Prove of the Public Mind and the People's Spirit of Freedom and Dignity" in Media Reform Going Backward. Bangkok: Thai Broadcast Journalist Association, p.74.

By 2002, at least 140 CR stations began broadcasting in all regions of the country. These are stations that fit the original concept of CR as defined by the World Association of CR Broadcasters (AMARC) as radio “*owned and controlled by a community defined either geographically or as a community of interests.*”⁴ The emergence of CR was like a breath of fresh air to the Thai media landscape that had a long legacy of state ownership and control. Prior to the commencement of the first community radio station in 2002, Thailand had 524 radio stations, all owned by state agencies. Of these, 147 stations were under the control of the Public Relations Department (hereafter PRD), 127 the Army, 62 the Mass Communication Organization of Thailand (MCOT), and 36 the Air Force. Most of them, however, were contracted out through concessionaires to private entrepreneurs for commercial broadcasting. There hardly was any public service radio, except in the case of traffic and disaster radio Jor Sor 100 which is better known under the name “Ruam Duay Chuay Gun” (assisting one another) radio.

State intervention and regulatory disarray

Despite strong reluctance by the state and the first failed selection of the NBC in 2001, the number of CR stations continued to grow. These stations which were run by volunteers and were not commercially-driven also represented an alliance

⁴<http://www.amarc.org>

between grassroots groups, civic groups, non-governmental organizations on the media, the academia and professional organizations.⁵ According to Ubonrat Siriyuvasak, a progressive-minded communication scholar and a media reform activist, CR movement during this period marked a critical turning point in the democratization of the Thai media structure.⁶

Public pressures for reform notwithstanding, the state, mainly through the PRD, has staged many efforts to interfere and clamp down on CR. One of the first efforts was to pass a rule that all CR stations must broadcast with a 30-watt transmitter, using antenna not higher than 30 meters, and airing signals within a 15-square kilometer radius. This requirement took no account of geographical locations or landscape surrounding each station that may present specific the problems and requirements such as mountainous areas or the geographical dispersal of each community. This technical rule became known later as the 30-30-15 requirement.

⁵The Thai Journalists Association and the newly established professional association, the Thai Broadcast Journalists Association, were actively involved with organizing seminars in the regions as a move to gain public support for the reform agenda as opposed to the media corporations' professional organization, the Federation of Broadcasters of Thailand.

⁶Ubonrat Siriyuvasak. 2005. "Genealogy of Media Reform in Thailand and its Discourse" in *Media Reform Going Backward*. Bangkok: Thai Broadcast Journalist Association, p. 70

Besides the technical regulation, the PRD also hindered community broadcasts with administrative orders to discontinue broadcasts of community radio stations in Kanchanaburi and Singhaburi in the beginning of February 2002. PRD officials argued on grounds that during the transitional period and in the absence of a new broadcast legislation the people could not claim their rights based explicitly on the Constitution. Alluding to such rationale, CR was viewed as pirate radio and measures were taken to ban, arrest, and threaten CR operators. But CR practitioners and activists resisted the ban, trying to ally themselves with civil society and independent institutions like the National Human Rights Commission (NHRC), Senate members, and academics. Their efforts succeeded when the Cabinet passed a resolution on 16 July 2002 which contains this important statement "...if we were to forbid the people from operating community radio, it would be unconstitutional." Subsequently, the Office of the Permanent Secretary of the Prime Minister's Office was assigned to be the main working group in drawing guidelines and temporary measures for CR operation during the selection process for the NBC. Prompted by this historic Cabinet Resolution, alliances of community radio practitioners from around the country formed themselves into the National Federation of Community Radio (hereafter NFCR) on 10 October 2002, in the hope that they would be able to participate in the drafting of the measures and temporary guidelines for CR. Subsequently, CR stations continued to operate under a grace period but still lacked a proper framework for operation and regulation.

Although the 16 July 2002 Cabinet Resolution helped endorse CR operation as a civil right that is constitutionally guaranteed, state agencies that are not used to the idea of broadcasting by private citizens continued to exert control on civic CR. For instance, at the end of 2002, the Department of Post and Telegraph shut down a CR station in Angthong province, confiscated the radio transmitter, and arrested the volunteer who ran the station on charges of violating the draconian Radio-Communications Act B.E. 2484 (1941). According to this ancient law, any transmitter of radio signals has to seek permission from the Post and Telegraph Department for possessing and having radio transmitters for use.

Not long after, there was an initiative in the Cabinet under former Prime Minister Thaksin Shinawatra, to give community radio as a New Year present for the *Tambon* or *Subdistrict Administrative Organization* (TAO or SAO)⁷ nationwide. But this idea was vehemently opposed by the NFCR, alliances of academics and NGOs that advocate media reform, members of the Senate, and independent organizations of the State such as the National Human Rights Committee. Eventually, the idea was dropped.

⁷The Tambon Administrative Organization (TAO) is the decentralized and smallest unit of government administration in Thailand. It was a relatively new administration idea that was borne as a result of the Tambon Council and Tambon Administrative Authority Act B.E. 2537 (1994) and later by the 1997 Constitution. Since 2001, all of the Tambon Councils have been upgraded to Tambon Administrative Organizations.

On 23 June 2003, the Cabinet agreed to the draft measures and criteria for the community radio learning center operation point. Under the draft plan, CR stations would serve as a learning center for the community. Any CR stations wishing to be integrated under this plan which would make them legalized would have to follow the principles, steps, and preparation of the community for participation in the station. Community preparation includes the following: learning about station administration, program production, experimental broadcast, knowledge development and tangible participation. As outlined in the draft measures, each radio learning center must be led by two groups of people -- an administrative committee to outline policy and management and an operation committee to take charge of programming.

After protracted struggle, the PRD which controlled the National Broadcasting Board (acting as interim broadcasting regulator) announced in 2003 that all community radio stations must register with the PRD to remain in operation. To facilitate the process, the Cabinet appointed a committee to steer the course of the registration and to promote community radio as a form of community learning.

Apart from exercising concerted control efforts and proclaiming themselves as central coordinator for CR regulation in the interim period, the PRD in September 2004 issued a landmark measure that permitted a six-minute advertisement on CR. This in effect transformed the largely civic concept of CR into commercial endeavor as more than 1,500 new stations were set up within a few months after the

announcement by local business entrepreneurs, local and national politicians, and media professionals across the country, including Bangkok. The ensuing months could be characterized as a “frequency war” as the newcomer and more well-funded operators of localized radio put up stronger signals and envelope the small civic community radio in their broadcast radius. Moreover, a number of trained radio jockeys and programmers in civic community radio were lured by the higher pay in commercial stations, which also took the name “community radio” station, leaving their original stations in dismay. Gradually, the reformist rationale of CR became stolen by commercial forces.

The emergence of a large number of small localized radio stations in the absence of identifiable rules and regulations has also led to another important problem; that is, interference with aviation signals and broadcast signals of mainstream radio and television broadcasting. As more localized radio stations were set up unregulated and each broadcasting at high signals, this problem became more and more pronounced. In 2005, the Cabinet issued another directive which authorized the PRD to register CR stations and regulate on content and technical specifications – the 30-30-15 requirement. This regulation is implemented under a common understanding that registering stations are allowed to broadcast six minutes of advertisement in every hour of the broadcast. One interesting result from this Cabinet Resolution is that it gave rise to an assembly of operators of small localized radio who openly announced their intention to be

local commercial radio and to be distinct from community radio. Eventually, this group came to be known as the “Association of Local Commercial Radio.”

Another factor that led the PRD to become more interested in regulating CR is the political context which witnessed a growing conflict between different groups and ideologies – the so-called “color-coated politics” of the red-shirts and the yellow-shirts in Thailand. The emergence of new localized radio stations in mass number coincided with political movements. In the beginning, the positioning of some of these political radio stations was as a government watchdog – criticizing and probing into government’s conduct – but as the political conflict grew more extensively particularly in the aftermath of the 2006 coup, the stations became propaganda mouthpieces of different political groups, in other words, “color-coated radio.” In the midst of political insurgency that wreaked havoc in Bangkok and several urban centers during 2008-2010, these radio stations became very influential in mobilizing mass participation in several political rallies that ended in casualties and loss. In fact, many observers have put the blame on community radio and localized media like cable television and satellite television as the main instigators of unrest and the use of violence against those with different political standpoints.

The regulatory mess was worsened with the second failed selection of the NBC in 2005 following the Supreme Administrative Court’s ruling that the selection procedure was not transparent and involved major conflicts of interest. Under

this disarray, there were no reliable statistics as to the total number of CR in operation. According to the figures released by the PRD in 2005, however, an estimated number of 7,000 community radio stations were on air. This includes those which registered with the PRD as well as those which did not. Of this, two-thirds were reportedly commercial radio stations operated by local entrepreneurs, while a major faction reportedly belonged to music and media conglomerates wishing to penetrate the grassroots audiences.⁸ A significant portion of the local commercial stations became political stations with obvious partisanship. Meanwhile, the stations which represented the original concept of CR diminished in number and came to account only for fewer than 5 per cent of the total number of existing stations using the CR label. Amidst the “frequency struggle” and regulatory chaos après 2005, many stations slipped away while some of those that endured were transformed into local commercial stations but incorrectly known by the public as community radio. The inability of the general public to differentiate between civic community radio that operate according to the CR principles and local commercial radio or political radio has resulted in widespread misperception that community radio are “troublemakers” and irresponsible broadcasters.

⁸Bhatchara Aramsri. 2005. *Community Radio in Thailand: Will the External Influences Endanger its Emerging Spirit?* Master's thesis in Global Journalism. Department of Humanities, Orebro University.

Subsequently, more harassment was staged on CR stations following the major political crisis in 2006 in which daily demonstrations were staged on Bangkok's main thoroughfares by the People Alliance for Democracy (PAD) against Prime Minister Thaksin Shinawatra⁹ over many charges of corruptions and human rights violations. A Bangkok-based CR station proclaiming to promote democracy was rounded up while about 1,000 more around the country were closed down and threatened. The rationale for the forced shutdown was the usual argument of interference with aviation signals.

Post-coup harassment and legislative turn

Another critical turning point took place in September 2006 when a military junta staged a coup d'état that overthrew the civilian government of Prime Minister Thaksin Shinawatra. The Council for Democratic Reform (CDR) (later the Council for National Security or CNS) abolished the 1997 Constitution and imposed martial law. CR stations in the North and the Northeast were closed down under the argument that CR was a product of the 1997 Charter so they had to expire likewise. However, the CDR revised the decision in early October and allowed CR stations to continue operating but under very strict conditions. These conditions include; for instance, obligations

⁹Thaksin Shinawatra, a former telecommunications tycoon, was Thailand's longest civilian prime minister in office. His administration ruled from February 2001 to September 2006 when he was toppled in a military coup. Thaksin has been living in exile ever since.

to broadcast all orders and announcements of the CDR, refraining from criticisms of a political nature that may lead to misunderstanding or apprehensions, discontinuing of phone-in radio programs, and stringent enforcement of the 30-30-15 technical requirement.

In addition, from January to May 2007, the interim government installed by the CDR consistently requested “cooperation” from all CR stations countrywide to present “balanced and appropriate” news and information “in order to restore social harmony and peace.”¹⁰ Meanwhile, CR stations continued to experience intimidation of various kinds ranging from surveillance, site search, to station closedown. Self-censorship became a new norm adopted by CR practitioners while a great number of stations resorted to music and apolitical talk as their main program formats. One of the unintended consequences was negligence of their commitment to the community due to apprehension and fear from political circumstances.

Nevertheless, a small number of real CR stations have endured in all parts of the country. These stations are classified into two types -- geographical stations and issue-based stations. Geographical stations are stations which produce programs and operate to serve the diverse demands of audience in a common geographical location that share

¹⁰Saroj Wellmanee. 2005. rai ngarn karn sukka kormoon puen than wittayu choomchon pak prachachon (Community Radio: Basic Information Report). Bangkok: Heinrich Boll Foundation. Unpublished manuscript. (in Thai), p.22.

common resources or have relationships in one way or another. On the other hand, issue-based stations are stations which are set up to pursue a certain common issue that is of interest to communities of listeners that need not be in the same geographical location, or to advocate on certain issues such as anti-drugs campaign, and environmental campaign. The fact that these stations still thrive may be attributed in part to the relentless support of their civic networks and alliances, both within and outside the CR community. It is thus not surprising that the remaining CR stations that “belong to, managed by and operate for the community without commercial purposes” came to be known as “civic community radio.”¹¹ This label is to make them distinct from the local commercial community radio stations that currently dominate the public perception of CR.

Emergence of convergent regulator and interim regulation for CR

It merits notice that in the few months leading to the end of the coup-installed government and the National Legislative Assembly (replacing the House of Parliament), several important changes were made in the realms of media laws and policy. At least four media-related laws were passed including a new broadcasting law – the Broadcasting Act B.E. 2551 (2008 - hereafter the 2008 Broadcasting Act). The new Constitution which replaced the 1997 Constitution also

¹¹Ibid., p. 5.

provides for the establishment of a convergent regulator (overseeing both broadcasting and telecommunications), instead of two separate regulators, as provided in the 2000 Frequency Allocation Act. As a result, a new law that will pave the way for the establishment of the new convergent regulator had to be drafted and enacted to replace the 2000 law. Due to political instability and frequent changes of governments in 2008, the drafting process for the new law did not begin until April 2009 under the Abhisit Vejjajiva¹² administration.

In any case, the new broadcasting law – the 2008 Broadcasting Act -- designated the NTC as the interim regulator and licenser of CR before a new convergent regulator could be set up. In principle, all CR stations must cease operation and wait for their licenses to be issued by the new regulator. However, the interim government allowed those that are still operating to continue. Under the provisional section in the new broadcast law, the NTC, together with a Cabinet-appointed 22-member sub-committee on Broadcasting, had to issue interim licenses to CR stations and regulate them in accordance with the new broadcasting law.

The NTC sub-committee on broadcasting was officially appointed on 7 March 2008 and did not begin its first meeting until 17 September 2008. The working group on community radio was later formed, consisting mainly of members from the sub-committee and additional appointed members. The

¹²Abhisit Vejjajiva, head of the Democrat Party, was Prime Minister of Thailand from December 2008 to August 2011.

working group which began working in late 2008 has been instrumental in drafting the licensing criteria and administering the CR registration and licensing process, a two-stage regulatory approach which began since 2008 until 19 September 2012 when the National Broadcasting and Telecommunications Commission (hereafter NBTC)'s Notification on Criteria and Methods in Temporary Licensing of Community Radio was announced in the Royal Gazette and came in effect.

Based on the data of the working group on community radio, more than 6,000 local community stations registered with the NTC in August 2009 to notify their intent to be on the air, using the CR label. Analysis based on the following criteria – ownership, management, main policy agenda – yields a bird's eye view of “community radio” in Thailand as summarized in Table 4. These registered stations, however, represent different groups from applicants for interim CR licenses. In the latter case, only 240 (latest figures updated in June 2010) with qualifications as indicated in the NTC's Notification applied. It bears notice that the majority of stations that registered in August 2009 are in fact local commercial radio that would fit under the sub-class of commercial radio licenses – local commercial broadcasting. According to the 2008 Broadcasting Act, commercial radio broadcasting licenses are divided into three sub-classes in accordance with three corresponding levels of operation – national, regional, and local.

Table 4: Breakdown in stations that have registered with the NTC and sub-committee on Broadcasting as a result of the NTC’s Notification on Criteria and Interim Licensing of Community Radio

Type/ possible label	Origin/development	Main policy agenda	Estimated number of stations
Civic community radio (community services – geographical and issue-based)	<ul style="list-style-type: none"> • first wave of CR practitioners – originated from the CR learning center • operated under the “owned and managed by, and empowering the community” principle • not for profit, not commercially-driven • coordinated under the National Federation of Community Radio 	<ul style="list-style-type: none"> • To be granted licenses for operation • To be accorded legal protection • To be eligible for financial or technical support 	150-200
Local commercial radio	<ul style="list-style-type: none"> • born as a result of the Cabinet Resolution on 24 June 2003 legalizing a six-minute advertising spot on community radio • operated by small to medium-sized entrepreneurs in local communities around the country • commercially run with 6-8 minutes/hr of advertising, of which 70% featuring local products and services • coordinated under the Association of Professional Community Broadcasters 	<ul style="list-style-type: none"> • to be granted licenses, and accorded legal protection • opposing the auction model of licensing envisioned in new frequency allocation draft law 	3,000

Type/ possible label	Origin/development	Main policy agenda	Estimated number of stations
Local government radio	Public relations and communication tools of local government agencies e.g. university, hospitals	N.A.	500
Religious radio	<ul style="list-style-type: none"> • monks, priests and religious organizations wanting to disseminate religious preaching to local communities • non-profit • individual community stations as well as network of stations across widespread localities and regions 	<ul style="list-style-type: none"> • to be granted licenses, accorded legal protection and guaranteed access to the airwaves 	500
Nominee radio for media conglomerates	<ul style="list-style-type: none"> • commercial • format programming with mainstream music dominating the content 	N.A.	500-1,000 (may overlap with commercial community radio)
Political radio	<ul style="list-style-type: none"> • commercial • political propaganda and clear political partisanship 		500 (may overlap with commercial community radio)
National security radio	<ul style="list-style-type: none"> • promoting national security for centralized government agencies such as the Armed Forces • found in areas with insurgency problems like the three Southernmost provinces 		200-300

Source: The Working Group on Community Radio, Sub-Committee on Broadcasting under the National Telecommunications Commission

Two-stage regulatory approach – registration and interim licensing

The two-stage regulatory approach adopted by the NTC and its newly formed sub-committee on broadcasting was painstakingly designed to accommodate the demands of more than 6,000 potential stakeholders and to maximize limited NTC resources on broadcasting regulation. The two-stage approach involves temporary registration for all existing broadcasters (under the CR label), and interim licensing for CR stations which have shown true eligibility and other qualifications as outlined in the NTC Notification.

1. Registration for all small localized broadcasters (under the title “community radio” in which the registrants had to give the following information -- location of station, name of station board members – and agree to comply with the following conditions under the NTC:

- Not to broadcast the content with this nature:
 - o incite the abolishment of a constitutional monarchy;
 - o have negative consequences for national security, public order, or good morals;
 - o contain obscene or pornographic content that may lower the mental or physical health of the people;
- Record their broadcast content 30 days retroactively;

- Broadcast content according to the program schedule that has been previously submitted to the NTC

2. Licensing community radio station which are legally eligible and possess the qualifications as outlined in the NTC Notification.

According to the 2008 Broadcasting Act and the NTC's Notification on Criteria and Methods in Temporary Licensing of Community Radio, "community radio" is defined as radio broadcasting services which have these characteristics

- organized in the public interest,
- not seeking profits from advertising,
- benefiting and responding to the diverse needs of community or locality receiving the services,
- contributing to the locality by strengthening the community,
- owned and managed by the community,
- being independent and having freedom to present news and opinions that are in line with good ethics and morals,
- being free from domination or intervention of interest groups particularly political groups, political parties, or commercial profit-driven private entities.

The above definition has imposed a major problem and led to a legal tangle with the 6,000-plus local commercial broadcasters, that were borne out of the Cabinet Resolution in 2005 that legalized a six-minute advertising on community

radio. Apart from the new CR definition, another source of the legal tangle is from provision in the 2008 Broadcasting Act that allocated the NTC and the broadcast sub-committee with only the authority to license community radio and non-frequency broadcast services,¹³ and not the other types of licenses. This selective approach not only reflected the interim status of the NTC and the broadcast sub-committee as broadcast regulator but also indicated the regulatory urgency related to CR and non- frequency broadcasting services. However, the unforeseen consequences are that the other types of services not addressed in the law are directly and adversely affected, with the most viable effect on local commercial radio which form the majority of small localized radio landscape.

As soon as the NTC announced its Notification on Criteria and Temporary Licensing of Community Radio in the Royal Gazette in July 2008, local commercial operators felt that they would be immediately outlawed once interim CR licenses are issued. This is because the NTC and the newly-appointed broadcast sub-committee did not have the authority to issue commercial licenses. Likewise, these radio operators were strongly opposing the licensing of CR stations with actions ranging from public advocacy campaigns, submission of complaints to the authority in charge, lobbying

¹³Non-frequency services refer to those services which do not require allocation of frequencies for their broadcast services. This includes cable television, satellite television, and IP television.

through political avenues, to public protests in front of parliament.¹⁴

In any case, a compromise was somewhat reached in the end between the CR working group under the broadcast sub-committee and this segment of local broadcasting. This compromise was evidently reflected in the two-staged regulatory process of registration and interim licensing, as mentioned above. The registration process, which began with pre-registration since June 2008, was open to all broadcasters, using the CR label. Only by registering with the NTC, these broadcasters, which include local commercial broadcasters as well as community broadcasters, will be eligible for a 300-day experimental broadcasting permission. This permission would give them sufficient legal protection until a new convergent regulator is set up.

The drafting of the new frequency allocation law that will establish the convergent regulator began in April 2009 and became a lengthy legislative process. After the House's reading was completed in February 2010, the draft was submitted for Senate which had tabled the law three times before making some changes and re-submitting it back to the

¹⁴Apart from the local commercial broadcasters, some religious radio stations constitute another type of broadcasters that has been at the forefront in opposing the NTC's CR licensing criteria. This is because they do not fit the characteristics of CR as outlined in the NTC Notification due to the fact that they operate as networks of relay stations rather than individual stations with the participation from each respective community in programming and in station management.

House for final reading and enactment. Eventually, the law was passed with majority votes in the House and became in effect on 19 December 2010 when it was announced in the Royal Gazette.

During the interim period leading up to the passing of the new law and a new convergent regulator, the NTC and the sub-committee's appointed working group on community radio, aided by the NTC Secretariat Office, achieved the following milestones with regard to CR regulation:

- 1) the drafting and promulgation of the NTC's Notification on Criteria and Methods in Interim Licensing of Community Radio. The Notification was published in the Royal Gazette in July 2009, being the first official document to lay down definitions, requirements, rules, procedures, and other provisions related to community radio services;
- 2) the registration of stations expressing intent to operate community radio services. This process took place in June - August 2009 with more than 6,000 stations registered, as shown in the breakdown in Table 4 above. Prior to the registration process, the working group organized four public hearings in different parts of the country to seek feedback on the draft Notification and the planned registration;
- 3) the drafting of criteria in community radio broadcasting. Until its term ended in late 2010, the working group on community radio never got to complete its reading of this draft which addressed two important

- topics about community radio regulation: legal enforcement and self-regulation for community radio;
- 4) the consideration of applications submitted for community radio licenses which was entirely separated from 2);
 - 5) the consideration on complaints, consultation notes received with regard to the CR working group and the action of broadcasting sub-committee on community radio services. More than 500 complaints were received. No official record was given as to how many complaints were handled.

Based on official statistics kept by the NTC between 2009-2010, a total of 6,621 stations expressed intent to operate community radio services by registering with the NTC. This figure does not account for a large number of stations which were broadcasting in localized communities but did not come to register. See summary about stations that registered with the NTC, based on geographical regions in Table 5.

Table 5: Breakdown of number of stations that expressed intent to operate community radio services by registering with the NTC, based on geographical regions (2009-2010)

Geographical regions	2009	2010			Not approved
	Number of stations expressing intent to operate community radio services	Number of stations confirming their existence and continued intent to operate community radio services			
		Number of total applications submitted	Broadcasting trial period extended	Pending consideration	
North	821	740	678	62	81
Northeast	2,233	1,922	1,804	118	311
East	1,107	997	949	48	110
Bangkok Metropolitan	721	574	515	59	147
East	636	553	517	36	83
West	326	284	271	13	42
South	777	712	662	50	65
Total	6,621	5,782	5,396	386	839

Source: The National Broadcasting and Telecommunications Commission

Based on the stations that registered with the NTC, expressing intent to operate a community radio service, the NTC classified these broadcasters into seven categories as follows:

1. 278 Buddhism-oriented stations
2. 144 stations of the Siang Tham (Voice of Dharma) Foundation, under the Patronage of Princess Chulabhorn Walailak
3. 403 educational stations
4. 31 agricultural stations
5. 93 social affairs stations
6. 398 national security stations
7. 4,435 stations belonging to other types (mainly local commercial service and political - added by author)

Apart from registering stations that intended to operate as community radio and giving them a grace period to broadcast, the NTC, through the advisory sub-committee on broadcasting, also opened for application for temporary CR licenses which would last for one year. Summary detail of the licensing process under NTC is given in Table 6 below.

Table 6: Summary details about process for temporary licenses of community radio broadcasting under the National Telecommunications Commission (NTC) (October 2010)

Types of applicants	Document verification	Awaiting preliminary reply in 15 days	Under consideration of CR Working Group	Under consideration of Sub-committee on Broadcasting	Under consideration of NTC	Passing NTC approval	Passing NTC approval and during trial broadcast	Total
Juristic persons	160	35	-	-	-	-	-	195
Groups of people	394	233	7	8	34	-	16	692
Total	554	268	7	8	34	-	16	887

Source: the National Broadcasting and Telecommunications Commission

In summary, during the interim period of NTC and sub-committee on broadcasting, a total of two temporary licenses for community broadcasting was granted to two stations – Khon Plang Yao community radio station and Christian Yala community radio station. This is in addition to the granting of permission to broadcast (under a 300-day grace period), with two extensions, to a total of 6,559 small localized stations that were born after the media reform period (see breakdown of these stations according to geographical regions in Table 7).

Table 7: Breakdown of number of stations that were granted the permission to broadcast under a 300-day grace period, according to geographical regions (October 2010)

	Geographical region	No. of stations
1	North	820
2	East	632
3	Bangkok Metropolitan	713
4	Central	1,104
5	South	777
6	Northeast	2,228
7	West	325
	Total	6,599

Source: the National Broadcasting and Telecommunications Commission

Declaration of Emergency Decree and clamping down on CR stations

On two occasions and within a span of one year – April 2009 and March 2010, the Abhisit Vejjajiva government declared a state of emergency in response to the mass rallies in Bangkok organized by the United Front of Democracy against Dictatorship (UDD) or the “red-shirts.” The Emergency Decree enabled the government, through related agencies, to exercise a broad-based censorship and surveillance of the media. In 2009, pro-red websites were blocked while CR stations and cable television stations were raided in April 2009 when Bangkok was taken under siege by the red-shirts rallies.

In 2010, the situation intensified further, with rising incidents of smaller and localized media like cable and satellite television and community radio being used to support and participation in the red-shirt's anti-government campaigns. Amidst this crisis, the government claimed, with supporting evidence, that some of these broadcasts contained hate speech and lèse majesté content that could build hatred, misunderstanding, and social division.

When the red-shirts organized a mass rally in Bangkok in March 2010, the Abhisit government declared a state of emergency and created the so-called Center for Resolution in Emergency Situation (CRES) to enforce the emergency decree. Insofar as community radio was concerned, two warnings were issued from the NTC sub-committee on broadcasting, as prompted by the CRES, to registered CR stations.

In one of the warnings sent to all 6,540 registered stations, the sub-committee reminded the stations to strictly observe the conditions in the NTC Notification by refraining from “broadcasts containing content that may lead to the abolishment of constitutional monarchy, or that may affect national security, public order and good moral and from dissemination of information that are distorted or may instigate violence and unrest.”¹⁵ The registered CR stations were also instructed to keep a record of all their broadcasts for 30 days for perusal by authorities.

¹⁵Warning dated 8 April 2010, issued by the National Telecommunications Commission (NTC) sub-committee on broadcasting entitled “Seeking compliance and non-violation of conditions for the right to interim broadcast of community radio.”

Meanwhile, a number of red-shirt CR stations were reportedly raided and shut down. According to a public statement made by the secretary-general of the Campaign for Popular Media Reform (CPMR), a media rights NGO, the CRES shut down 26 CR stations in nine provinces and pressured six others to discontinue their services while as many as 84 CR stations were blacklisted and their activities closely monitored. In addition, 35 people related to these media outlets – like radio hosts, station chiefs and executives - were facing legal action for allegedly mobilizing their listeners to the red-shirt rally in Bangkok, for broadcasting what was going on at the rally site, and for distorting information. It was not made clear in the statement, however, if he was referring to civic CR stations or local commercial stations that use the CR label.

Community Radio under the NBTC

The 11 members of the NBTC who passed the final selection by the Senate began their work in October 2011. The NBTC contains two smaller boards – the Broadcasting Board, and the Telecommunications Board.

Insofar as community radio was concerned when the NBTC took office, the landscape of this media sector remained unchanged from the prior period of the NTC, with two temporary CR licensees and 6,601 stations operating under grace period of 300 days (with two extensions ending on 10 January 2012). The one-year temporary licensing status had to remain because there had not yet been a frequency reform which would be the result of the drafting and implementation of a new frequency master plan.

Not long after the NBTC commissioners took office, a major flood took place in the lower Central region and Bangkok during October – November 2011. In response, the NBTC issued a letter seeking cooperation to all licensees (both broadcasting and telecommunications) including CR operators (licensees and those operating under grace period) to broadcast information and notify emergency situation to the public about the flood, by relying on the information relayed from the Government television channel – the National Broadcasting Services of Thailand or Channel 11. Channel 11 reportedly received its information from official sources such as the National Disaster Warning Center.¹⁶ The emergency broadcasts were scheduled to take place three times a day for the period of one month.

After the Big Flood, the NBTC stepped up their regulatory action and identified the problems related to CR, cable television, and satellite television as one of the top priority issues and organized these activities that bear direct relevance to CR:

- 1) A public hearing on the draft frequency management master plan, broadcasting master plan, and telecommunications master plan; and

¹⁶Document No. tor chor 1400/11660 dated 14 October 2011 topic: Seeking co-operation on public dissemination of information or disaster notification about the flood.

- 2) A draft Notification on Temporary Licensing of Broadcasting that will open the way for all broadcasters that had been operating to become legalized as licensees.

On 28 November 2011, the NBTC approved on the extension of a 300-day-grace period for experimental broadcasting for those 6,601 radio stations that had previously registered with the NTC and whose period would expire on 10 January 2012. The extension was meant to prevent another vacuum and to prepare the broadcasters towards a new set of rules and regulations that are designed in accordance with the 2008 Broadcasting Act.

At the national public hearing organized on 10 February 2012 to seek public opinions on the three draft master plans as mentioned above, the main issues that emerged with respect to CR were: 1) the allocation of 20 per cent of the airwaves to genuine community radio operators, 2) the need to promote highly qualified broadcasting operators for NBTC Fund's subsidy, and 3) the frequency interference between civic CR and local commercial radio.

There were also disapproving observations made about the length of time required for frequency return. According to the frequency management master plan, the grace period for frequency return is set at 5, 10, and 15 years for radio, television, and telecommunications, in that respective order. Academics and professional organizations were critical of the fact that the grace period was too long and would not lead to a real frequency reform as intended by the mandate set out

in the Constitution. Furthermore, the term of NBTC is only six years which means that this set of NBTC commissioners will not even get to see the actual frequency return taking place, if the grace period is actually pursued. Nevertheless, all the three draft master plans were announced in the Royal Gazette, and became in effect on 3 April 2012.

Subsequently, on 20 July 2012, the NBTC organized another public hearing on the draft Notification on Licensing Criteria on Broadcasting and draft Notification on Technical Criteria for Radio Transmitters. The substance of both draft notifications could be summarized as follows:

- All stations that have been operating under the “community radio” label are required to enter the licensing pool by applying for licenses that most accurately reflect the nature of services they are operating in accordance with the three classes of services outlined in the 2008 Broadcasting Act – public service, commercial, and community.
- All stations are notified about requirements for each broadcasting service – program schedule, program proportion, revenue models, and technical criteria. According to the draft notification, broadcasters in all service classes are allowed to broadcast at signal strength not exceeding 100 watts, with antenna height not higher than 40 meters, and radius of signals within 15 kilometers radius. These requirements are designed mainly to prevent signal interference of one another.

During the public hearing, the following points can be summarized from the pool of opinions from civil CR participants:

1. The request to lower or exempt license fees or technical inspection fees for CR operators who are generally unable to afford the costs and the burden of having to transport the transmitters to the points of inspection in each geographical region;
2. The request for a frequency band allocated specifically for community radio to prevent signal interference;
3. The request for more capacity-building activities for genuine civic CR stations such technical knowledge and skill trainings, promotion of self-regulation of community radio, promotion of local regulatory mechanisms with representation from various sectors including local government, academics, consumer protection, and local businesses, and sustainable approaches in revenue-seeking for CR that will not compromise its civic principles.

In all, the most heated debate at the public hearing fell on the requirement for a common technical condition for all three types of broadcast services. Potential local commercial operators and public service operators are most critical on this arguing that the technical specification is unrealistic and could not accommodate the actual broadcasting of the two types of services. The discontent escalated into a protest and

a submission of letter by a group of red-shirts radio operators. Later, more than six local commercial radio associations assembled to submit another letter to the NBTC, calling for a revision in the draft notification for higher technical specification to 500 watts of signal strength, 60 meters of antenna height, and no specified limit on radius of signal coverage.

Meanwhile, the Center for Media Law and Policy at the Isara Institute, the NFCR and the Association of Local Commercial Radio Broadcasters joined force in issuing an open letter to the NBTC with regard to the future direction of small localized radio in Thailand. The open letter contains a five-point proposal as follows:

1. Implementation of a common standard measure for existing operators and new entrants;
2. Emphasis of factors other than technical criteria in designing the notification -- content, population density, availability of frequency band in each geographical area;
3. Setting up of a self-regulatory body at the local level;
4. Public education about digital technology for small and localized radio operators to prevent frauds and deceits by unscrupulous transmitter dealers;
5. Actual incorporation of public opinions from the hearing into the final notification.

Due to the strong opposition from these groups, the NBTC revised the decision on the technical specification by increasing the maximum signal strength to 500 watts and maximum antenna height to 60 meters, but put a cap on maximum radius coverage at 20 kilometers. The Notifications, with the amended technical specifications, passed the NBTC's approval on 22 August 2012.

In a coinciding time, the Office of the NBTC publicly notified a final deadline for the 764 radio stations that had not registered for an extension of a grace period to broadcast. If these stations did not show up to register their intent to continue the broadcasts within 30 days, their permission for a grace period would immediately cease. Subsequently, in September 2012, the Broadcasting Board under the NBTC discontinued the grace period for a total of 699 stations that failed to show up, 24 stations that withdrew their intent, and three stations with difficulty to continue the broadcasts.

On 19 September 2012, the NBTC Notification on Licensing Criteria for Radio Broadcasting B.E. 2555 (2012) came into effect after being published in the Royal Gazette. As a result, potential radio broadcasters could begin to file their application for licenses. The interesting thing about the Notification, as far as CR is concerned, lies in the provisions that are aimed at proving the real identity of the radio broadcasters. For instance, in the CR application form, applicants are required to submit documents or evidence as follows:

- Proof of station's role in building and strengthening the community for more than two years;

- Proof of consistent public participation in the station such as determining direction of station policy, donation to station, and volunteering in program production.

To date, the NBTC through three sub-committees in radio; namely the sub-committee in community radio, the sub-committee in commercial radio, and the sub-committee in public service radio – are finalizing their reading of the draft Notification on Regulatory Guidelines for Radio Broadcasting. The draft Notification which is in the last stretch of the tabling is expected to be announced and take effect in January 2013. The main substance in the draft Notification address provisions on the administration, programming, and revenue-seeking of all classes of radio stations.

In addition, the author and the team have collated facts and important events related to the development of community radio regulation in Thailand since the year 2000 until 2012 in Table 8 at the end of this chapter.

Conclusion with additional observations

Although CR in Thailand is now recognized as a distinct sector, with a legalized status, emerging rules and procedures, as well as guaranteed access to the radio spectrum, its social role and long-term sustainability still remain in doubts for many reasons.

First, a poorly defined regulatory framework together with lack of understanding about CR by interim regulators have

resulted in CR landscape being captured by commercial and political power groups. The problem with commercial radio stations applying for licenses under the pretext of community service provision would not have occurred in the first place had it not been for the directive back in 2004 that permitted a six-minute advertisement on CR. This uninformed move has created thousands of local commercial radio stations and in effect marginalized the civic and genuine segment of CR. This is ironic given the fact that the 2001 frequency allocation law specifically stipulates that the 20 percent allocation of the broadcast airwaves must be used for civic and non-commercial broadcasting endeavors that serve the public interest.

Evidently, the damage done to the social existence of CR is attributable to the decade-plus regulatory vacuum in which no independent regulatory body was available to steer the course of reform, leaving the nascent broadcast sector to the behest of state power. Furthermore, the interim licensing procedure, a direct product of the 2008 Broadcasting Act, was designed with limited understanding about the complex CR landscape. The designers of the licensing scheme are not familiar with the concept of CR – be it the broadcasting secretariat at the NTC who have done work mostly on telecommunications or the appointed broadcasting sub-committee and associated working group who are mostly government bureaucrats. These bureaucrats are generally ignorant and unsympathetic about the concept of CR, which is a novel idea and an unprecedented communication

endeavor in Thailand. Besides, the changing media landscape featuring new players from civil society and regional capital adds to the complexity of the regulatory scenario. All these took place within a regulatory vacuum and a disarray in frequency access and use.

One problem that was clearly reflected from the interim licensing regime under the NTC and the Sub-Committee on Broadcasting is the reluctance to seek out true civic CR from local commercial CR at the beginning of the licensing process. In the end, amidst criticisms and pressure from the NFCR and civil society members, the NTC decided to issue only two licenses to CR operators who had proven evidence of the required CR qualifications as outlined by the NTC Notification.

The passing of the new frequency allocation law in 2010 led to the setting up of the NBTC and the appointment of its 11 commissioners in 2011, constituting a full-fledged regulator with complete authority in both structure and substance of the regulation. Structurally, the Broadcasting Board within the NBTC has set up more than 20 sub-committees to be advisory boards in the drafting, reading, and considering of issues related to broadcasting regulation. One of the sub-committees appointed is that of CR. Substantively, two master plans were drafted which contain provision related to CR; that is, frequency management master plan and broadcasting master plan. The two master plans specified the exact time period for frequency return as well as future approaches in frequency management. In addition, the NBTC

also introduced the Notification on Temporary Licensing Guidelines for Radio Broadcasting which became in effect in 2012 and finished with the draft on Regulation Criteria for Radio Broadcasting which would undergo a public hearing before coming into effect later in 2013.

Within a year after taking office, the NBTC has achieved important milestones in their regulation of community radio, the main achievement being getting the large number and disorderly small localized radio broadcasters to become organized and reckon that they need to apply for a certain license class that befits their type of service. Notably, the new Notification on Temporary Radio Licensing is not going to have a lasting effect since the term is only one year. The temporary licensing is inevitable as the frequency reform has yet to take place according to the master plan before a full-scale license could be issued. The 19 September 2012 Notification on Temporary Licensing Guidelines for Radio Broadcasting only establishes the “rule of the game” in the transitional period with respect to qualification of radio operators in each class of service, technical specifications and standards.

In any case, community radio practitioners are highly anticipating support for community radio from the Research and Development Fund for Broadcasting as stipulated in Section 51 of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010). The law requires that only those stations that are ready and have outstanding practice model will be eligible for the support

from the fund. In this light, the NBTC will have to exercise extreme caution in drawing up the guidelines and criteria for rendering the support. The Fund shall be an important source of support for CR but they should also not rely excessively on the fund such that the support from the community of service is no longer a factor in their survival.

In the end, a lingering public concern about CR that will continue to have a regulatory bearing is the use of small localized radio for political propaganda or political mobilization. Such use, as noted widely by observers and regulators themselves, involves dissemination of hate speech which is considered very harmful in the context of the deep ideological divide that Thai society is now in. In this light, content regulation in broadcast stations that are diverse in technological platform, target groups, and ideologies will remain a major challenge into the future. The NBTC, while pursuing statutory regulation, will also have to complement the regulatory regime with other models of regulation such as self-regulation by the industry or the community of practitioners, and co-regulation. The next chapter will explore a research endeavor towards a regulatory framework that is open for participation from community radio practitioners, but with regulatory back-stop by the state regulator.

Table 8: Critical chronology of CR development and regulation in Thailand (1997-2010)

Date	Summary of critical events related to CR development and regulation
11 October 1997	Promulgation of 1997 Constitution <ul style="list-style-type: none"> • Section 40 represents a mandate to liberalize frequencies and to create an independent regulatory agency to oversee the reallocation and redistribution of frequencies for public interest
7 March 2000	Enactment of the Frequency Allocation, Regulation of Broadcasting and Telecommunications Act 2000 <ul style="list-style-type: none"> • Section 26 provides that no less than 20 per cent of available frequencies be allocated to the civic sector for non-commercial purposes.
16 October 2000	In compliance with the Frequency Allocation Act 2000, a selection committee comprising 17 members from four different sectors – government, broadcasting profession, academics, and civil society -- was formed for the NBC. The announcement for candidates was publicized, beginning the NBC selection process.
9 April 2001	A number of civil society organizations joined force in submitting an open letter to the NBC selection committee questioning the transparency of the selection process, due to suspected conflict of interest.
24 May 2001	The 17-member selection committee selected 14 final candidates from a pool of 104 applicants and forwarded the names to the Senate for final selection.
June 2001	Deputy secretary-general of the Campaign for Popular Media Reform (CPMR) and an applicant for the NBC filed a suit against the NBC selection committee for alleged collusion between selection committee and selected candidates. The Administrative Court accepted the suit, beginning the probe into the controversial selection process.
19 December 2001	The first CR station went on the air in Kanchanaburi province, based on the interpretation of Section 26 of the Frequency Allocation Act.

Date	Summary of critical events related to CR development and regulation
16 July 2002	Cabinet Resolution on “Temporary Measures and Principles to Endorse Community Radio” <ul style="list-style-type: none"> • allowing CR stations to operate until a new legislation on broadcasting is passed • paving the way for a state-civil society committee to oversee the development of CR
30 October 2002	The Post and Telegraph Department (PTD), with a court order, arrested a CR operator in Angthong province and seized the station’ s low-powered transmitter, on grounds of possessing an illegal transmitter and unauthorized broadcasting.
2002 - 2003	Tug of war between state and civil society with regard to CR <ul style="list-style-type: none"> • Expansion of CR stations, aided by NGOs and academics • The NFCR and several Regional Networks of CR established as alliances to negotiate with the state. • Periodic efforts by the state especially the PRD (a state broadcasting monopoly which contains a section called the National Broadcast Board acting as broadcasting regulator until the passing of the Broadcasting Act in 2007) to clamp down on CR operation and to incorporate CR as part of the local authority i.e. the Tambon (sub-district) Administrative Organization (TAO) radio or PRD network radio. • Alliance of CR networks appealing themselves with independent organizations like the National Human Rights Commission (NHRC) while media rights NGOs like the CPMR and the Thai Volunteer Service (TVS) were very active in advocating for CR existence and in aiding CR practitioners to cope with state harassment and interference.
13 January 2003	Supreme Administrative Court ruled the NBC selection process null and void due to conflict of interest between selection committee and selected final NBC candidates. The first round of NBC selection failed.

Date	Summary of critical events related to CR development and regulation
24 June 2003	<p>Cabinet Resolution approving "Temporary Measures and Guidelines for Community Radio Learning Centers" as proposed by the Office of the PM's Office Ministry.</p> <ul style="list-style-type: none"> • The PRD and other frequency-holding government agencies were advised to allot airtime to the communities, to deter community organizations from establishing CR stations. • Council of State and a representative from the PTD were invited to act on the temporary measure and guideline and to coordinate with the PRD in supervising CR stations.
3 February 2004	A government-appointed sub-committee to oversee CR was created with deputy prime minister as chair and without representation from NFCR or other CR alliances.
24 May 2004	The first trial of the arrested CR operator from Angthong province began, marking the first historic legal prosecution against CR.
9 July 2004	The Office of the Permanent Secretary of the Prime Minister's Office, as a secretariat for the NBC selection, announces the names of the new NBC selection committee, which consisted of six members who would not resign from the first round in 2001.
5 August 2004	A new round of NBC selection began, with the selection committee's public announcement for application.
3 September 2004	The National Broadcasting Board (under the PRD and acting as interim broadcast regulator) approved a 10-point guideline on CR operation one of which was to allow a six-minute advertising spot. The meeting to approve this guideline did not have any of the NFCR or other representatives from the CR community present.
1 November 2004	The PRD, acting under the 24 June 2003 Cabinet Resolution, announced that all CR stations must register with the PRD in order to maintain operation. Those wishing to participate must pay Bt1,000 (about US\$30) upfront and another Bt5,000 (US\$150) as insurance. A six-minute advertising on community radio was also allowed. The time period for CR stations to register themselves under the PRD was between 1 November 2004 to 31 December 2005.

Date	Summary of critical events related to CR development and regulation
14 November 2004	<p>Media rights NGO led by the Institute for Civic Media Development and the CPMR held a press conference to voice objection to the PRD's registration of CR stations and the six-minute advertising permission. Such measures were said to be interfering with the people's CR learning process and contradicting with the constitutional intent to promote local participation and communication rights at the community level. This led to a joint meeting between the PRD and civil society representing CR on 28 November 2004 which amounted to no change in the PRD's regulatory stance.</p>
24 November 2004	<p>The National Broadcast Board of the PRD outlined a new technical scheme to regulate communication radio – a 30-watt transmitter with 30-meter high antennae, and a broadcast radius of no more than 15 kilometers (to be generally known as the 30-30-15 scheme). The PM's Office Minister, overseeing the PRD, set a deadline for all community radio broadcasters to comply with this technical measure by 15 June 2005.</p>
2004-2005	<p>A boom in local commercial radio which incorrectly labeled themselves as "community radio," following the six-minute advertisement permission.</p> <ul style="list-style-type: none"> • Over 2,000 stations were set up in 2005 across the country, including Bangkok, by local entrepreneurs, local and national politicians, media professionals, as well as large media conglomerates. • As most of these commercial local broadcasters broadcast beyond the technical regulation. They reportedly interfere with aeronautical communication. On 6 June 2005, a representative organization called the Network of Local Radio Broadcasters met with PM's Office Minister requesting an opportunity to broadcast beyond the 30-30-15 scheme. • From June to August 2005, the telecommunications regulator NTC, arrested scores of community radio broadcasters while the chairman of the NTC submitted recommendations to the Prime Minister in August to consider banning all CR operations or pass a short-term measure to regulate CR stations until the NBC is established.

Date	Summary of critical events related to CR development and regulation
28 January 2005	The 2nd NBC selection committee selected 14 candidates from the original pool of 103 applicants (from 2001) and forwarded the name to the Senate.
February 2005	The Central Administrative Court accepted a lawsuit filed by an NBC applicant who was not short-listed, on charges of suspected discrepancy in the NBC selection process.
16 August 2005	The Cabinet Resolution on "Approaches to alleviate community radio problems" in which the Minister of the PM's Office and the PRD were assigned the coordinating tasks. This measure endorsed the enforcement of the 30-30-15 technical regulation and the six-minute advertisement while stressing the importance of content monitoring, particularly on security issues, law and order and social morals.
27 September 2005	Senate selected seven candidates from the selected pool of 14 to be National Broadcasting Commissioners.
December 2005	The Supreme Administrative Court ruled that there was a major discrepancy due to conflict of interest in the selection process of the NBC and thus nullified it. The NBC selection failed for the second time.
9 February 2006	The Angthong provincial court passed a verdict sentencing the arrested CR operator to four months in prison (sentence was later suspended) and a fine of Bt40,000 (US\$1,200).
20 September 2006	As a result of the coup on 19 September 2006 which in effect abolished the 1997 Constitution, the Council for Democratic Reform (CDR), the coup-maker, closed down all CR stations in the North and some in the Northeast, claiming that CR was a product of the 1997 Charter so they had to expire likewise.
2 October 2006	The CDR revised its decision and allowed CR stations to operate but under very strict conditions including obligations to broadcast all orders and announcements of the CDR, refraining from political criticisms, discontinuing of phone-in radio programs, and strict enforcement of the 30-30-15 technical requirement.

Date	Summary of critical events related to CR development and regulation
January – May 2007	The interim government installed by the CDR (renamed as Council for National Security of CNS) requested cooperation from all community radio stations countrywide to present “balanced and appropriate” news and information “in order to rehabilitate social harmony and peace.” Meanwhile, community radio stations continued to experience intimidation of various kinds ranging from surveillance, site search, to station closedown.
July 2007	Cabinet of the CNS-installed government approved in principle the Broadcasting draft law submitted by the Minister of PM’s Office before forwarding to the National Legislative Assembly (NLA), an interim legislature also installed by the CNS, for consideration. This met with strong opposition from alliances of civil rights NGOs who viewed the drafting process of the law as undemocratic and at odds with media reform philosophy
August 2007	A National Referendum was organized to seek public approval of the new draft constitution. The draft law received a small margin in favor (51:49) and became enacted as the 2007 Constitution. Section 47 of the new law reiterates the media (frequency) reform intent espoused in Section 40 of the 1997 Constitution. The new Section 47 also stipulates a combining of the two independent regulators as envisioned in Section 40. It says: “There shall be an independent regulatory body having the duty to distribute the frequencies under paragraph one and supervise radio or television broadcasting and telecommunication business, ensure free and fair competition, and encourage the public to participate in management of public communication facilities
December 2007	The NLA completed the second and third reading of the Broadcasting draft law.

Date	Summary of critical events related to CR development and regulation
4 March 2008	<p>The 2008 Broadcasting Act was enacted and published in the Royal Gazette.</p> <ul style="list-style-type: none"> • Community radio gained a legal status in the new law, as one of broadcasting classes, in addition to public service and commercial licenses. CR license holders are required under the law to be non-commercial/not-for-profit, advertising-free, and with an aim to strengthen the community of its service. • The NTC was appointed as interim regulator for broadcasting. The provision section of the law appointed NTC as interim broadcast regulator, with the power to license two classes of broadcast services -- CR operators and operators of non-frequency services e.g. cable, satellite, and IP broadcasting.
April - August 2008	<p>The NTC took over as interim regulator but could not begin their broadcasting regulation assignments as the broadcast sub-committee was never completely appointed by the Cabinet due to rampant political crisis.</p>
August 2008	<p>A 22-member broadcast sub-committee was fully appointed with the composition as specified in section 78 of the 2008 Broadcasting Act.</p>
September 2008	<p>The setting up of the working group on community radio under the sub-committee on broadcasting to draft interim licensing guidelines</p>
January 2009	<p>The first draft of the NTC Notification on Criteria and Licensing of Community Radio Service was completed</p>
February 2009	<p>A series of focus groups were held to get feedback from related stakeholders and experts on the draft Notification.</p>
March-May 2009	<p>Feedbacks were incorporated to the revised version of the draft before forwarding to the Broadcast sub-committee and NTC for approval.</p>
April 2009	<p>Scores of CR stations were raided and some shut down as Bangkok was taken under siege by the red-shirts unrest.</p>

Date	Summary of critical events related to CR development and regulation
27 May 2009	The revised draft was publicized on the NTC's website for 15 days to seek public participation and comments.
June – July 2009	<ul style="list-style-type: none"> • The draft Notification was revised again before being forwarded to the sub-committee and the NTC for final approval. • The working group held 4 workshop meetings in different parts of the country – Bangkok, Chiang Mai, Songkla, and Khon Kaen -- to introduce the draft Notification to the CR public and to provide stations with intent to operate CR services for a pre-registration. <p>A total of 3,858 stations submitted papers for pre-registration.</p>
24 July 2009	The promulgation of the NTC's Notification on Criteria and Methods in Temporary Licensing of Community Radio. The Notification was published in the Royal Gazette in July 2009 and went into effect the next day, 25 July 2009.
27 July 2009	The NTC's working group on CR began the 30-day registration period for stations with intent to operate CR services. This is part of the NTC's two-stage approach of registration and licensing. The registration took place at 15 centers around the country. 2,663 stations registered during this period. Combined with the number that pre-registered, the total number closed at 6,521.
25 November 2009	The NTC sub-committee issued a warning to all CR stations that have registered to comply strictly to the NTC's Notification on Criteria and Methods in Temporary Licensing of Community Radio. The warning was inspired by a death threat made and broadcast by a community radio station in Chiang Mai against Prime Minister Abhisit Vejjajiva.
March – June 2010	As a result of the emergency decree declared during the red-shirt crisis in Bangkok, 26 red-shirts CR stations were shut down while six forced to discontinue services. Scores of CR stations and practitioners were also blacklisted and kept under surveillance while some are facing prosecution for allegedly mobilizing their listeners to the red-shirt rally in Bangkok, for broadcasting what was going on at the rally site, and for distorting information.

Date	Summary of critical events related to CR development and regulation
2009 - 2010	More than 800 radio stations, a mixture of civic CR stations, local commercial radio stations, and other types of smaller radio stations, have applied for licenses with the NTC. The working group on community radio, under the NTC sub-committee on broadcasting, and the NTC board, disagreed on the qualifying process of CR stations for licensing. The issue of having commercial objective and advertising was the main issue of contention. The licensing process was pending as a result.
19 Dec 2010	The Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) took effect.
Jan 2011	The Act demanded that an independent organization, the National Broadcasting and Telecommunications Commission (NBTC), be established. The selection process for NBTC candidates began.
17 Mar 2011	The NTC, a former telecoms regulatory body that acted on an interim basis as the NBTC, approved an extension of a grace period for temporary community radio broadcasting for all 6,599 stations that registered with the NTC earlier.
24 Aug 2011	The NTC Board meeting approved temporary license for two community radio stations, Khon Plang Yao station (105.75 MHz) and Christian Yala station (88.00 MHz).
7 Oct 2011	The appointment of 11 NBTC commissioners was endorsed by the King and they started their first day of work.
14 Oct 2011	The NBTC issued an announcement for flood warning to operators who have broadcasting and telecommunications licenses, as well as those stations that received temporary licenses on community radio.
28 Nov 2011	The Broadcasting Board under the NBTC agreed to extend the grace period for broadcast trial for operators who had previously expressed intent in operating community radio

Date	Summary of critical events related to CR development and regulation
10 Feb 2012	<p>The NBTC organized a public forum to seek public opinions on three draft master plans – frequency management master plan, broadcasting master plan and telecommunications master plan.</p> <p>Main issues debated:</p> <ol style="list-style-type: none"> a) Open the opportunity for civil society to access and use radio frequencies, regarded as national communication resources, for broadcasting activities; b) Build capacity for licensees from the civic sector who fit under the mandate to allocate 20 per cent of available frequency to this sector. <p>Recommendation from civic community radio :</p> <ul style="list-style-type: none"> • The NBTC is urged to tackle the following issues as their top priorities: <ol style="list-style-type: none"> 1) Finding a solution The solution for overlapping frequency and signal interference between community radio and commercial radio, 2) Promoting and supporting community radio stations that operate in accordance with genuine CR principles, and allocating specific frequency bands particularly for community radio. • Observations : <ol style="list-style-type: none"> 1) the haste with which the NBTC organized the public forum was criticized by members of the public participating in the forum; 2) the anticipated grace period for frequency return at 5, 10, and 15 years for radio, television, and telecommunications, respectively, is deemed to be too long and the standing NBTC commissioners would not even stay in their office long enough to see the reform take place, if such plan is pursued.
3 April 2012	<p>Master plan on Frequency/Spectrum Management (BE 2012), Master plan for Broadcasting (2012-2016) and Master plan for Telecommunications (2012-2016) were announced in the Royal Gazette</p>

Date	Summary of critical events related to CR development and regulation
20 July 2012	<p>The NBTC held public hearings to seek comments and participation on Draft Notification on Temporary Licensing of Community Radio Broadcasting and Draft Notification on Technical Standards of Community Radio Broadcasting.</p> <p>Main issues :</p> <ul style="list-style-type: none"> a) Classification of radio services in accordance with the Broadcasting Act B.E. 2551 (2008); b) Preparation of entrants to the licensing scheme in terms of qualifications, program schedule, program ratio, revenue-seeking to comply with conditions imposed for each class of radio service; c) Criteria to ensure technical standard to avoid signal interference -- 100 watts of signal strength, 40 meters of antenna height, and 15 kilometers of broadcasting radius. <p>Recommendation from civic community radio operators :</p> <ul style="list-style-type: none"> 1) Reduction and exemption of tariffs and technical inspection fee of transmitters, 2) allocation of specific frequency bands for community radio, 3) promotion and support for community radio stations that adhere to CR principles in terms of knowledge and technical skills training, capacity-building, self-regulation, and promotion of local mechanism for settling frequency interference issues, and revenue-seeking model and funding. <p>Requests from local commercial radio operators and public service radio operators for NBTC to revise the common technical requirements required across all three types of radio services</p>
1 Aug 2012	<p>The NBTC announced in newspaper for three days requesting radio stations and community radio stations that failed to report to the office during the extended grace period of broadcasting trial to contact the office within 30 days. After this deadline, the NBTC will revoke all the rights for their broadcasting.</p>

Date	Summary of critical events related to CR development and regulation
14 Aug 2012	<ul style="list-style-type: none"> • Six local commercial radio associations assembled to submit a letter to the NBTC, calling for a revision in the draft notification for higher technical specification to 500 watts of signal strength, 60 meters of antenna height, and no specified limit on radius of signal coverage. • The Center for Media Law and Policy at the Isara Institute, the NFCR, and the Association of Local Commercial Radio Broadcasters joined force in issuing an open letter to the NBTC with regard to the future direction of small localized radio in Thailand. The open letter contains a five-point proposal as follows: <ol style="list-style-type: none"> 1. Implementation of a common standard measure for existing operators and new entrants; 2. Emphasis of factors other than technical criteria in designing the notification -- content, population density, availability of frequency band in each geographical area; 3. Setting up of a self-regulatory body at the local level; 4. Public education about digital technology for small and localized radio operators to prevent frauds and deceits by unscrupulous transmitter dealers; 5. Actual incorporation of public opinions from the hearing into the final notification
22 Aug 2012	The NBTC amended the criteria on technical standards by increasing signal strength from 100 to 500 watt, height of antenna from 40 to 60 meters, and broadcast radius from 15 to 20 kilometers.
10 Sep 2012	The NBTC revoked the rights of community radio broadcaster broadcasting under extended grace period.. This includes 726 stations who failed to report to the NBTC before the deadline.
19 Sep 2012	The NBTC Notification on Licensing Criteria for Radio Broadcasting B.E. 2555 (2012) came into effect after being published in the Royal Gazette. Three types of operators/broadcasters can submit applications for license

Source: Data between 1997 – 2007 from Saroj Wellmanee. 2009. Report on the Basic Information about Civic Community Radio in Thailand. Bangkok: Heinrich Boell Foundation; Data from 2008 to 2012 is compiled by the author and the team.

03

Building a Participatory Regulatory Framework for Community Radios in Thailand

This chapter presents results from two action research projects aimed at promoting democratic regulation for community radio in Thailand. In the first project, the author received a grant in Media and Communications from the Social Science Research Council (SSRC) in the U.S. The research, entitled “Building a Democratic Regulatory Framework for Community Radios in Thailand”, was carried out during a period of 15 months from 2009 to 2010. The project was initially conceived as an academic collaboration between the Thai Media Policy Center at the Faculty of Communication Arts, Chulalongkorn University, and overseas research centers such as the Center for Global Communication Studies (CGCS) at the University of Pennsylvania in Philadelphia, USA and the Hans Bredow Media Institute in Hamburg, Germany, as well as with regional and local NGOs such as the Southeast Asian Press Alliance (SEAPA) and the Campaign for Popular Media Reform (CPMR). Details of the research and complete report in English language can be downloaded from the SSRC’s

¹<http://mediaresearchhub.ssrc.org/grants/funded-projects/building-a-democratic-regulatory-framework-for-community-radios-in-thailand-1/building-a-democratic-regulatory-framework-for-community-radios-in-thailand>

website.¹ The second project was an academic service activity, entitled “Building Participation in Community Radio Regulation”. Under a grant by the NBTC, the project was a workshop to continue, revise, and expand upon the results stemming from the first research project.²

Building a Democratic Regulatory Framework for Community Radios in Thailand

Background and rationale

Community radio in Thailand was born as a result of media reform movements that began after a political crisis in 1992 following a bloody military crackdown on pro-democracy demonstrators and intense censorship in mass media. These movements ran in parallel with political reform movements that gave rise to the new Constitution, the People’s Charter, in 1997. The Thai Constitution B.E. 2540 (1997) went much further than previous Constitutions in terms of provisions on citizen’s rights and liberties, particularly those concerning the mass media. A historic provision that features a mandate for frequency reform, and subsequent legislation opened the way for the first community radio station to be on the air in 2001, setting the stage for waves of similar small stations to follow.

Thailand has seen a rapid expansion of community radio in the early 2000s. Despite its benefits to small broadcasters

²This academic service project was headed by Assistant Professor Pichitra Sukamoto and assisted by Miss Nantaporn Techaprasertkul. I am truly thankful for their permission which allowed this project’s results to be presented in this book.

and grassroots audience, this relatively new media sector has faced constant challenges from state interference, politicization, a lack of enabling regulatory framework as well as a lack of capacity-building for program quality. A series of policy interventions has resulted in the community radio landscape becoming dominated by commercial and political influences.

In 2008, the Broadcasting Act B.E. 2551 (2008) was promulgated, dividing broadcasting services into three classes of licenses -- public service broadcasting, commercial broadcasting, and community broadcasting. The last category granted community radios the legal status for the first time. According to the conditional provision of the new law, the National Telecommunications Commission (NTC) was made interim regulator for community radio together with the advisory broadcasting sub-committee that was later appointed to take charge of issuing temporary licenses to community radio operators. But these processes were met with obstacles from political conditions beset by political conflict and the ideological divide that characterized the post-2006 coup era.

The situation intensified further by recent political upheavals in the kingdom in which community radio stations became mouthpieces for dissenting opinions and were, under emergency decrees, subsequently suppressed through station shutdowns, legal prosecution, and harassment. Meanwhile, the marginalized civic community radio, which represents true grassroots broadcasters are struggling to make community radio better understood by society with efforts at self-regulation. In this nexus, this research project has become part of

the blueprint towards that regulatory endeavor as partnership and alliances have been forged between academics, NGOs, and community radio practitioners throughout the highly participatory research process.

Research objectives

This research project aimed to achieve two identifiable goals:

- a regulatory model – structure (framework) as well as substance (codes) -- for community radio (CR) that is open to participation from CR practitioners and non-state organization representing the CR community;
- Capacity-building for community radio practitioners in terms of awareness raising and education about code of ethics and self-regulation.

The above goals are informed by the following research objectives:

- 1) To develop and advocate a regulatory framework for community radios in Thailand, with an emphasis on co- and self-regulatory models;
- 2) To develop and advocate codes of ethics/practice for community broadcasting in Thailand, by seeking participation and input from stakeholders in the CR community and related civil society;
- 3) To analyze opportunities and problems as a result of the implementation of the 2008 Broadcasting Act, with respect to regulation of community radio stations.

Theoretical framework: Self-regulation and co-regulation

The study takes a decentralized and process-oriented understanding of regulation as its point of departure. Traditional command-and-control regulation by the state is viewed as self-serving, ignoring the interests of the objects it regulates, and possibly generating resistance rather than cooperation. In the case of community radio, which is built on guiding principles of participation, independence, and diversity, it is important that the state refrains from directly interfering with the regulatory process and allows for a more democratic social process that will lead to the achievement of the objectives of regulation on its own. Likewise, self-regulation and co-regulation are viewed as plausible means towards that end in this study.

While a great deal has been written on self-regulation, there has been no precise definition of the term. Until even as late as 1993, self-regulation was widely understood as the regulation of an industry by itself. But it has also been noted to carry a range of meanings.

At one end of the spectrum, the term is used quite narrowly, to refer only to those instances where the government has formally delegated the power to regulate, as in the delegation of securities industry oversight to the stock exchanges. At the other end of the spectrum, the term is used when the private sector perceives the need to regulate itself for whatever reason -- to respond to consumer demand, to carry out its

*ethical beliefs, to enhance industry reputations, or to level the market playing field -- and does so.*³

The motivations for self-regulation also vary. Some of its applicators are concerned about raising the quality of goods and services -- the content in the case of the media -- while others are concerned about quality to protect the consumer. Some industries self-regulate as they face the threat of statutory regulation; for instance, the journalistic press.

In any case, self-regulation necessitates an establishment of a set of social norms by a community or a professional sector to lay the ground rules for interaction within that community or sector. These ground rules are usually known as “codes” or “codes of ethics” or “codes of practice”. There are diverse approaches in the focus of codes and their method of enforcement from:

- 1) self-regulatory codes that are developed in consultation with consumers, governments and interested third parties then adopted and administered exclusively by a trade or profession;
- 2) codes that are drawn up by trade associations in consultation with a government agency responsible for that area, and are used to regulate an entire sector including non-members to associations. The

³Irving, Larry.1997. *Introduction to Privacy and Self-Regulation in the Information Age*. National Telecommunications and Information Administration (NTIA). http://www.ntia.doc.gov/reports/privacy/privacy_rpt.htm (accessed April 15, 2009).

enforcement relies on statutory backing to ensure compliance;

to

- 3) “pure” self-regulatory codes that do not involve the government at all. These include codes of conduct and practice at the corporate or sectoral level.

In the most conventional sense, self-regulation occurs when regulatory authority -- creating a rule, enforcing the rule, and reprimanding the rule-breakers -- is formally delegated to a private (non-state) entity. In most cases of self-regulation, sanction tends to be weak due to the lack of a compliance mechanism, which is generally most effective when it is backed up by the sanction of law. Sometimes, to ensure compliance, the punishment may be meted out to the formal regulatory authority instead of the private body.

Increasingly, the approach of having the government as a backstop is known as co-regulation and some view it to be distinct from self-regulation that involves pure self-regulatory codes enforced through voluntary co-operative actions by stakeholders. To a large extent, co-regulation emerges to improve upon the weaknesses of self-regulation which tends to be ineffective in a number of cases. For self-regulation to be effective, the following have been noted to be important requirements:

- 1) Recognition among stakeholders, who are objects of the regulation, the need for a consistent set of “rules of the road” – the codes;

- 2) Motivated industry or community of stakeholders which could arise through the use of carrot-and-stick strategy;
- 3) Smaller number and more homogenous group of players as opposed to a larger number and heterogeneous group of players;
- 4) A government regulatory backstop or a legal backup scheme;
- 5) Maturity and financial viability in the market or the sector where self-regulation is enforced;
- 6) Multiple levels of handling disputes to filter in only more contentious issues while weeding out minor disputes.⁴

Furthermore, some observers also point out that self-regulation works best when, among other things:

- there are clearly defined problems but no high risk of serious or widespread harm to consumers, so that the failure of self-regulation imposes no great damage;
- there is an active and cohesive industry association (or sectoral representative organization, added by author) that embraces much of the industry so that enforcement is easier; and
- the industry is competitive as signing up for a code differentiates one company from another.⁵

⁴Ang, Peng Hwa.2005. "The Possibilities and Limits of Self-Regulation," in Ang Peng Hwa (ed.) *Ordering Chaos: Regulating the Internet*. Singapore: Cengage Learning.

⁵Ibid.

By contrast, characteristics that do not favor self-regulation include the following:

- an industry still in its infancy,
- heterogeneity of industry players,
- the absence of any cohesive industry association, and
- an industry generally disinclined towards any form of regulation, perhaps even self.⁶

According to Schulz (2004),⁷ co-regulation consists of two main components:

- 1) the non-state component involving
 - a. the creation of specific organizations, rules, or processes,
 - b. the objective to influence regulatory decisions,
 - c. the performance by organizations or members of sector that are addresses and objects of regulation themselves;
- 2) the link between non-state and state regulation reflecting
 - a. objective towards achievement of public policy goals,
 - b. legal connection between non-state and state regulation,

⁶Buckley, S. Duer, K. , Mendel, T. and Price, M.2009. *Broadcasting, Voice and Accountability: a Public Interest Approach to Policy, Law, and Regulation*. Ann Arbor: University of Michigan Press., p. 212

⁹Coyer, Kate.2005. "Community radio licensing and policy: An overview", *Journal of Global Media and Communication*. New York: Sage.

- c. the state leaving discretionary power to a non-state regulatory system,
- d. use of state's regulatory resource to influence the non-state regulatory system e.g. money and power.

The non-state component shall be responsible for three important tasks: rule-making, implementation, and enforcement.

Schulz also notes that factors influencing the effectiveness of co-regulation include:

- regulatory culture that is conducive towards participation of addresses in the sector in drafting codes or enforcement of rules;
- incentive for co-operation and enforcement:
 - o Since co-regulation depends on the industry/sector's commitments, the incentives for the industry/sector to cooperate have to be adequately high,
 - o Sufficient means to enforce the regulation – adequate and proportional sanctions,
 - o In most cases, the incentive lies in the avoidance of state regulation
- a significant decrease of the state's regulatory power to pave the way for co-regulator; and
- the exemption for the state's implementation of its own regulation only in case non-state regulation fails.
- process objectives
 - o the existence of sufficient safeguards for process objectives,
 - o transparency and openness of the system.

The study draws upon the above review of literature on self- and co-regulation in order to construct a co-regulatory model for community radio and to help analyze the limits and possibilities of co-regulation in the Thai situation.

On community radio (CR) and CR codes of ethics/practice

Definitions of community radio may vary slightly from country to country, but according to Buckley et al (2008) and Coyer (2005), the major characteristics of community radio should include the following:

- independence from government and commercial entities;
- provision of programming service relevant to the community being served -- either geographic community or community of interest;
- ownership and management by people of that community to which the station is accountable;
- service for purposes of social gain rather than private financial profit;
- active involvement of community members as audience as well as participants in program production and station management.

In addition to the above, another characteristic of community radio, which distinguishes it from non-national regional or local programming (whether provided by public or private funding), is that it should be a product of the community it serves rather than an arm or outpost of a larger, more central organization.¹⁰

Meanwhile, CR can operate on three levels in terms of broadcasting objectives, from playing to its listenership, developing an interactive and informed audience, and encouraging active participation in production, media utilization and awareness.¹¹

The above characteristics have been useful as guiding criteria for selecting the study's population, which turns out to be quite small, accounting for about 200 stations nationwide. This is exclusively known as *civic community radio* or *witthayu choomchon phak prachachon* in Thai. The small number is in stark contrast to more than 6,000 stations that registered to broadcast under the CR label but actually operate as local commercial stations (see more in the section on current regulatory situation of community radio).

Apart from helping identify the target group of study, the above CR characteristics also reflect fundamental principles to which CR stations and practitioners must adhere. This constitutes the preamble to the draft codes of ethics/practice for community radio in Thailand, which was an important research tool in drawing participatory action and input from the CR practitioners throughout the courses of the research, and which finally coalesced as a major output of the research.

¹⁰Taussig, Andrew, and Millwood-Hargrave, Andrea. 2009. *Community radio in Thailand: Final Report for the National Telecommunications Commission of Thailand*. London: International Institute of Communications, p. 6.

¹¹Ibid., p.7.

While codes of ethics are quite commonplace for professional radio broadcasters or public service broadcasters, such is not so for community radio broadcasters. This is mainly because codes of ethics (also known as codes of practice or codes of conduct) are generally intended to serve as a guide to the everyday conduct in a certain profession. But most CR broadcasters are not professionals but volunteers who participate in their free or personally allocated time, with usually little or no financial incentives. Therefore, they may not feel the same obligation to certain standards of practice as would be professional broadcasters.

Notably, research and advocacy on CR have not given emphasis on code of ethics/ practice as would be on the impact of community radio and the struggle of community radio in different national settings. Even the World Association of Community Radio (AMARC), which is a global network of stations, federations and community media stakeholders, has prioritized such impact assessment study and policy lobbying for legal and enabling regulatory frameworks for CR more than self- or co-regulatory endeavors.

Nevertheless, given CR's social objectives and its consistent interaction with the community, it is highly likely that CR practitioners would encounter some forms of ethical issues or dilemma in their "non-professional" practice. Furthermore, since the status and legitimacy of existence of CR are still in contention in many countries, not to mention constant efforts at control by the state, endeavors towards ethical standard, good practice, and self-regulation are likely to improve upon CR's recognition as well as independence. For these reasons

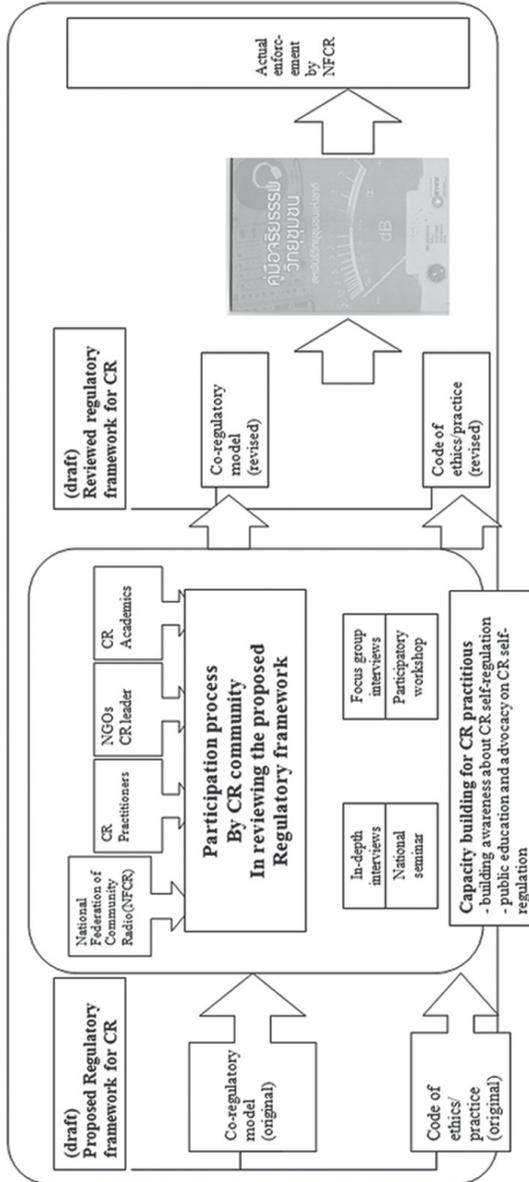
and more, the establishment of such “rules of the road” as CR code of ethics/practice has emerged in a few countries where CR development has been strong. The most widely cited case is Australia, reputed for an advanced CR development that began since the 1960s and now constitutes the prominent third sector in Australian broadcasting as well as culture.

The Australian CR code of practice was developed by the Community Broadcasting Association of Australia (CBAA), working with the local CR sector and in consultation with the Australian Communications and Media Authority (ACMA), the country’s regulator of broadcasting and telecommunications. Apart from stipulating guiding principles in their CR practice, the CBAA codes address and provide guidance for ethical conduct in these following issues: programming guidelines, national content, sponsorship, volunteers, internal disputes, complaints-handling, and review of codes.

The original draft CR code of practice in this study uses the Australian model as a general framework while adopting additional issues and ideas from other CR guidelines in countries like India, Bangladesh, as well as codes developed by private broadcasters like the Canadian Association of Broadcasters (CAB) and those developed by regulators like the Canadian Broadcast Standards Council (CBSC), and the British Office of Communications (Ofcom).

While the sources of input may vary, the draft CR code is intended to be a self-regulatory code that does not involve the government or extra-CR bodies while reflecting ethical principles and social responsibility, based on Thai CR’s core values that inform their practice.

Figure 3: CONCEPTUAL FRAMEWORK



METHODOLOGY

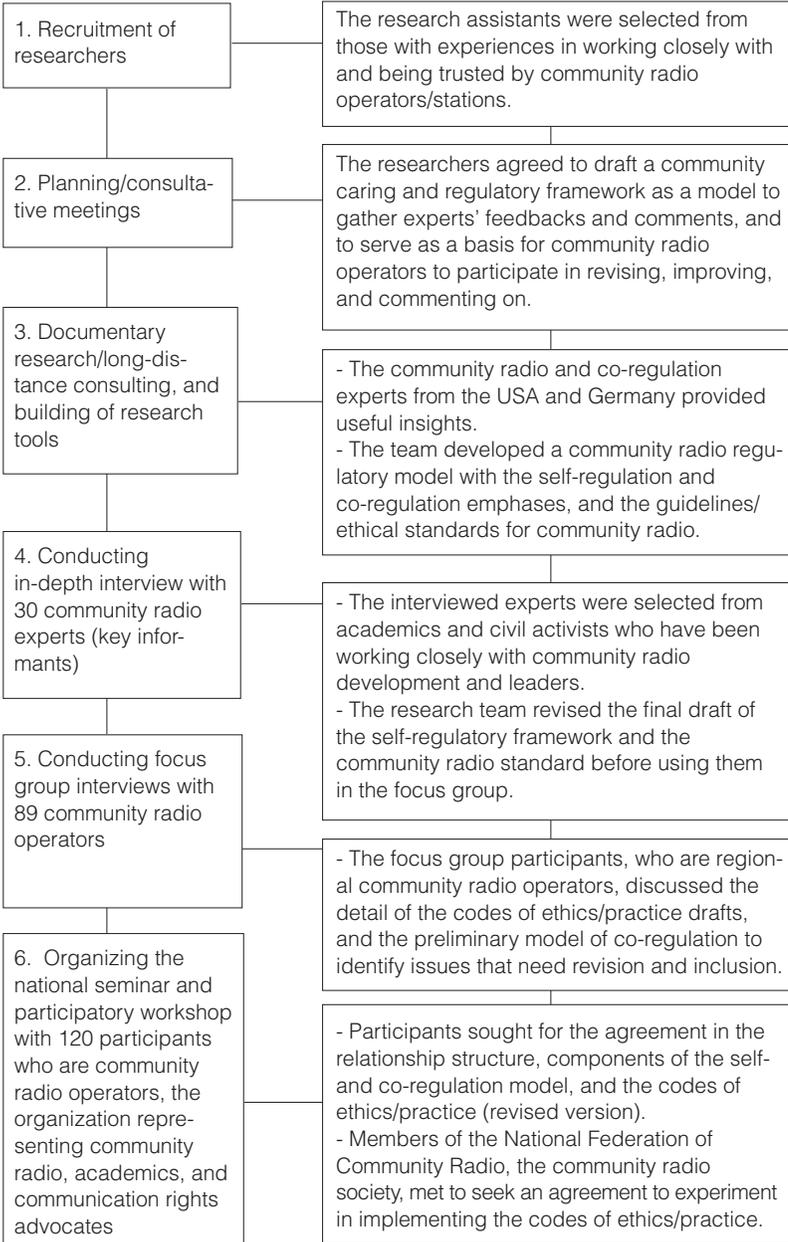
The research process, which spanned over a period of 15 months, involved the following research methodologies:

- 1) in-depth interviews;
- 2) focus group interviews;
- 3) documentary and desk research; and
- 4) participatory action research.

The research also entailed multi stages of operation which can be summarized as below:

- 1) recruitment of researchers;
- 2) planning/consultative meetings;
- 3) document research, long-distance consulting, and building of research tools
- 4) key informant interviews;
- 5) focus group interviews; and
- 6) national seminar/participatory workshops.

Figure 4: The research phases



Recruitment of researchers

Due to the highly participatory nature of the research and the fact that the principal researcher is unfamiliar with local CR practitioners, it is crucial that the research team be trusting figures and has strong association within the local CR community. Research assistants were strategically recruited because of their strong relationship with CR practitioners and local communities in which CR is present. These organizations are 1) the Campaign for Popular Media Reform (CPMR), 2) the Thailand Volunteer Services (TVS), 3) the NFCR, and 4) the Network of Civic Media of the North (see more detail in Appendix 2).

Planning/ consultative meetings

After the recruitment was completed, two meetings were held. The first meeting was organized to discuss the research goals and objectives, major themes of inquiry, and feasibility of the research project, and then to map out research strategies and data collection plans.

At the second meeting, after the research team was given time to study the research objectives which are mainly to develop and advocate co-regulatory model and code of ethics/practice for community radio practitioners, a slight change in data collection plan was proposed. It was agreed among the researchers that instead of going out into the research field empty-handed and seeking input from CR informants from scratch, it would be better to have a draft version of the codes of ethics/practice and co-regulatory

model handy for feedback and comments. This was, as the research team suggested, because most civic CR practitioners are generally rural grassroots people and are not acquainted with the concept of systematic regulation or written codes. They are also more used to oral communication and face-to-face interaction. Therefore, talking to them would be the best way to extract this latent knowledge and to uncover self-regulatory practices which might have already been in place in their CR operation.

Document research, long-distance consulting, and building of research tools

As arrangements were being made for the key informant interviews, the principal researcher and a research assistant began the process of documentary research and analysis into codes of ethics/practice of community radio and co-regulatory models in other countries where democratic participation are evident. During this stage, the principal researcher benefited highly from the assistance of Dr. Kate Coyer of the Budapest-based Center for Global Communication Studies (CGCS) at Central European University, and Dr. Wolfgang Schulz of the Hans-Bredow Media Institute at the University of Hamburg in Germany for the transfer of knowledge and expertise in comparative communication policy and regulation through long-distance consulting and email exchanges. The principal researcher also examined studies, laws and policies related to Thai community radio for a nuanced understanding of the situation before setting out

on the drafting of the code and co-regulation framework. After one month, the draft code and co-regulatory model were completed and ready for reaction by members of the research team. At the third meeting, the research team went through the draft code and co-regulation model together point by point. Discussion points and suggested changes were recorded by the research assistant. After the meeting, the principal researcher went through these suggested changes once more before making modification to the original drafts and sent the revised drafts to all researchers for second review. Email exchanges were used to follow up at this point. Very minor changes were made in the email round and the drafts were ready as tools for investigation in the next phase of the research.

The first draft code of ethics/practice for community radio consists of four general sections, with each section containing substance as shown in Table 9 below.

Table 9: Summary account of 1st draft of code of ethics/ practice for community radio

Section Title	Substance
Historical origin of community radio	Article 40 of the 1997 Constitution which mandates reform in frequency access and use, as well as the setting up of regulators to oversee broadcasting and telecommunications operations
Guiding principles of community radio	<ul style="list-style-type: none"> • ownership by the community • operation, management and participation by the community • empowering and responsibility to the community • non-profit, not commercially-driven operation • independence from vested interests e.g. business and politics • promotion of linguistic, cultural diversity, and identity of the community of service

Section Title	Substance
Legal provisions on community radio	<ul style="list-style-type: none"> • legal definition • application requirements • technical requirements • content/programming requirements • forbidden content • no advertising • financial transparency • station operation and liability
Codes of ethics/practice	<ul style="list-style-type: none"> • responsibility and accountability to the community • content diversity and local content • programming and content • sponsorship, donations, and contributions • participation of community and volunteers • complaints-handling • revision of code

The draft co-regulatory model comprises three main sections as summarized in Table 10 below.

Table 10: Summary account of 1st draft of the co-regulatory model for community radio in Thailand

Section title	Substance
Principles of co-regulation	Description and comparison of three regulatory models – command-and-control, self-regulation, and co-regulation
Chart depicting the proposed co-regulation model of Thai community radio	Structure and flow chart depicting relationship and sharing of responsibility between different institutions and stakeholders in the proposed co-regulation model
Processes in co-regulation of community radio	Step-by-step explanation of each stage in the co-regulation

The detail of the first draft of codes of practice/ ethics for community radio can be viewed in Appendix 1.

Key informant interviews

Thirty key informant interviews were carried out in six geographical regions of the country -- North, South, East, West, Bangkok and Central, and Northeast. The most number of interviews took place in the Northeast due to the relatively larger size of the region as well as the number of CR stations in operation, which is the highest compared to all regions. The breakdown in number of interviews according regions is provided in Table 11.

Table 11: Number of key informant interviews according to regions

Region	Number of key informants
North	5
Northeast	7
West	4
East	4
Centre/ Bangkok	5
South	5

After the interviews were completed, each researcher was given one month to write up his or her respective report of the interviews. After one month and upon receiving the interview reports from all researchers, the principal researcher scheduled another meeting with the research team to discuss issues that arose from the key informant interviews, focusing on points that were deemed unacceptable in the draft codes of ethics/practice and co-regulation model, as well as on ways to best incorporate the diverse opinions and suggestions generated through the interviews. The research team also discussed at this meeting plans for the next step of research -- the focus group interviews. A total of 10 focus group interviews were planned to take place in different regions of the country.

After the changes were made to the draft codes of ethics/practice and co-regulatory model, the revised drafts were sent to the research team for further review via email. Only a few changes were added to both revised drafts at this

point. The revised drafts were ready for the next stage of research – the focus group interviews.

Focus group interviews

A total of nine focus group interviews took place in different regions of the country, one less than originally planned.¹² The general makes of these group interviews are summarized in Table 12.

Table 12: Number of focus groups and participants per group in all regions

Number of group per region	Region	Number of Participants
1	North	9
3	Northeast	16
	- Upper	
	- Central	12
	- Lower	21
1	West	7
1	East	8
1	Central/ Bangkok	5
1	South	11

¹²The focus group interview scheduled for the lower part of the Northern region did not materialize due to low participation. Therefore, the researcher responsible for the Northern region decided to call it off.

The focus group interviews brought together representatives of CR community from across the country to discuss and exchange on structure and substances of the two drafts as well as on ways to realistically pursue self-regulation of the CR sector in the future. Despite the fact that all participants are volunteer CR practitioners, they reflect clear diversity in backgrounds, reason for their CR involvement, and perspectives on CR regulation. List of names and brief background of participants in the focus group interviews is provided in Appendix 3.



Picture 5: Focus group interview with participants from the North

Picture 6: Focus group interview with participants from the West

National seminar and participatory workshops

After all focus group interviews were completed, each researcher was given about one month to write up their focus group reports which was in due time submitted to the principal researcher. Together with the research assistant, the principal researcher analyzed the submitted reports, trying to highlight the elements in the co-regulatory framework and substantial details in each code that were most debated across different

focus groups, while concluding on the codes and other substances that were generally agreed upon across the different groups. The additional input from focus group participants was coded in different colors, for example, blue for additional information from the northern participants, and pink representing that of participants from the South, etc.

Another meeting of the research team was organized after all focus group reports were concluded to discuss a plan for the next stage of the research – a national seminar and participatory workshops. After some discussion, the research team agreed on Chiang Mai as a venue for the event for four main reasons. First, it was picked for practical reason because one of the researchers, Saroj Wellmanee, is located in Chiang Mai and thus could be effective as local partner. Secondly, Chiang Mai is also home to many leading community radio stations and also to the Network of Community Radio of the North, hence a very active area insofar as CR endeavors are concerned. Thirdly, the research team felt that Chiang Mai would represent a more decentralized mood which is appropriate for a CR event in which most participants would be coming from provinces other than Bangkok. Last, but not least, Chiang Mai is an important transportation hub and also a tourist attraction. Therefore, it would provide incentives for CR practitioners from all over the country to come and attend the planned seminar and workshops.

After a series of meetings and consultations -- face-to-face and online -- necessary arrangements were made in all areas: travel, venue of seminar, meals, schedules, activities.

The research team agreed to host the planned national seminar/workshop on 13 September 2009 at the three-star Chiang Mai Hill Hotel. Travel and accommodations were taken care of by the secretariat specially formed for the research project, which included all the researchers, a number of recruited staff – graduate students and lecturers who are keen on CR – and the principal researcher. The planning was extensive as about 100 participants were targeted. But the secretariat was highly efficient and very tedious in their planning.

On the eve of 12 September 2009, the day before the planned conference/workshop, a solidarity dinner was organized at Chiang Mai Hill Hotel. This was well attended by at least two-thirds of the targeted participants. Games and introductory exchanges were organized at the party as a way to break the ice before a long day of conference the following morning. For 13 September, plenary sessions in a large conference room were organized in between workshops in smaller meeting rooms. Since this was a rare event for CR practitioners from all parts of the country to attend and meet each other, the secretariat felt it an opportune time for them to learn from cultural exchanges and sharing of CR experiences. Therefore, the program was designed with various intermissions in which representatives from each region would lead a brief activity that exhibited unique character of their respective region or their CR operation. This was meant to be a chance to learn from each other's experience as well as recreational time for participants.

The national seminar/workshop was not only attended by CR practitioners but also stakeholders from other sectors and interested parties. Registration list shows a total of 120 attendees. While CR practitioners from all parts of the country formed the majority at the seminar/workshops, there were also participants from NGOs, academia, legislature, regulatory and policy authorities.



Picture 7-8: The national seminar and workshop, entitled “the co-regulation and ethical standard of community radio” in Chiang Mai Province

Research results

The key findings derived from the research results are presented in the categories according to the research objectives, as followed.

The co-regulatory model

Since this research was carried out over multiple stages of data collection, all of which relied heavily on participation

by CR practitioners, it will only do justice to all this valuable participation to present the research findings by mapping them in the before-and-after or the *original – revised sequence*. “*Original*” will refer to the framework as originally proposed by the research team while “*Revised*” will capture the adjusted framework, in accordance with input and comments from participating CR practitioners throughout the course of the research, and the synthesis made by the research team.

The proposed framework -- original

With input from the research team and consultation with our overseas partners in the US, Germany and Hungary, a framework for co-regulation of CR in Thailand was drafted and concluded to present to selected key informants in the key informant interviews phase of the research.

In the original framework, the definition, structure and regulatory steps in the proposed co-regulatory model are deliberately open and quite loosely framed to invite reactions and input from the key informants and research participants throughout the courses of the research.

Co-regulation is described in the proposed framework as below:

“the creation of a link between formal state regulation (command-and-control) and non-state regulation (self-regulation) through specific organization, rules, or processes in order to achieve public policy goals. Within this co-regulatory system, the non-state component will be performed by members of

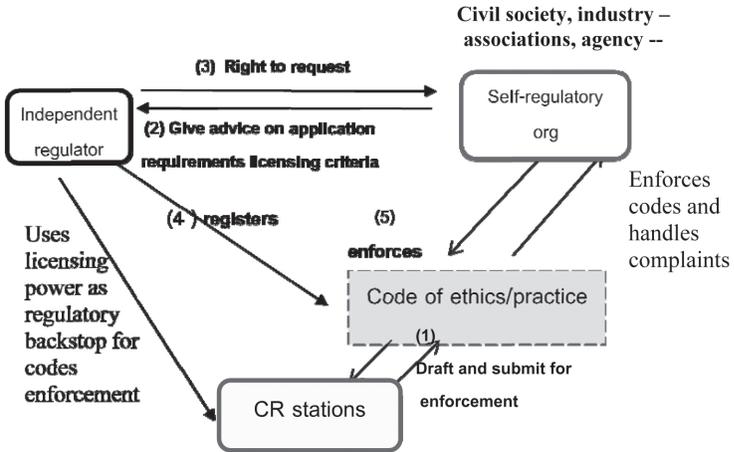
the targeted community through the sectoral organization representing the community, code of ethics/practice, and complaints-handling procedure. The state regulator will leave discretionary power to the non-state self-regulation system and only uses regulatory resources to influence the outcome.” The components of co-regulatory system in the proposed framework are summarized in Table 13 below.

Table 13: Components of co-regulatory system in the proposed framework

The non-state component of the regulatory system	The link between the non-state regulatory system and state regulation
<ul style="list-style-type: none"> • Creation of specific organizations, rules or processes • Performed by members of the community, which are subordinated to its decisions 	<ul style="list-style-type: none"> • Established to achieve public policy goals • Legal connection • The state leaves discretionary power to the non-state regulation system • The state uses regulatory resources to influence the outcome

The structure, flow of relationship, and sharing of responsibility between these regulatory components are depicted in Figure 5 below.

Figure 5: Structure, relationship and responsibility sharing between regulatory components



Generally, there are four major elements in the proposed co-regulatory system, which are,

- 1) the independent regulator of the state;
- 2) self-regulatory organization representing the CR community;
- 3) CR stations or the CR community; and
- 4) the code of practice for CR practitioners and stations.

In the originally proposed framework, the role of and relationship between these structural components involve these processes:

- 1) the drafting of the code of practice by representatives from the CR community;
- 2) the advisory role of a self-regulatory organization to the independent state regulator(s) in regulatory functions such as application requirements, licensing criteria;
- 3) the right of the independent state regulator(s) to request certain code to be included in the CR code of ethics/practice;
- 4) the registering of the CR code of ethics/practice by the independent regulator to make it an authorized document;
- 5) the enforcement of the code of ethics/practice by the self-regulator through voluntary participation of each CR station; and
- 6) the use of regulatory resources to influence the enforcement outcome by the independent state regulator(s).

The enforcement process involves the following three steps (see Figure 6, 7, and 8 below):

- 1) the licensing of CR stations. In this part, the self-regulator, featuring a representative organization of the CR community will assume an advisory role for members of an appointed working group in conjunction with the state regulator (in this case, the National Broadcasting and Telecommunications Commission or NBTC) on matters related to licensing

- such as application procedures, licensing policy and decisions (Figure 6);
- 2) The drafting and introduction of code of ethics/practice to the CR community. This part is an ex-ante procedure, aimed at preventing non-compliance and violations beforehand. Members of CR community, represented by the non-state regulatory organization elected or appointed from representatives from CR community, are involved in the drafting of the code, while the CR regulatory organization assumes the task of introducing and building awareness of the code, in terms of substance and enforcement, among the community of CR practitioners. Meanwhile, the NBTC is able to request codes to be included in this drafting process. (Figure 7);
 - 3) Complaints-handling procedure and code enforcement. This is an ex-post procedure, referring to regulatory actions which are imposed “after the fact” that violations or breaches of code take place. It involves the following steps:
 - 3.1 a person can lodge a complaint with the station and the station is expected to respond within a 30-day period.
 - 3.2 If the station fails to respond to complaint within the timeframe or a remedy offered by the station is unsatisfactory, one can pursue the matter further by lodging a complaint with the NBTC or the CR self-regulatory organization.

- 3.3 The NBTC is obliged to hand over all complaints to the CR self-regulatory organization who will launch investigation into the submitted complaints and seek appropriate course of remedy.
 - 3.3.1 Representative(s) of the station to which the complaint has been filed is summoned in for questioning;
 - 3.3.2 In case breach of code is found, the station will be given a written warning to discontinue the behavior or to rectify the problem e.g. apology to audience or dismissal of station staff who violated code;
 - 3.3.3 The station will be monitored for this breach-of-code behavior by the CR self-regulatory organization for the next three months. If the same breach is detected or reported again, the station will be given the second warning (the yellow card).
- 3.4 If the same breach is repeated for the second time, the CR self-regulator will submit name of the violating station to the NBTC so that the NBTC will revoke its license renewal (the red card) (see Figure 8).

Figure 6: Interaction between NBTC and CR self-regulatory organization in licensing

Step 1) licensing

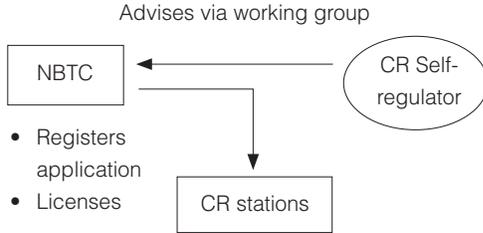


Figure 7: Roles of NBTC, CR self-regulator and CR stations regarding code of practice

Step 2) Drafting and introduction of code of ethics/practice to regulate CR (ex-ante)

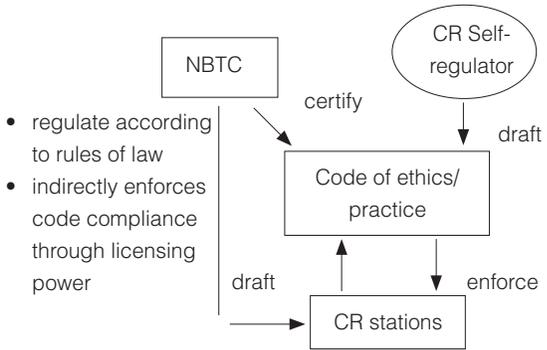
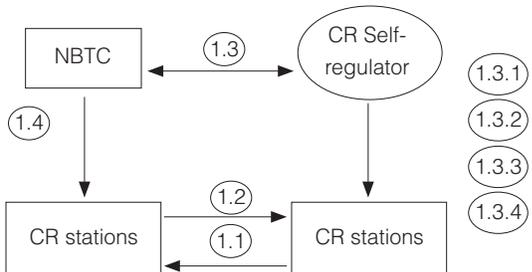


Figure 8: Steps and role of each regulatory stakeholder in complaints-handling process

Step 3) complaints-handling process and code enforcement ex-post)



The adjusted framework – revised

In all stages of the research, there was a clear consensus of support for the co-regulation idea. The self-regulation elements – code of practice, enforcement of code through voluntary participation and through complaints-handling and investigation by the CR representative organization -- were all favorably viewed by participants at all stages of the research. There was also a strong support for the exhaustion of remedy before turning to the NBTC's regulatory power for sanction in the case of multiple breaches of code.

However, there were also variations in viewpoints on a number of issues. Analysis into research transcripts in all three stages – key informant interviews, focus groups, and workshops – yields the following important points which were raised and widely discussed on the proposed co-regulatory framework, and the following changes suggested.

1) The role of the independent regulator of the state: *“the government regulatory backstop”*

Research participants generally felt that the command-and-control role of state regulator should be limited as much as possible to allow for independence and progressive learning towards self-regulation within the CR community. State regulator, they felt, only has a role when all avenues of self-regulation have been exhausted. Also, the general nature of this role should be supportive of the self-regulation process rather than controlling.

“The NBTC should be supporting us like mentor. If we need advice because we are all new to all these regulation things, we can go to them. But they should never intervene.”

*Buaphan Khamchoo, Baan Dung Thoong Fon
community radio station, Udon Thani Province*

“If we don’t limit the role of NBTC in this framework, it would be impossible for self-regulation to emerge. People within the CR community need to go through a learning process to realize that it is their job to regulate each other’s behavior, and not the NBTC’s.”

*Patiharn Boonrat, Buddhist community
radio station, Songkla Province*

“The NBTC must be kept as the last resort. If all else do not work, then their regulatory power will be drawn upon.”

Focus Group, Eastern region

Insofar as the proposed idea about the NBTC being able to request codes, most of the participants felt this was acceptable, provided that the requested codes do not compromise the independence and integrity of CR.

“So long as they don’t ask for something that is clearly an intervention, we will be OK with it. The most important thing is we should be allowed to grow and learn, even from mistakes with this new code thing.”

*Pornpipat Wat-agstorn, Bor-nok community
radio station, Prachuab Khirikhan*

2) Establishment of the CR self-regulator

This issue came up in all levels of the data collection and emerged as a leading topic of discussion at the national seminar/workshops in Chiang Mai. Evidently, the workshop participants felt this was the most crucial step to take before the next co-regulatory procedure – rules enforcement – could be undertaken. Within this issue, at least three important sub-topics were widely debated: 2.1) the composition within the self-regulatory organization; 2.2) methods in selecting representatives from the CR community; and 2.3) levels of regulatory oversight.

2.1 The composition within the self-regulatory organization

While participation from the actual CR community was emphasized at all levels of the data collection, research participants also brought up another related point; that is, participation from other extra-CR sectors in the CR self-regulatory

organization. As community radio is a relatively new type of broadcasting compared to state and commercial broadcasting, many felt that they need assistance from other sectors to sustain themselves, particularly in regulation. Hence, many participants in the four workshops in Chiang Mai proposed that representatives from related sectors e.g. academia, civil society, and even government agency be included in the planned CR self-regulatory organization.

In all, at least three options of representation were proposed and widely discussed as shown in Table 14 below:

Table 14: Three proposed options regarding the composition in the CR self-regulatory organization

	Option 1	Option 2	Option 3
Representation	CR practitioners (academics or NGOs may be appointed as advisors)	<ul style="list-style-type: none"> • CR practitioners • Extra-CR reps from civil society e.g. CR audience councils, academics, NGOs (media, human rights, consumer protection) 	<ul style="list-style-type: none"> • CR practitioners • Extra-CR reps from civil society (same as option 2) and government agencies (e.g. local government agencies, law enforcement)
Proportion	100 per cent	70: 30	80:20
Recruitment/selection	Station nomination and group voting	Station nomination and group voting of CR reps who will in turn appoint extra-CR reps.	Station nomination and group voting of CR reps who will in turn appoint extra-CR reps.

2.2 Methods in selecting representatives from CR community

In seeking representatives from the CR community, many methods were proposed and discussed which eventually boiled down to the following two methods (see Table 15 below):

2.2.1 A zoning system based on geographical regions

2.2.2 A cluster system based on geographical area as well as issue of interest

Table 15: Two main methods proposed in the selection of representatives in the CR self-regulator

	Zoning system	Cluster system
Coverage/representation	<p>One representative from 12 zones based on broad administrative regions:</p> <ol style="list-style-type: none"> 1. Upper North 2. Lower North 3. Upper Northeast 4. Central Northeast 5. Lower Northeast 6. Central (other than Bangkok Metropolitan Area or BMA) 	<ul style="list-style-type: none"> • Area-based A group of 10 stations that are located in adjacent geographical areas nominate one representative through self-selection process • Issue-based CR e.g. youth, environment, religion nominate their representatives

	Zoning system	Cluster system
	7. BMA 8. West 9. East 10. Upper South 11. South (Andaman Coast) 12. Lower South	<ul style="list-style-type: none"> • Each CR station must pick which route they would like to have their representation and this choice would be exclusive.
Selection process	<p>Registered CR stations in each province must select their representative through group voting. Then, all elected representatives from each province would meet at the regional zoning level to nominate (through voting) their representative. The nominated representative from each zone would constitute the final list of the CR self-regulator.</p>	<p>In order to find out the appropriate number of representatives from both clusters, a survey of distribution of geographical stations as well as issue-based around the country would have to first be administered. This would furnish a database that would help determine the total number of representatives as well as proportion from each cluster.</p>

	Zoning system	Cluster system
Qualification and other criteria	Qualification is based on the definition of community radio, according to the 2008 Broadcasting Act and the fundamental characteristics as specified in the CR code of practice	Apart from qualifications as outlined in the CR code of practice, eligible CR station must also have at least five years of operation (since the first day of program airing) and proven records

2.3 levels of regulation and regulatory oversight of the CR self-regulator

With respect to the self-regulatory side of the co-regulatory model, participants to the research felt that the proposed framework insufficiently addressed levels of regulatory oversight. As community radios operate throughout the country under different cultural contexts of different geographical/administrative regions, the level of regulatory oversight should also reflect that fact. Therefore, most of the participants in the research proposed that the CR self-regulatory organization should be established at three different levels – national, regional, and provincial – so that monitoring and oversight of compliance with the code will be more effective and thorough.

“It is impossible to expect one central organization to be able to oversee the entire national community of CR practitioners. If that is the case, it will be like another NBTC and it would not answer to the diverse needs of community radio.”

*Veerapol Charoendharma,
Federation of Northeastern Community Radio*

“If participation is key to CR practice and existence, we must not overlook this fact when designing the structure of our own self-regulator, or it will be moot to talk about participation.”

*Khemporn Seutameun,
That Phanom CR station, Nakhon Phanom Province*

One participant who was a key informant in the interview phase and also participated in the Chiang Mai workshops brought up a worthy question of regulation from and by the community, which should be the most basic level of self-regulation. Therefore, instead of dividing the level of regulation into three levels as mentioned above, there should instead be four levels of regulation. The first and most fundamental should

be at the community level, and it should be the least formal avenue. Phone-call monitors and social sanctions by audience are pragmatic ways of keeping the station in check.

“If the RJ or anchor said something wrong, the audience who are people in the community should have direct lines available to reply or to voice objection at once.”

*Pannaporn Paiboonwattanakij,
Faculty of Information and Communication,
Mae Joe University, Chiang Mai*

- 3) The role of non-state regulatory organization – the CR self-regulator: *“Regulate, Support, and Promote”*
Across the different levels of research, participants from the CR community also paid much interest to the role of the non-state regulatory organization or the CR self-regulator. Many were quite critical of the way that the proposed framework emphasized enforcement and monitoring role of the self-regulator. They felt that negative reinforcement and sanctions were overplayed while positive reinforcement and empowerment were downplayed.

“Instead of putting the role of ‘code enforcer’ (in other words, regulator, added by author) first and foremost, we should instead picture the CR self-regulatory organization as supporter and promoter of desirable and favorable CR practice.”

*Boonsong Chansongratsami,
100.75 Kanchanaburi Station, Kanchanaburi Province*

“CR practitioners, especially the inexperienced ones, need to know what they are capable of, and not just what they are not allowed to do. The framework should reflect the role of the CR regulator as supporter of information, training, consultation, and whatever the CR practitioners need, rather than being just the controller-general.”

*Inthong Chailanka,
Network of Community Media of the North*

In summary, the new organization to be established is assigned with the following role, based on the input from the CR participants in the research:

- 3.1 monitoring of CR practice through enforcement of code of practice
- 3.2 handling of complaints filed against CR practitioners and CR stations;

- 3.3 dispute settlement among CR operators or between CR stakeholders and other extra-CR entities;
 - 3.4 capacity-building for CR stations through promotion of codes, awareness-raising about the importance of self-regulation, information support and education about best practice of CR in all aspects.
- 4) Enforcement of the codes of practice
- At least three issues regarding enforcement of the code of practice were debated in the different phases of the research that could be summarized as follows:
- 4.1 Trial period of code enforcement/capacity-building towards co-regulation
- Although there seemed to be a general support for the proposed co-regulation idea, a large number of the participants still felt quite apprehensive about the feasibility of actual application and enforcement. Most attributed their uncertainty to the long-inherited tradition of command-and-control type of regulation in which the state plays a central role. As a result, a one-year trial of code enforcement was proposed to assess the practicality of the codes and the applicability of the co-regulatory design in real-life CR environment.

“During the first year of experimental enforcement, we should not focus too much on sanctioning or punishment as this will deter CR practitioners from voluntarily participating in the new co-regulatory scheme.”

Focus group, upper Northeast

“The top priority during the trial period is to build up capacities for CR stations so that they could actually comply with the codes and participate meaningfully in the co-regulatory scheme.”

*Theerapol Anmai,
advisor to the Federation of
Northeastern Community Radio,
and lecturer in communication, Faculty of Liberal Arts,
Ubon Ratchathani University*

“The first-year trial should serve as a fact-finding project for the new self-regulator. They should be able to find out why certain codes do and do not work, so they can find a way to fix the problem before the actual code enforcement kicks in.”

*Chatchai Leungcharoen,
Baan Jamrung CR station,
Klang District, Rayong Province*

4.2 Levels of code violations

One of the issues that came up consistently in different phases of the research was the varying levels of severity in breach of code and the types of sanctions that should be applied. Many of the research participants felt that the failure to comply with each of the codes reflects different levels of unethical conduct and should hence not be subject to the same punishment. Likewise, some participants proposed that the level of penalty should be divided to three levels – high, medium, and low -- to more realistically reflect the level of severity of the misconduct. Below are samples of such comments:

“For instance, if a station fails to adequately invite participation from the community, they should by no means be subject to the same penalty as a station that serves as political mouthpiece of a politician or political group.”

*Lieutenant Colonel Patiyut Saihong,
Head, “Ban-na” CR Learning Center,
Nakon Nayok Province*

“We need to look at the impact that each breach or misconduct creates to the community rather than do everything dogmatically by the book. It is important to have some flexibility in code interpretation and leeway.”

*Santhana Thammasaroj, Coordinator,
Association of Khon E-San CR
“Kon-Phi-Mai” CR Station,
Nakon Ratchasima Province*

“The levels of ethical misconduct must be clearly laid out. Breach of one code may fit into one level while breach of another may fit into another. A very clear and workable guideline is needed.”

*Namchai Uttharak, Coordinator,
Association of Khon E-San CR
“Kon-Gu-Chi-Na-Rai” CR Station, Kalasin Province*

4.3 Applying sanctions in multiple breaches of code

In discussing sanctions to be imposed on stations with multiple breaches of code, focus group participants from all regions seemed to be in unison that revoking licenses to broadcast is too extreme and detrimental to the community

receiving the service. Instead of license revoking, they proposed that temporary suspension of broadcasting is sufficient and a more appropriate sanction. This proposed measure was agreed upon throughout the different focus groups held in different parts of the country. For instance,

“Revoking or refusal to renew licenses by the state regulator is really too much. We must not forget that community radio is all about the community’s right to communicate. If we allow the regulator to revoke license completely, it is like our right to communicate can be taken away by them.”

*Siriphol Sajjaphan, Secretary-general,
Network of CR of the South*

“Taking away the licenses to air is damaging to the community. If there is breach of code, clearly the fault should lie with the station administrative board and not the audience or the community receiving the service. Just suspending their airtime is enough.”

*Boonchan Chanmor, Head,
“Khon Neu Kheun” CR Station, Chiang Mai Province*

“Suspending the airing of programs is quite sufficient as punishment. But this should not be too extensive. The suspension time should range between 15-30 days max. As soon as the station could find a replacement of the station’s board, they should be allowed to resume their operation immediately.”

*Panya Kotpetch,
“Kon-Hug-Thin” CR Station, Udon Thani Province*

4.4 Extra-components in the structure of co-regulation

As mentioned above, the key components in the proposed co-regulatory framework consist of

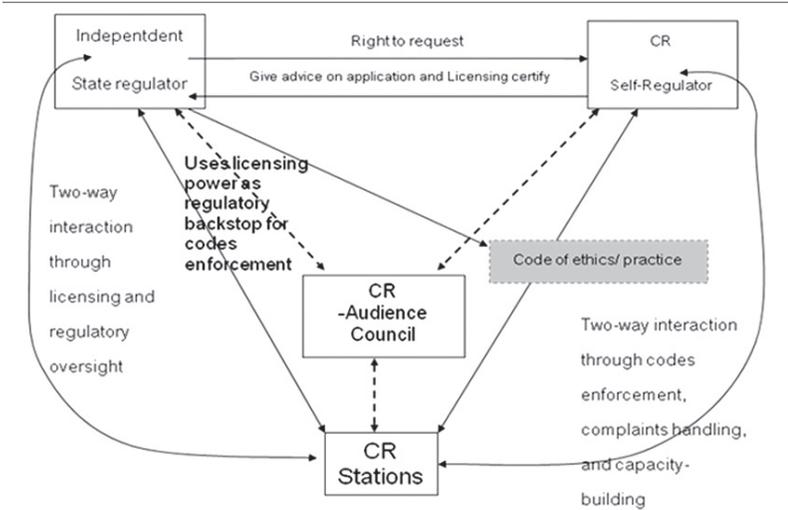
- 1) the independent regulator of the state;
- 2) self-regulatory organization representing the CR community;
- 3) CR stations or the CR community; and
- 4) the code of practice for CR practitioners and stations.

These regulatory components, to many participants, were not sufficient, and some proposed to add audience councils and academics into the new regulatory design. As a result, the research team, trying its best to incorporate additional elements and processes as suggested by participants in the various course of the research, came up with the following tentative framework, as depicted in Figure 5. The

word “tentative” is used here because, as participants at the Chiang Mai national seminar/ workshops in September 2009 agreed, the codes of ethics/practice and co-regulatory framework shall be experimented with for a one-year period before arriving at a more definite framework.

In the revised framework, the CR audience council is added as a new regulatory element. Representatives of the audience council shall participate in the regulatory process through enforcement of code of ethics, complaints-handling, and capacity-building activities. Meanwhile, the relationship between all major regulatory elements – the state regulator, the CR self-regulator, and CR stations – shall be a two-way flow to balance power and build leverage in different points of the regulatory system. The code of practice will serve as ground rules for the interaction. In addition, the licensing power of the independent regulator will be reserved only as the last resort or as a regulatory backstop only in cases of multiple breaches of code or when all other avenues of social sanctions have been exhausted.

Figure 9: Revised co-regulatory framework for community radio in Thailand



The Codes of Ethics/Practice

Participants in all stages of the research exhibited more interest in the draft codes of ethics/practice for community radio than they were in the co-regulatory framework. This, as attested by some participants, was because the substances in the codes address something that they encounter routinely in their CR practice. So they could relate to the codes better than the relatively technical co-regulatory framework.

In all, seven main issues based on the most widely debated topics from the participants can be summarized as follows:

1) Practices regarding sponsorship, donation, and contribution

Based on review of literature and consulting with the research team, the original draft codes of ethics/practice propose three sources of revenues for community radio – sponsorship, donation, and public contribution. Sponsorship refers to financial support allocated for a particular program broadcast in the CR station, while donation is received through such channels as fund-raising activities organized by the station at certain designated time, or through donation box situated in public places in the community. Identity of the donor is not known to the station since the donation is made anonymously. Public contribution refers to support from other sources such as NGOs or business entities, or even individuals persons that wish to support the overall station and not any specific program. Unlike donations, those who make public contribution wish to be publicly acknowledged by the station for their contribution. Apart from financial support, sponsorship, donation, and public contribution could also be in the form of things or services.

This proposed scheme was widely debated in all stages of the research on these aspects:

1.1 Banning sponsorship

From the first stage of the research – consulting with the research team, there was already a clear

indicator of disapproval of sponsorship. All the researchers who are veteran workers in the civil society and with close experiences with CR community felt that sponsorship is not applicable to the civic CR community. In fact, they felt that it directly contradicts the guiding principles of CR. However, in order to allow for the widest participation from the CR practitioners, the research team decided to leave this code as originally designed and see how it would fare in the actual field research.

Quite as expected, key informants in the interview stage showed strong resistance against sponsorship as a source of revenue for CR. They feared that, in a bid to attract sponsorship, some RJs or anchors would focus on making the kind of programming that would attract a high number of audience, instead of producing ones that benefit the community. This will affect the quality of the programming as well as create a non-level playing field for other RJs and anchors.

“We should definitely leave out sponsorship. It will create inequality among the RJs.”

*Supinya Noinard, Pathom Sakorn CR Station,
Samut Sakorn Province*

“Sponsorship is a commercial system to correspond with audience rating and so forth. So if we allow sponsorship in CR, RJs and anchors may use this medium for self-gain and profit-seeking which will make it non-CR.”

*Focus group,
Northeastern region – upper, middle, and lower*

Therefore, the research team, after revising the input from the key informant interviews, decided to drop sponsorship and maintain only donations and public contributions.

1.2 Who should and should not be allowed to make public contribution?

Generally speaking, everyone is allowed to donate. The anonymous nature of donation making does not appear to affect the CR station's editorial independence. Likewise, the problem seems to fall only upon public contribution, particularly with respect to who should and should not be allowed to make public contribution. Among controversial figures that were discussed include:

1.2.1 Politicians

In almost all levels of the data collection, politicians, both national and local, were the prime target of criticism. Many participants in the course of the research voiced strongly against having politicians as supporters of the station. Major conflicts of interest and even domination can ensue, they argued. Others felt that it is the right of politicians, particularly local ones, if they wish to support a local station. In the final analysis, however, participants concluded that politicians can make donation, but their name will not be mentioned to curtail their political influence. Some participants still had dissenting opinions, as they viewed it impossible and insensible to prohibit support from local politicians who may just want to show their commitment towards the community.

“To maintain our independence, politicians should be kept at arm’s length from supporting CR.”

Focus Group, North and South

“It is difficult to alienate some local politicians who may be strong force in the community. If they sincerely wish to contribute as a person in a community, there should be no reason why they could not do so.”

*Pannaporn Paiboonwattanakit,
Network of CR of the North*

1.2.2 Local administrative organizations

Similar to politicians, local administrative organizations were doubted as potential contributors to CR stations. However, the anti-sentiment was not as strong as would be the case of politicians. Some key informants in the interview stage voiced that it is only natural that local administrative organizations participate in community endeavors like CR station, so their right should not be limited. Others, however, felt that these organizations also represent local politics; therefore, the same standard should apply likewise.

1.2.3 Business and business entrepreneurs

Based on the input by most participants, a businessman is allowed to make contribute to the CR station under a condition

that no promotional reference shall be made to his or her business(es). See more in the next section on how to properly acknowledge public contributors.

1.2.4 Businesses that are barred from advertising in commercial radio

One of the topics widely discussed was Code 4.7, which involves advertisers or owners of the products that are banned from advertising in commercial radio stations generally. For instance, some participants proposed that vendors and owners of liquor, beer, and cigarette products are prohibited from making contribution to the CR station. This was widely discussed whether the acknowledgement of the contribution would help enhance their corporate image in the local community. In the end, the code maintains that this segment of advertisers should only be allowed to give donations.

1.3 How to properly acknowledge public contributors

A related topic which was intensely discussed both at the focus groups and the national seminar/workshops was how to properly acknowledge

public contributors to the CR station. After many exchanges and discussions, there seemed to be a general consensus on the following:

- a) A general person, provided that he or she is barred from contributing as in the cases above, can be referred to by his or her real name;
- b) Assemblies and groups of people, provided that they are non-profit, can use the title of their organization for contribution purpose and CR stations may refer only to their organization's title in the acknowledgement announcement;
- c) Business and business persons, provided that they are not in the barred categories, can only make contribution using the name of the owner and not the name of business, in order to avoid promotional reference problem;

“For instance, if Mr. Boonsong, owner of a plywood mill, wishes to make public contribution to the station, he can do so and will be acknowledged as Mr. Boonsong, but not as Boonsong Plywood.”

*Pornpipat Wat-agsorn,
Bor-Nok CR station,
Prachuab Khiri Khan Province*

2) Financial planning, transparency, and accountability of CR station

In a related topic to the above issue on sources of CR revenue, another very interesting proposal came up and was approvingly received during the national seminar/workshops in Chiang Mai. This was the topic of financial sufficiency, transparency and accountability of the CR station to the community. This proposal emerged in direct response to the usually unprofessional and piecemeal kind of financial management practiced in most operating CR stations. Most stations are known to be relying mainly on annual fund-raising through community religious events or on donations. The newly proposed clause in the code is aimed at revamping such practice by installing a more permanent financial and fund mobilization plan. However, the plan must be carried out on a sufficiency basis rather than capital accumulation or profit-oriented basis. Each station is instructed to calculate their break even point so they can map out their financial plan accordingly. Meanwhile, this plan should be transparent and always open to community inspection. Furthermore, in the case of operation surplus, it is proposed that a specified amount of the surplus be returned to the community for development endeavors.

“It is important that each station find out their break even point so that they will know how much they would need for station sufficiency and how much for reserve. In any case, if there is a significant amount of surplus, a specified amount of this needs to be returned to the community. After all, community radio exists for the community.”

*Workshop group 4, National Seminar/Workshops
Chiang Mai*

3) Participation of politicians in CR programming and management

In many research sessions – focus groups as well as national seminar/workshops, the role of politician as RJ and program moderator was a contentious issue. While some participating CR practitioners felt that local politicians should be given the leeway since they are rightly community leaders, others felt that their role should be restricted to prevent political gains. After much debate, a conclusion was reached at the national seminar/ workshops that politicians, both at national and local levels, could not perform as RJs or program moderators in CR stations. Their role should only be limited to invited guests to news talk or current affair programs. When talking on CR programs, politicians must also observe the applicable sub-code on programming and content by refraining from bias,

partiality, inaccuracy, and defamation of other people.

4) Community versus national interest

Another topic that sparked a lively debate throughout the course of the research was the balance of community versus national interest. Many participants felt that sometimes community interest may not necessarily be in line with national interest. They were referring to the political color-coated conflict between the yellow shirts¹³ and the red shirts¹⁴ that has built up in Thailand since the 2006 coup.¹⁵ This new political divide is characterized by urban-rural, elite-peasant, and national-local dichotomies, with the yellow representing the former and the red the latter. While it was not viable which political color was more dominant among the participating CR practitioners, there seemed to be a significant amount of sympathy for the red-shirts who were the political underdog at

¹³The yellow-shirts, also known as the People's Alliance for Democracy (PAD), held mass protests preceding the September 2006 coup that ousted Thaksin Shinawatra from the premiership. The PAD's movement spent much of 2008 protesting against two successive Thaksin-nominated governments led by the late Samak Sundaravej and Somchai Wongsawat (Thaksin's brother-in-law) that arose from the December 2007 election. The PAD's 190-day protest in 2008 was marked by the seizure of the Government House and the Suvarnabhumi International Airport in Bangkok, which was said to have devastating and lasting effects on the Thai economy. In 2009, leaders of the PAD entered electoral politics by establishing the New Politics Party.

the time of research and representatives of rural communities.

Since community radio (as well as local commercial radio) have been used by the red-shirts as political mouthpieces to galvanize support from rural communities, the government has publicly made it a prime political target with various efforts to clamp down on information dissemination. For this reason, the participating CR practitioners strongly felt that

¹⁴The “red shirts” is the informal name for the United Front of Democracy against Dictatorship (UDD), a major political organization in the post-coup period. Members of the UDD are known for wearing red clothes during anti-government protests. Established in 2006 as Democratic Alliance Against Dictatorship (DAAD), the main objective of the red-shirts then was to fight against its arch rival, the People’s Alliance for Democracy (PAD), and to support the ousted former Prime Minister Thaksin Shinawatra. UDD supporters are largely rural grassroots people who benefited from Thaksin’s populist welfare policy. During the military installed government in 2006-2007, the UDD frequently organized rallies against the government. In April 2009 and from March-May 2010, the red-shirts staged a major uprising against the current administration of Prime Minister Abhisit Vejjajiva, resulting in the declaration of emergency situation. This was followed by a major crackdown that resulted in more than 80 deaths, 1,000 injuries, and multi-billion baht worth of losses – the worst political violence in Thai history.

¹⁵This coup took place after a 15-year interval. It ousted the highly popular prime minister Thaksin Shinawatra. Thaksin Shinawatra, founder of the Thai Rak Thai (TRT) Party was a famous telecommunications tycoon, having made his fortune from satellite and mobile phone concessions through Shin Corporation. Thaksin was also a highly popular political leader who led the longest democratic and civilian rule – 6 years -- in contemporary Thai history. Thaksin’s popularity was largely attributed to populist policies which featured income redistribution, cheap health care, micro-credit schemes, and many policy innovations in support of globalization and neo-liberal economy.

the CR code of practice should not include any mentioning of national interest or national security because it could be construed as condition for censorship or self-censorship. On the other hand, many felt that community interest should be given more emphasis. But for fear of being perceived as biased towards communities, the research participants finally agreed to eliminate the entire sub-code that addresses this issue.

5) Primetime and rating

In the original draft code, there was a section which suggested that CR program guidelines should be more strict during primetime or broadcast time with the most audience. Most research participants reacted quite negatively to this. They viewed primetime and audience rating as alien concepts to CR practice. If primetime applies to CR, it would render the station to profit-seeking through programs with strong audience appeal, which would not necessarily be meeting the needs of the community it serves or empowering the audience. Consequently, it was unanimously agreed that this section should be deleted to preserve the not-for-profit sanctity of CR.

6) From sexuality to gender

In one of the original sub-codes on programming guidelines, there was a section on sexual content

which reads “community radio station shall not broadcast materials that are sexually discriminatory or disrespectful towards one’s sexuality.” In at least two focus group discussions, this issue became quite controversial as some of the participants felt that sexuality may not be the appropriate term and should be replaced with gender. One of the focus group participants, who openly identified himself as gay, voiced that gender is a more neutral term and connotes rights and identity more so than sexuality. The latter, he argues, could be construed as deviant behavior. As a result, the term “sexuality” was replaced with “gender” in the revised code.

7) Use of language in codes and avoidance of technical and foreign concepts

In general, the CR practitioners who participated in the research responded quite positively to the draft code, which they felt was timely and essential to CR’s good practice. However, since most of the participants were practitioners from non-academic fields, they felt that the language used in the codes may be too formal and academic. Some technical terms, they said, must be replaced with common language that laymen could understand. This is highly crucial because CR practitioners may be put off by the language difficulty and deterred from trying to understand and follow the guidance in the code.

Apart from the above issues which were widely debated and resulting in major changes in the revised version of the code, there are also a number of other changes, which could not be possibly captured in their entirety in this report. For the sake of convenience, all the changes made to the original code are shown in Appendix 4: Changes made to the draft code of ethics/practice – original and revised versions.

Opportunities and problems from enforcement of the 2008 Broadcasting Act

Although the 2008 Broadcasting Act could not be implemented in full due to the lack of regulatory agency -- the National Broadcast Commission (NBC), its enactment has introduced both opportunities and challenges to CR as shall be analyzed below.

A legal status for CR

The most outstanding contribution of this law is the fact that it gives a legal status to community radio, which has never been recognized as a legitimate broadcast sector. Operating within the framework of media reform, the law has outlined the following three major types of broadcast services to be licensed.

- 1) public service broadcasting services, including:
 - Type a) whose main objectives are to promote education, religion, arts and culture, science and

technology, agriculture, health, sports, and quality of life

- Type b) whose main objectives are to promote national security and public safety
 - Type c) whose main objectives are to promote good understanding between the state and people, to educate the people about democracy, and to provide useful information to the handicapped, the underprivileged, and other information that serve the public interest.
- 2) commercial broadcasting services, including operators at the national, regional, and local levels.
 - 3) community broadcasting services, including operators who are not-for-profit and serving than 70 per cent program remit for public (community) interest (see detailed provisions related to CR in the Broadcasting Act 2008 in Appendix 5).

With a legal definition, the new law has recognized CR as a distinct sector, with its own rules and procedures and sufficient access to the radio spectrum. Despite regulatory disarray due to absence of regulator, this legal status should ensure long-term sustainability for CR provided that there is cohesive policy in place.

Interim regulatory regime with built-in limitations

Written in the context of regulatory doldrums with two failed efforts at selection of broadcast regulator, the new law

recognizes this fact and creates an interim regulatory regime during the transitional period to a convergent regulator. The NTC and a Cabinet-appointed sub-committee were created to oversee the licensing of two broadcast sectors – CR and non-frequency services. This provision put NTC, which was then a well-endowed independent organization from license fees from telecommunications operators, to the important tasks.

While NTC might be untroubled in terms of financial resources, it was quite limited in terms of human or knowledge resources on broadcasting. The unit on broadcasting regulation had to be set up to accommodate the new task but in its brief operation, this unit was not very stable. Personnel transferred from other offices in the NTC to the new unit found their new job overwhelming with the sheer number of applications – 6,540 for CR and 822 for cable TV – and the political implications thereof. With high turnover and limited human resources, the unit underperformed as secretariat to the working group on CR within the NTC broadcast sub-committee. The unit was slow in processing requests for CR licenses. Of all the filed 240 applications for licenses, only about a dozen underwent the qualification investigation process and was forwarded to the broadcast sub-committee for consideration. So far, three licenses have been approved at the NTC board level while the remainder is still pending.¹⁶

¹⁶The principal researcher learned of this information first-hand through an appointment by the Cabinet, since April 2010, to the NTC broadcast sub-committee under a capacity of communication expert.

Another inherent limitation in the new regulatory regime is the fact that the law only allows the NTC and broadcast sub-committee to issue licenses for community broadcasting and non-frequency services. This created a dilemma for other types of potential broadcast licensees in other classes – public service or commercial – as well as for the NTC and the sub-committee. As earlier mentioned, most of the 6,540 operators who registered with the NTC are actually local commercial broadcasters who wish to seek commercial licenses. But since commercial licensing is not in place, they are forced to register with the NTC to receive the temporary permission to broadcast. This dilemma led the NTC to adopt a two-staged approach – registration and licensing – as a means to alleviate the regulatory pressure.

In addition, the fact that the broadcast sub-committee and its affiliated working groups operated on a periodic basis (the sub-committee was scheduled to meet monthly, while the working group met weekly) did not render a flexible and efficient regulatory system. All appointed members of the sub-committee have full-time jobs and with very tight schedules. These limitations posed major constraints for an enabling regulatory environment for CR within the interim period.

Missing link with civil society

Although the new law does open way for self-regulation and establishment of code of ethics/practice by professional sectors or community of operators, it is still quite lacking in terms of open avenues for civil society participation. Licensing

is the case in point here. While the ongoing licensing process reflects license terms and conditions that are consistent with the objective of CR and involve meticulous background checking to ensure qualifications, the criteria for selection is not open to the public and is not established in consultation with civil society. Given the fact that community broadcasting is a largely civic endeavor, an avenue of participation from the civil society would only make the process more transparent and accountable.

The “Building Participation in Community Radio Regulation” Academic Service Project

After the above research project was completed, the National Federation of Community Radio (NFCR) became determined to bring the codes of ethics/practice resulted from the study into practice among their affiliated civic community radio stations. Therefore, the Thai Media Policy Center (Thai MPC) at the Faculty of Communication Arts, Chulalongkorn University and the NFCR co-organized a seminar, entitled “Looking Back and Into the Future of Community Radio’s Ethical Standard and License” on 27 and 28 October 2010 in Bangkok. At the event, the Thai MPC brought forward the results of the national seminar and participatory workshops at Chiang Mai for the NFCR and its members to consider. This time, the researchers did not participate in the process and merely became observers, in a deliberate bid to let self-regulation of CR community evolve. In the end, two outcomes were generated from this seminar, which were:

- 1) The beta version of the guidelines and ethical standard for community radio 2010-2011 which eventually became published in a book form under the title “the Community Radio Ethical Handbook of the National Federation of Community Radio”.



Picture 9: The cover of the Community Radio Ethical Handbook of the National Federation of Community Radio (NFCR)

- 2) The mutual agreement to pursue the participatory regulatory framework that was resulted from the research project. Based on the discussion of members of the NFCR, such pursuit required the following: knowledge and understanding about self-regulatory process by the community of CR practitioners, monitoring of the process in which the framework is put into practice, and evaluation of the implementation for further improvement. Meanwhile, it was agreed that this trial process for code implementation be documented for perusal by the

independent state regulator or the NBTC. This is because, according to Article 39 of the 2008 Broadcasting Act, the NBTC is tasked with supporting broadcast licensees' assembly to generate the ethical standard for their occupation or profession, and to self-regulate based on a commonly defined code of ethics.

Drawing upon these outcomes, the Thai MPC at Chulalongkorn University, under an NTC grant, undertook an academic service project, entitled "Building Participation in Community Radio Regulation" in the year after the first research project mentioned above. The new project was aimed at building the understanding about the principle and main points of participatory regulation for community radio, to monitor and review the community radio's code of ethics and self-regulatory framework, and to revise and summarize the key points of the code of ethics and self-regulatory framework for community radio before long-term implementation.

From January to December 2011, the project was carried out with four participatory workshops for community radio leaders and operators in regional groups: 1) North, 2) Northeast, 3) Central, East, West, and Bangkok, and 4) South (see the summary of the regional workshops and the list of participating community radio stations in Appendix 6). Twenty people attended each seminar, resulting in the total of 80 participants.

A criteria was designed to select the participating community radio stations, as follows:

- Being a civic community radio station that demonstrates a significant level of community participation in station management and programming that directly benefits community interest.
- Being a capable representative who volunteers to attend the workshop with the station's consent, and is able to participate in all activities throughout the workshop. The participant must have the capacity to share the knowledge and experiences to other station staffers.
- In the region where the number of candidates was higher than the workshop could accommodate, the NFCR would step in to assist with the selection.

During the workshop, participants would receive information and knowledge to form an understanding about codes of practice/ ethics for community radio and the self- and co-regulation guidelines. Moreover, the project also used the role-playing and voice training exercises, and focused on three types of program presentation: 1) political content, 2) sponsorship, and 3) harmful and inappropriate content such as surreptitious advertising, all vices, and political propaganda content.

Participants in the four regional workshops joined in the discussions and reached common understanding in three areas: 1) the guideline for controversial content, 2) the guideline for the implementation of code of ethics for community radio, and 3) the guideline for receiving and investigating complaints.

1) The guideline for controversial content

In the participants' opinions, community radio should be cautious when presenting the following three types of content:

1.1 Political content

Participants agreed that the presentation of political content could be done in ways that the information would help form knowledge, understanding and awareness of current events, and contribute to the decision-making process when it comes to the community's common interests. The presentation must be grounded on the principle of neutrality and fairness to every party involved. The stations must refrain from employing subjectivity or political preference, and from producing programs or operating the station in ways that could side with any political groups or parties.

The political content that participants agreed must not be broadcast on community radio include ones that tend to instigate conflict among community members, promote hatred and division, incite the use of violence, or lead to the behaviors detrimental to the community such as chaos. Additionally, the presenters must not use inappropriate language.

1.2 Moral hazard content, including all vices, gambling, propaganda, or political surreptitious advertising

Participants concurred that community radio operators must be careful and prevent the presentation of moral hazard content, such as the promotion of gambling, all vices, propaganda, and political surreptitious advertising.

1.3 Acknowledging sponsors and receiving donations from local political groups

Participants discussed about this subject and the opinions were split into two main directions, as follows:

- About 72 per cent of the participants believed that the thankful acknowledgement could be done by announcing the name of the individual, store, or company and the amount of donation. However, the name of the store or company owner, the products, the location of the enterprises, or the product qualification cannot be mentioned, as these remarks are considered advertising. Moreover, the thanking statement must be done carefully, not too long or too frequent, because it can be considered advertisement and may motivate audience to buy the products.

- About 28 per cent of the participants felt that the name of the business enterprise, its owner, location, and products can be announced in the thanking statement. To them, showing appreciation to those who support the station can motivate community members to take part in the operation of community radio, and encourage people to do good deeds.

In the end, participants agreed that announcing the qualification of product or service cannot be done because the action is considered advertising. Additionally, the acknowledgement should be separated from the program content. Nonetheless, the level of acknowledgement will depend on the community's contexts and the station committee's discretion. In this case, each station must establish a clear policy to monitor the acknowledgement and make sure the action is not advertising.

Moreover, participants agreed that community radio stations can receive donations from the Tambon Administrative Organization (TAO). Because community radio is aimed to serve the community's common interests, local administrative organizations should support its operation unconditionally and such sponsorship

will not interfere with community radio's independence. The acknowledgement will only be addressed to the organization, for example, "Thanks to the Tha Yang TAO for the 500 baht donation." However, the statement must not mention an individual because such a statement can be considered political campaigning or contributing to political advantage or disadvantage – the action that breaches the community radio's codes of practice/ ethics.

2) The guideline for the implementation of community radio's ethical standard

Participants from the four regional workshops agreed that the implementation of CR regulation should be carried out in two ways, as follows:

2.1 Self-regulation by the national network of community radio

Regulatory organizations should be appointed to represent CR operators at the national, regional, and sectional levels. The organizations can then focus on building the understanding and the mutual learning process. They should also consider the community's contexts and problems rather than rigidly implement the codes of practice/ ethics. Moreover, there should be the decentralization of self-regulatory authority to the sectional and

regional networks, instead of centralizing power solely at the national level. At the same time, the system must be clear, transparent, and open for scrutiny.

2.2 Co-regulation between the community radio network (representative of CR operators) and the NBTC (regulator)

This means of regulation enables the community radio representative organizations to present their works, problems, and suggestions to the regulator. The regulator will then be equipped with information necessary for the licensing or license renewal for community radio, based on the reviews of the practices of each station as furnished by the CR representative organizations.

3) The guideline for receiving and investigating complaints

Participants in each region suggested the steps of receiving and investigating complaints, as summarized in Table 16, when the station gets complaints for violating the codes of practice/ethics.

Table 16: The complaints procedure in cases of codes of practice/ethics violation

Steps	Procedures/ Duration
1. Receiving complaints	
1.1 Responsible organizations	<p>a. Community radio station</p> <p>b. The National Federation of Community Radio (NFCR) at the regional and national levels</p> <p>c. The Office of the National Broadcasting and Telecommunications Commission (NBTC)</p> <p>If the national-level NFCR has yet to achieve the system and financial readiness, the station will serve as the main complaint receiving point. When the NFCR system is in place, the regional-level NFCR will be the main receiving point of complaints.</p> <p>The station must have a complaint filing point and inform listeners so that they are aware of their rights. When the station receives complaints, it must forward the matter to the regional and national NFCR offices who will gather information and collate it into the annual report.</p>

Steps	Procedures/ Duration
1.2 Handling complaints	<p>Audience can file complaints in forms of documents, as well as via telephone and email.</p> <p>Complaints filed via telephone or email must be put on the filing complaint form for record keeping. The name, address, and telephone number of the complaint filer must be included in every case to make the filing complete.</p> <p>The NFCR only handles complaints against its members. In the case of complaints against non-members, the organization will reply to clarify the matter and inform the filer to send complaints to the NBTC.</p>
2. Investigating complaints	
2.1 Responsible organizations	<p>a. The station committee b. The regional NFCR c. The NFCR's ethical committee</p> <p>The complaints are categorized into two levels: 1) program presenter level, and 2) station level. After receiving the complaint, the station and the regional NFCR should try to reconcile first. If the reconciliation fails, the matter will then be investigated.</p>

Steps	Procedures/ Duration
2.2 Investigation procedure and duration	<p><u>Step 1</u> The station investigates the complaint, reports to the regional NFCR, and broadcasts the matter within 30 days.</p> <p><u>Step 2</u> If the station does not launch the investigation within the deadline or the complaint filer is not satisfied with the station's deliberation, the matter can be forwarded to the NFCR's ethical committee.</p> <p><u>Step 3</u> The NFCR's ethical committee investigates the complaint based on the information from a. the complaint document, and b. fact-finding on location (producer + audience), then conclude the report within 30 days.</p>
2.3 Procedures for codes of practice/ ethics violation	<p>The procedure is carried out in two levels, as followed:</p> <p>The program presenter level</p> <p><u>1st violation</u> The station gives a warning to the presenter</p> <p><u>2nd violation</u> The station suspends the presenter from presenting the program three times or consider the removal of the presenter (in the case of serious violation)</p> <p>The station level</p> <p><u>1st violation</u> The NFCR notifies the station and calls for amendment</p>

Steps	Procedures/ Duration
	<u>2nd violation</u> The station faces warnings/ probation
	<u>3rd violation</u> The NFCR asks the regulator (the NBTC) to temporarily suspend the station's broadcast (no more than 1 month)
	<u>4th violation</u> The NFCR asks the regulator (the NBTC) to consider not renewing or revoking the license

Conclusion and additional observations

Community radio emerged in Thailand only recently, and has been in operation for a little more than a decade. Despite the chaotic regulatory regime, political manipulation, and low economic viability, CR remains a distinctive medium which opens up a democratic communication space for residents of rural areas and underprivileged citizens to express their opinions. Nevertheless, this sector still struggles to survive and preserve its independence from state intervention. At the same time, CR stations require the community's support and diversity of interests in order to maintain their existence. It is difficult to achieve these goals with the absence of an open and democratic regulatory framework. Therefore, the research project was an attempt to develop an enabling regulatory environment for community radio based on the ideas of self- and co-regulation. Such a move was anticipated to foster the best CR practice model that will generate sustainable benefits not only to the CR community but also to the public at large.

The research team's extensive experience in civil society operation and the enthusiastic participation of community radio operators in every step enabled this project to accomplish two main missions: 1) the development of an enabling regulatory environment for community radio, and 2) capacity-building activities for civic community radio practitioners through introductory exercises of self- and co-regulation. During the long research period (more than 15 months), CR practitioners and civil society alliances performed disparate roles: key informants, participants in the focus group interviews, and attendants of the national seminar/workshops. Along with members of the research team, they came together to learn about the meaning of self- and co-regulation, and produced a set of information based on their experiences. Such information helped expand, amend, and fine-tune the originally designed code of practice and the regulatory framework to better fit and answer to the needs of Thai community radio.

During the final phase of participatory data collection, the project not only led to the mutual agreement on the codes of practice/ethics and the co-regulatory framework, but also developed the potential of community radio society by together campaigning for self-regulation so that the concept was finally put into practice. Moreover, the NFCR, of which the secretary-general was also a member of the research team, was also determined to combine lessons learned from the project into the NFCR's operational guideline and came up with the follow-up plan to test the implementation of the codes of practice/ethics in the future.

Even though the NFCR had promised to follow this plan, other factors must be taken into consideration. For instance, a healthy environment for communication in the community should be built by enabling an open and free medium, protecting the rights and freedom of expression of reporters and the station's presenters, and ensuring the relevant citizen rights such as race, ethnicity, religion, women, and other minority groups. This could be achieved by recognizing the non-profit organizations and the legal system that facilitates these rights¹⁷.

However, during the past few years, Thailand has yet to reach the aforementioned goals to promote these rights. The country has continually been downgraded in several global media development indices. For instance, the Reporteurs sans Frontieres (RSF) report in 2010 labeled Thailand's freedom of press as "Noticeable Problems". Meanwhile, Freedom House moved the status of Thai press down from "free" to "partially free" since the 2006 military coup.

It is discernible that the issues concerning CR has been politically manipulated during the past few years, particularly from March to May 2010 when the red-shirt demonstrators organized a prolonged mass protest that widely affected the heart of Bangkok's commerce. From a positive viewpoint, CR enabled the rural mass to defy the authority of the then government who controlled most mainstream media, as they were able to express opinions and political ideologies that

¹⁷Coyer, K. 2008. The Enabling Legal Environment for Community Media. Available at: <http://www.cmcs.ceu.hu/research/community-media>. (Accessed: March 1, 2013).

were different and counter-dominant. By the same token, under the incomplete regulatory regime, CR was used as propaganda vehicle and to serve the operators' own interest by disseminating disinformation and hate speech,¹⁸ which further deepened social and political rifts in Thai society.

Before the harsh crackdown on the red-shirt protesters in 2010, the research team had high hopes that co-regulation might be possible, because previously, the independent state regulator performed their roles according to the newly-passed law quite effectively. They started the licensing and exercised the authority that would facilitate self-regulation among community radios. However, since the political disobedience to resist the government has been clandestinely embedded in the rural community, the research team became uncertain that the co-regulatory framework based on the community radio's self-regulation and the independent state regulator as supporter would be feasible. Although the NTC, acting as the interim regulator, and the broadcast sub-committee had been able to maintain independence from the state, the regulatory regime changed significantly after the State of Emergency Decree was in effect. The NTC and the sub-committee were forced to deploy extreme regulatory measures, such as the search and closure of community radio stations, under the usual claim to *"maintain national security"*.

¹⁸Soraj Hongladarom explains that hate speech is "any form of communication that insults any individual or group based on the individuals or groups' distinct characteristics, such as race, gender, nationality, religion, or others." Retrieved from www.matichon.co.th.

Nonetheless, the hopes for self-regulation may not disappear completely. The 2008 Broadcasting Act stipulates that self-regulation is to take place and the state regulator must support self-regulation. Moreover, the eager participation of representatives from the CR community, especially in the extended academic project, clearly reflected that the stakeholders became aware of the significance of the “rules of the road” to regulate their community members’s conducts in forms of codes of practice/ethics. These moves indicated that the CR community is sufficiently mature to self-regulate, as they have strived through the difficulties and turbulence during the volatile regulatory regime in the past. Moreover, the NFCR, which is the most prominent organization that represents the civic CR operators at the moment, has greatly expressed the motivation to take on and implement the ethical standard, in order to prove themselves against the public’s doubt about CR values and constitutional legitimacy to access to radio frequency in this highly dynamic milieu.

The CR operators’ discernible rejection of advertising and presentation of political propaganda or vices, and their effort to revise the regulatory framework and complaint procedure that suit the realistic context, as evident in the aforementioned discussion forums, signal the existence of genuine CR operators who maintain ethical principle. Although their number remains minimal, their presence is stable and likely to lead to the sustainability of community radio that operate under the “of the community; by the community; for the community” principle in the future.

04

Conclusion and Recommendation

As a form of community media, community radio is unique and has distinct attributes from mass media. While mass media are evaluated for their success based on audience ratings, profits, income, employment, economic interests, and social impacts, the significance of community radio cannot be assessed in these dimensions. The value of community to society cannot be measured in monetary terms as it is less tangible but can only be judged upon the contribution it has made to social capital and sustainability of the community.

In any case, since radio is relying on scarce resource like radio frequency, this sector is always subject to appraisal in terms of economic worth. Based on the experiences of several countries, questions raised on the allocation of frequency for community radio have been couched in “unworthiness” and “opportunity cost” discourses. This is because most community radio stations do not have to pay for the cost of accessing frequency at the same rate as commercial operators. For instance, in Mali and Columbia, license fees for community radio is around US\$20 or about 600 baht while in Bolivia the fee is estimated at about 10 per cent of the cost that is usually paid by commercial radio

stations. There are other countries, however, which charge a high fee on community radio stations in exchange for the right to access and use frequency. For instance, in Ghana, community radio operators have to pay US\$100 (about 3,000 baht) alone to apply for a license while the cost of the license is set at US\$2,000 or about 60,000 baht, plus another US\$800 (about 24,000 baht) for annual fee. The setting of such high “price” for frequency access and use has proven to be a major hindrance towards community radio development in Ghana which has seen slow progress in this media sector.

Even in a country which is touted internationally as a poster child for community radio like Australia, community radio has also gone through a period to prove its self-worth. When the pioneering community radio practitioners were starting out in the late 1980s to early 1990s, they came under criticism for not deserving the scarce frequency and the opportunity cost that they may have created. Some politicians attacked the fact that community radio operators are exempted from paying license fees or are subsidized quite extensively. Australian community radio practitioners spent the next decade proving themselves to the Australian public, using two main strategies – value creation through content and assurance on ethical best practice through a co-regulatory scheme.

In the past decade, the community radio sector has not only expanded physically to cover both geographical communities in all parts of Australia and communities of diverse interest to cater to the needs that are not well accommodated

by mainstream commercial radio. Meanwhile, the number of volunteers who do programs and manage stations has also increased in sheer numbers from 25,000 to about 100,000 within this time period. The value that community radio has fostered for Australian society is also evident through these empirical achievements:

- Broadcasting in more than 100 languages and dialects of different subcultures, constituting one of the world's biggest language laboratories;
- Presenting diverse genres of music, providing viable alternatives from mainstream music;
- Providing and entertainment services for the visually impaired and those who are illiterate;
- Serving as a forum for all socio-economic groups, regardless of their ethnicities, religion, culture, physical conditions, age, gender, or ideologies.¹

The above findings about Australian community radio's social contributions are compiled through a series of research that has been periodically commissioned by the Australian Communications and Media Authority (ACMA), which is the independent communications regulator of the state in Australia. The evaluation of cost-effectiveness and worthiness of community radio is part of the ACMA's evidence-based policy-making approach. Through the use of data that are systematically collected and processed, the ACMA can base their decisions on hard evidence rather than being subject to

¹<http://www.cbaa.org.au/>

lobbies and pressure put forth by interest groups. This evidence-based policy-making approach is a desirable model for good governance as it can ensure a transparent and accountable process.

With respect to best practice models, Australia is outstanding in terms of self-regulation and co-regulation of broadcasting, which have been the predominant regulatory regimes since the 1990s. For community broadcasting, the sector's self-regulatory organization, called Community Broadcasting Association of Australia or CBAA, has collaborated with local community radio practitioners, in consultation with the ACMA, in developing the Australian Community Broadcasting Codes of Practice or the Codes. The Codes do not only provide ethical guidelines for community radio practitioners, but also lay down guiding principles for programming, local content, eligibility for financial subsidy, volunteerism, dispute settlement, complaints-handling and revision of ethics.²

Although the ACMA has relegated power to the CBAA in regulating community radio operators through the implementation of the Codes, the ACMA still statutorily holds reserve power which can be exercised through other regulatory mechanisms as a back-stop to support the CBAA in cases of Codes breaches. Under this co-regulatory scheme, compliance with the Codes is voluntarily enforced and also a condition for license issuance and renewal under the ACMA.

²<http://radio.visionaustralia.org/about-us/community-broadcasting-codes-of-practice>

One benefit of co-regulation is that the state regulator like the ACMA has to work closely with stakeholders in different broadcasting sectors, thereby being exposed to problems at a close rank. So, conflict resolution and seeking remedy could be swiftly and effectively executed. Co-regulation is also proven to be more flexible with a horizontal relationship, founded upon dialogues and exchanges rather than bottom-down statutory regulation.

In the Thai experience, the justification in accessing and using frequency by community radio has been a political problem since its inception as radio frequency has historically been owned and controlled by state agencies or granted to a handful of selected private operators on long-term privileged concessions. When the mandate for frequency reform took place in the 1990s to liberalize and more equitably redistribute the airwaves, especially to the people's sector that has never had access to frequency before, Community Radio (CR), as a novel communication sector, immediately became a contested terrain for the emerging frequency war. Although the law lays down a mandate for a 20 per cent allocation of available frequencies to the people's sector, the prolonged absence of a regulator which would be instrumental in the frequency reform has led to unanticipated consequences for community radio, deliberately or not. For instance, the emergence of thousands of local commercial radio stations that marginalized the civic and genuine segment of CR, and the all-inclusive accusation that community radio are mouthpieces of political propaganda that disseminate hate

and divide in society. It is fair to say that these unfortunate incidents have caused permanent damage to the social existence of CR, adversely affecting perception of the sector not only by the mass public but also by leading members of the policy-making circle. With the usual stereotypes about community radio as “instigators”, this nascent media sector is deemed as generally unworthy of the frequency allocation, or financial subsidy by the state.

In all, the following elements could be ascribed as main factors that have hindered the sustainable development of community radio in Thailand in the past decade:

- 1) Inconsistent and fragmented policy under several interim regulatory regimes;
- 2) Regulatory framework that is unfit for a complex problem and a regulatory design that does not adequately recognize the principles of community radio;
- 3) Political context which features a deep conflict and divide between the “urban center” and the “rural periphery” to which most community radio stations belong;
- 4) The lack of political will to support a sustainable existence of community radio in society.

While CR in Thailand is recognized as a distinct sector, with a legal status since 2008, it still lacks a proper regulatory framework due to the extended absence of a regulator which did not emerge until in late 2011. During the regulatory vacuum, existing agencies as well as newly established ones that played a role in passing and

implementing rules and regulations on community radio did not have full authority and were only acting as interim regulators during the transitional period. This includes, for example, the Department of Public Relations, the National Telecommunications Commission (NTC), and the sub-committee on broadcasting. The latter two were assigned with the task to issue temporary licenses to community radio stations but did not have the statutory power to issue a license to local commercial radio stations which in fact constitute the majority of the small localized radio population, or what are generally known to the public as community radio.

Meanwhile, the interim licensing procedure, a direct product of the 2008 Broadcasting Act, was designed with limited understanding about the complex community radio landscape. The designers of the licensing scheme are not familiar with the concept of community radio – be it the broadcasting secretariat at the NTC whose previous works mostly focused on telecommunications or the appointed broadcasting sub-committee and associated working group who are mostly government bureaucrats. The licensing criteria evidently reflect little understanding of the complex CR scenario and the reluctance to seek out true civic CR for the licenses. The Notification on CR Licensing issued by these interim regulators also contains unclear provisions and has built-in limitations, making it incapable of resolving the dilemma it was designed for.

In addition, the highly volatile context has increasingly made community radio a target of political suppression,

particularly during the period when the Emergency Decree was enforced. During the height of the political crisis when Bangkok was taken under siege by red-shirt protesters, small localized radio stations were reportedly disseminating hate speech and propagating violence in many areas of the country. In reality, most of these stations were local commercial or political stations but they operated under the “community radio” label. As a result, community radio became the culprit of political ills, especially from the eyes of urban elites who associated community radio with grassroots movements that are the basis of the red-shirts or the United Front of Democracy against Dictatorship (UDD). In the aftermath of the red-shirt uprising in 2009 and 2010, the image of the red-shirts and that of community radio became overlapped although in actual fact there were efforts by the yellow-shirts or the People Alliance for Democracy (PAD), the red-shirts’ nemesis, to exploit community radio for political gain as well.

However, the use of restrictive measures enforced under the emergency period has also led to a climate of fear and curbed freedom of expression of community radio practitioners, hence causing them to neglect social and political issues in the community and to shift their focus to only politically safe content like music and entertainment.

The prevailing negative image of community radio coupled with the extensive history of state ownership and control of the airwaves have led to little support and expression of political will for the sustainable existence of community radio. The situation has improved and resolved after the

establishment of the National Broadcasting and Telecommunications Commission (NBTC), which has helped form policy as well as regulatory mechanisms to systematically support the existence of community radio. The most outstanding achievement of the NBTC, to date, is the NBTC Notification on Criteria for Temporary Licenses of Community Radio 2012. Of particular importance is the appendix which outlines conditions, qualifications, and models of operation of temporary community broadcasting. To qualify for a temporary community radio license, applicants must demonstrate empirical evidence on two points: 1) how they have helped strengthen the community or have contributed to the public interest in the community for two continuous years; and 2) how they have fostered participation, in the various outlined forms, from the community of service. By giving very specific conditions that applicants must fulfill, the NBTC office could easily sideline local commercial radio operators from real civic community radio operators within the application pool.

Although the NBTC is shaping up their rules and regulations on community radio more effectively, there are still some lingering regulatory issues that need to be developed further to ensure a continued sustainability of community radio in Thailand.

- The licensing procedure has to be fair, open, transparent, and supported by statutory law. It is of high importance that a well-structured regulatory framework be announced as soon as possible to make clear to all operators from the inception. The problematic

case in point is that of South Africa whereby the regulator – the Independent Broadcasting Authority – began issuing community broadcasting licenses since 1995 but did not announce the regulatory framework until 1997. This kept community radio operators waddling in uncertainty for two years.

- The NBTC ought to set up a support unit to assist community radio especially with respect to technical assistance. Some good examples are Columbia and the UK where the regulators set up technical assistance units to help community radio operators. In the Thai case, since community radio stations are limited with funds and operated primarily by volunteers, the requirement to bring the transmitters for inspection at a designated point and the associated cost not only poses a financial burden but also affects their living.
- While organizing capacity-building activities and rendering the support for community radio stations that fit the best practice models are considered necessary, the NBTC ought to make sure that the assistance would not lead to excessive reliance since community radio stations must also be sustained by the community of service. This is in line with the provision in the 2008 Broadcasting Act which stipulates that the amount of support community radio stations shall seek from the NBTC's fund must not exceed 50 per cent of the station's total annual income.

- In the future, the NBTC should take evidence-based policy making as its main approach. Systematic studies should be launched periodically to seek answers about community radio operation in Thai society. Some of the data can be collected and compiled through the NBTC's administration such as application for licenses that may render the following information about the applicants:
 - o Legal status and membership to professional or self-regulatory organization (s)
 - o Target group of listeners
 - o Distinctiveness of program content
 - o Community participation and accountability
 - o Planning to ensure social interest to the community
 - o Financial planning and funding sources.

Apart from regulatory organization like the NBTC, the sustainability of community radio sector is also riding on its own community of practitioners. On the one hand, some civic community radio operators (the true kind of community radio) have exhibited clear missions to strengthen their respective geographical communities in various ways, from promoting participation from the community and serving as a public forum, to projecting the community's identity in ways that could not be accommodated by mainstream media. Meanwhile, the issue-based community radio stations have also been an important channel in promoting understanding and advocating public issues that may affect the communities of

common interest such as labor, environment, health, youth, culture, religion, among others. On the other hand, the regulatory disarray especially the delayed licensing process and the capture of the broadcast landscape by local commercial radio have led many genuine community radio operators to slip away and perish along these years.

Based on direct experiences from the participatory research project of civic community radio and the academic service project as outlined in Chapter 3, it is found that the strength of community radio stations has gradually receded as a growing number of stations have “given up” amidst a regulatory framework that is far from being enabling. While a large part of the practitioners in these stations are still committed to the idea of radio “of-by-and-for the community” and the non-profit, no-commercial basis, there are also some operators who feel discouraged and think that complying with the code of ethics may be too inhibiting for them, making it even more difficult to survive. In addition, some of these operators are unsure whether the National Federation of Community Radio (NFCR) is strong and representative enough of the entire community radio community to serve as the self-regulatory organization that will implement the code of ethics. Evidently, the NRCR is quite limited in terms of financial support and capacity-building.

In any case, to be fair, despite many glitches in the past 10 years, civic community radio in Thailand still manage to survive and the NFCR has inevitably played a part in this. To persist throughout so many tests is a good proof of the

relentless dedication to the pursuit of creating a medium for the people and the community. Apart from getting into the licensing process, the challenges ahead for community radio practitioners remain in three areas. The first two are the strategic issues that underlie the social existence of community radio as mentioned above -- value creation through content and promotion of ethical best practice. The third interesting challenge would be how to make Thai society, at the macro level, recognize the efforts that have been made by these community media practitioners towards these ends. This is so that the civic community radio could discard the image of “instigator” and “frequency pirate” to something that is more acceptable to the Thai public.

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Appendix 1



(Draft) Code of ethics/practice
for **Community Radio in Thailand**
(Original Version)

Thai Media Policy Center
February 2009

This is part of the research project entitled
“Building a Democratic Framework for Community Radio in Thailand”
the project receives support from the Social Science Research Council (SSRC)
as part of the large Grants for academic-advocacy collaboration in media and communication

(Draft : not for reference)

Background of the code of ethics/practice for community radio

Legal background

Article 39 of the Broadcasting Act B.E. 2551 (2008) provides that

“The commission (regulator, added by author) shall promote the assembly of licensees, program producers, and media professionals in the area of broadcasting into an organization to draft code of ethics or code of practice or code of professional ethics, in order to control their occupational system or professional practice, under an ethical standard.

The drafting of code of practice, according to clause one above, must take into account the protection of freedom of information of the public, consumer protection, and protection of the rights and freedom of media professionals and media organizations.”

The above constitutes the origin of the following code of ethics/practice which is an important document to lay down principles and approaches on issues which are fundamental to community radio practice and which can entail ethical consequences to the audience community. The code also forms guidelines for self-regulation of civic community radio practitioners, relying on a representative organization of community radio which is well recognized by the CR community as enforcer of the code.

In any case, the code shall not replace rules and conditions in licensing community radio or other regulations related to the Broadcasting Act 2008, but will supplement the existing legal provisions and regulatory conditions. CR licensees will have to comply with all laws related to CR as well as this code of practice.

Principles of community radio

Civic community radio in Thailand operate under the following principles:

- 1) Community radio of the community refers to the mutual ownership of the station by people in the community;
- 2) Community radio by the community refers to the participation of the community in management, programming, and administration of the community radio stationl
- 3) Community radio for the community refers to the setting of station's goals for the interest of the community and responsibility to the community and to society;
- 4) Not seeking business profits means not carrying objectives to generate financial and commercial benefits;

¹According to the Notification on Criteria and Methods in Temporary Licensing of Community Radio, community refers to groups of people who reside in the same geographical area, urban or rural, and groups of people who share the same interest, living in the same geographical area, or can communicate to one another, having common social and cultural interests, conjoining by activities that are legal and morally acceptable continuously, with organized management and representation of the group's intent.

- 5) Independence and right to communicate refers to the freedom and authority of station administrative boards to make decision on station's programming without the influence of any persons or organization;
- 6) Not seeking political interests means not using community radio to entail political interests for certain persons, groups, at the local, regional, and national levels, directly and indirectly;
- 7) Linguistic and cultural diversity means the presentation of content in local dialect of the community, including philosophy, ideas, lifestyles, and expressions that reflect the unique character of the community;

Legal provisions²

Definition of community radio

“Community radio” is defined as radio broadcasting services which has these characteristics – organized in the public interest, not seeking profits or revenues from advertising, benefitting and responding to the diverse needs of community or locality receiving the services, contributing to the locality by strengthening the community, owned and managed by the community, being independent and having freedom to present news and opinions that are in line with good ethics and morals, being free from domination or intervention of interest groups particularly political groups, political parties, or commercial profit-driven private entities.

Qualification of applicants for community radio licenses

Applicants for community radio must have the following qualifications:

²Compiled from the National Telecommunications Commission (NTC)'s Notification on Criteria and Methods in Temporary Licensing of Community Radio and the Broadcasting Act B.E. 2551 (2008)

- 1) association, foundation, juristic person, that are
 - established under Thai laws,
 - of Thai nationality,
 - situated in or residents of the locality receiving the services,
 - serving the community or locality receiving the services,
 - pursuing objectives to operate in the public interest,
- 2) organized group of individuals with the above characteristics that have the objective to strengthen and serve a particular community

Meanwhile, applicants for community radio must not have these attributes:

- 1) seeking income from advertising but may be funded by the special fund as allotted by independent regulator of the state,
- 2) be operators who have been suspended licenses or revoked of licenses for less than three years,
- 3) consist of members of station committee that have been suspended licenses or revoked of licenses for less than three years.

Content criteria

Licensees of community radio services must carry the following types of programs that benefit the community

or locality receiving the services, accounting for 70 per cent of the station's airtime:

- News and information,
- Programs that promote education and understanding about democracy
- Programs that promote lifelong education, ethics, arts, and culture,
- Programs that promote understanding about economic and social developmental issues, quality of life and the environment.

Forbidden materials

Community radio operators are forbidden from broadcasting content that may:

- incite the abolishment of a constitutional monarchy;
- have negative consequences for national security, public order, or good morals;
- contain obscene or pornographic content that may lower the mental or physical health of the people.

Recording of aired programs

Licensees must arrange for all programs that have been aired to be recorded in tapes, or other recording materials, that will allow those recordings to be converted back to audible programs, and be stored for possible examination by responsible authority.

Advertising revenue

In operating community radio services, licensees cannot seek revenues from advertising.

Financial Accountability

Licensees of community radio services must prepare and submit in due time their financial report showing accurate income and expenses to the regulator, as indicated by the independent regulator of the state.

Station Management

Licensees of community radio services must appoint a person of Thai citizenship as manager of the station to oversee that the airing of programs be in line with licensing terms, and other rules and regulations notified by the regulator.

Licensees must be liable for all actions of manager stations related to the control and management of station as if these were their own actions, unless it can be proven that those actions have been taken without consent of the licensees and that the licensees had taken due care as deemed appropriate.

Elements of the code of practice/ethics of community radio

The draft code of ethics/practice of community consists of the following topics:

- 1) Responsibility in radio broadcasting;
- 2) Diversity of content and local content
- 3) Programming and content broadcast;
- 4) Sponsorship, donations, and subsidy;
- 5) Participation of community and volunteers;
- 6) Complaints handling;
- 7) Revision of code of ethics/practice

Code: 1 | Responsibility and accountability to the community

Objective:

to ensure that community radio stations operate in line with fundamental principles of “radio station of the community, by the community, and for the community.”

Rules/ Guidelines

- 1.1 Community radio station must be controlled and operated by a committee or group of people that are members of the community or representatives of the community interest in such areas as education, community development, environment, and health, while the persons do not need to hold official positions;
- 1.2 Community radio station must have in place written policies and operational procedures that support management, financial, and technical operations including compliance with all laws related to community radio to meet all legal requirement;
- 1.3 Community radio station must have training in place for interested community members to enable their participation in station programming and management;

- 1.4 Community radio station must provide broadcasting services not for profit but to serve the needs of and promote learning process for people in the community
 - that are not adequately served by other broadcast media,
 - by encouraging an exchange of ideas and information within the community,
 - by educating and providing necessary knowledge and skills for listeners, and
 - by creating good understanding about the community and strengthening community relations;

- 1.5 Community radio station's annual share of revenue from donations and subsidy must not exceed 50% of its total revenue. The information about the community radio station's revenue is to be made available to the public or to the independent regulator of the state on request.

Code: 2 | Content diversity and local content

Objective:

to provide diverse and alternative content that are different from those provided by state or commercial radio stations, and to serve various tastes and interests of people in the community

Rules/Guidelines

- 2.1 Community radio station must try to disseminate content that are diverse and different from those presented by commercial or state radio stations, both in terms of genres (such as news, news and current affair analysis, music, live programs, community-level public meetings, specialized contents, and cultural and language programs), and content formats (both spoken words and music);

- 2.2 Community radio station must present local content and/or locally produced content accounting for no less than 50% of total airtime. In case the community has local language that is not central Thai, the station must broadcast its programs in the local language no less than 50% of its airtime as well;

- 2.3 Forms, broadcasting styles, languages used, and issues raised in the station programs must reflect culture in the community receiving the service;
- 2.4 During primetime or the period which is proven to have highest number of listeners, community radio station must give priority to the programs that present news and information or reporting that are directly related to the community, as well as those concerning cultural identity and local language of the community receiving the service.

Code: 3 | Programming and content

Objective:

to ensure that content broadcast in community radio stations have a standard that comply with values, customs and practices that are socially accepted and to protect audiences in the community from harmful or unethical content

Rules/ Guidelines

3.1 Community radio stations must comply with this guideline when they present programs that are related or cover the following types of content:

3.1.1 Violence and harmful behavior

Community radio station must not broadcast materials that:

- incite, encourage, or present for its own sake violence or brutality,
- mislead or alarm audiences by simulating news or events,
- present as desirable the use of illegal drugs, the misuse of tobacco or alcohol as well as other harmful substances, and
- glamorize, sensationalize, or present suicide as a solution to life problems. In particular, broadcast materials should not provide explicit details about the method and/or location of a suicide attempt or death.

3.1.2 Rude language

Community radio station must not broadcast material that:

- use rude language in the programs that focus on children as target group and/or programs that broadcast during the time that children are likely to listen.

3.1.3 Sexual content

Community radio station must not broadcast material that:

- explain, describe, or simulate with sound to give imagination about situation of sexual intercourse or explicit sexual activity during the time that children aged less than 18 years old are likely to listen to the program.

3.1.4 Religion

Community radio station must not broadcast material that:

- openly or implacably attack religion or beliefs in any ideology/cult or religions,
- try to take profit from religious beliefs or sensitivity,
- reduce importance or look down on opinion or beliefs of other ideology/ cult or religions.

3.1.5 Disclaim, insult, defamation

Community radio station must not broadcast material that:

- is unproven, false or defaming to a person, groups of persons, organization, and institution;
- make false claims without supporting evidence or defame with words to a person, groups of persons, organization, and institution bad news about people without any evidences or disclaim by using wording to people, group of people, or any institutions
- insult or demean women, children, minority people, the handicapped, and disadvantaged/ underprivileged groups.

3.1.6 Promote hatred

Community radio station must not broadcast material that:

- stereotype, incite, vivify or perpetuate hatred against, or attempt to demean any person or group on the basis of ethnicity, nationality, race, language, gender, sexuality, religion, age, physical or mental ability, occupation, cultural belief or political affiliation.

3.1.7 Journalistic content, such as news, news talk, current affair, news analysis

Community radio station must not broadcast material that:

- reflect bias, partiality, but must give justice to person(s) who are featured in news programs particularly in issues that involve conflict;
- present information that is inaccurate or lack supporting evidences

3.1.8 Personal privacy

Community radio station must not broadcast material that:

- invade privacy of person in term of physical living or personal information, unless consent is sought and given;

3.2 Community radio stations must use the available television content rating system of television as a guideline for their program presentation in order to protect children from harmful material and at the same time avoid concealing the real world from them.

3.3 Community radio stations must attempt to avoid censorship where possible. However, in programming decisions involving the likely problematic content, stations must take the following criteria into consideration:

- community interest and relevance,
- surrounding context and related circumstances,
- degree of explicitness of content such as wording used in explaining or describing or any role plays,
- the possibility of alarming or causing fear to the listeners,
- prevailing indigenous laws or community standard and tradition,
- community/national peace and security.

3.4 In the case of phone-ins and invited guests to the programs, both recorded and live, the above criteria according to 3.1, 3.2, and 3.3 must be used as guideline for consideration of content appropriateness

Code: 4 | Sponsorship³, donations⁴, and public contribution⁵

Objective:

to ensure that sponsorship, donations and public contribution given to community radio stations are transparent, not a form of advertising, and that do not have influence on the direction, pattern, or substance of content disseminated by the station.

Rules/ Guidelines

- 4.1 Community radio station must have in place a written policy on sponsorship, donations, and public contribution that reflects the license condition for community radio on no advertising.

 - 4.2 Sponsorship must not be a factor in deciding who can access airtime or giving any person privileged access to the station's airtime;
-

³**Sponsorship** refers to financial or material support allocated for a particular program broadcast in the CR station.

⁴**Donation** refers to financial, material, and service support received through such channels as fund-raising activities organized by the station at certain designated time, or through a donation box situated in public places in the community. Identity of the donor is not known to the station since the donation action is made anonymously.

⁵**Public contribution** refers to financial, material, and service support from other sources such as NGOs or business entities, or even individuals persons that wish to support the overall station and not any specific program. Unlike donations, those who make public contribution wish to be publicly acknowledged by the station for their contribution.

- 4.3 Community radio station must have in place clear policy and practice guidelines that editorial decisions affecting the content and style of any individual program are not influenced by donation or public contribution;
- 4.4 Community radio station must have in place a clear policy and practice guideline that editorial decisions affecting the direction and overall character of content of the station are not influenced by sponsorship, donation or public contribution;
- 4.5 In announcing about the person/organization giving the public contribution, there has to be a clear indication of a name of the person or the organization that give public contribution and this has to be broadcast apart from the program content, such as in the beginning ahead of the program or at the end of the program, and shall not assume a promotional reference⁶ in any way; for instance, mentioning of slogan, goods, products, image, activity, service, or any action that benefit sponsors directly or indirectly or by using tone, style, and any expression in that direction;

⁶**Promotional reference** refers to the nature of content that promotes the purchase, rent, service, or consumption of certain goods or services

- 4.6 Community radio station must not announce the name of person(s) or organization(s) giving public contribution in the following types of programs:
- news, news talk, and news analysis
 - current affairs and discussion programs dealing with controversial issues, political issues, both locally and nationally, and public policy issues.
- 4.7 Advertisers or owners of the products that are banned from advertising in general radio stations. For instance, operators and owners of liquor, beer, and cigarette products are not allowed to be sponsor, donor, or giver of subsidies to community radio station.
- 4.8 For those who donate money or things, community radio station does not have to announce their name(s), except during special time designated for station fund-raising. However, the station can publicize the name(s) of the donator(s) in a sign or public notice board at the station's office.
- 4.9 Politicians, political parties, government agencies, and local administrative organizations are forbidden from being sponsor for the community radio station, but can donate money or give public contributions without having their name(s) broadcast.

Code: 5 | Participation of community and volunteers

Objective:

to create a guideline for community participation in community radio operation and to lay out a practical operational instruction for volunteers wishing to participate in community radio station.

Rules/ Guidelines

- 5.1 Community radio station must regularly broadcast on-air announcement to emphasize that the station is owned by the community and that all community participations are welcomed.

- 5.2 Besides receiving money and/or thing donations, the community radio station must allow other community participations such as
 - seeking suggestion from listeners,
 - inviting local people to speak on the radio programs,
 - drawing local people to participate in program production,
 - holding an annual forum to seek feedback from RJs, anchors, station administrators, and audience on the station's programming,
 - station membership.

- 5.3 Volunteers must be given adequate training or orientation about the job for which they will be responsible.

- 5.4 Volunteers must abide by the rules of the community radio station they work for.
- 5.5 Volunteers must understand and comply with the codes of practice/ethics, as well as laws and regulations related to community radio.
- 5.6 Volunteers must not participate in community radio programming for political or business purposes.

Code: 6 | Complaints-handling

Objective:

to outline the station's operational guidelines and obligations with respect to handling of complaints received on the station

Rules/ Guidelines

- 6.1 Community radio station must acknowledge the rights of listeners, members, and volunteers to make complaints in writing about alleged non-compliance with the license conditions or the requirements outlined in the codes.
- 6.2 Community radio station must make every reasonable effort to resolve complaints, except where a complaint is clearly frivolous, without sufficient grounds or not made in good faith.
- 6.3 Community radio station must ensure that:
 - 1.3.1 complaints will be received by a responsible person in normal office hours and receipt is acknowledged in writing,
 - 1.3.2 complaints will be conscientiously considered, investigated if necessary, and responded to substantively as soon as possible,
 - 1.3.3 complaints will be responded to within 60 days of receiving,

1.3.4 community radio station must provide through various communication channels information to listeners about complaints-handling process and complainants' rights to refer their complaints to the independent regulator of the state provided that they have first

- 1) formally lodged their complaint with the licensee in writing, and/or
- 2) received a substantive response from the licensee and are dissatisfied with their response, or have not received a response from the licensee within 60 days after making the complaint.

A written complaint or response can be a letter, fax, or email.

6.4 A record of complaints and responses must be maintained for at least two years from the date of the complaint according to the Freedom of Official Information Act B.E. 2540 (1997), and must be made available to the independent regulator of the state upon request.

Code: 7 | Revision of codes

Objective:

to ensure that the codes continue to reflect updated standard and remain relevant to community needs and the dynamic environment.

Rules/ Guidelines

- 7.1 Community radio sector, as coordinated by the CR self regulator -- the sector organization representing the majority of licensees and regional community radio networks or associations, must review the community radio codes of practice/ethics every five years in consultant with other related sector organizations such as the government sector, the academic sector, and the government regulatory agencies.

- 7.2 Before any changes are made to the codes, the sector, as represented by the CR self-regulatory organization representing the majority of the licensees, must consult with other sector organizations aforementioned. The organization must strive to seek agreement with majority of community broadcasting stations and incorporate public feedback before the codes are certified under the Act.

Appendix 2

Name and background of researchers and their organizations

Apart from the principal investigator, Dr. Pirongrong Ramasoota, there are four other researchers in the project, all of whom are experienced civic workers from non-governmental organizations that have worked closely with community radio. This includes:

- | | |
|--------------------------------|--|
| 1) Sarod Wellmanee | Assistant Coordinator,
Research Project on
Capacity-Building of
Women in Community
Radio, Research Center
on Multi-Culturalism,
Faculty of Education,
Chiang Mai University |
| 2) Nantaporn Techaprasertsakul | Dissemination &
Advocacy staff,
Thailand Volunteer Service |
| 3) Suthep Wilailert | Deputy secretary-
general, Campaign
for Popular Media
Reform (CPMR) |
| 4) Vicharn Unok | National Federation
of Community Radio
(NFCR) |

Appendix 3

List of Participants in the Focus Group Interview

Region	Name	Organization
North	Noi Kunthipanya	" <i>Mae-Wang</i> " Community Radio Station
	Phichit Pongchirungkal	Former Co-ordinator in the Network of Civic media community of the North
	Sarinthip Munsup	Center for Multi-Culturalism and Educational Policy Research, Faculty of Education, Chiang Mai University
	Prasert Kittisak	Head, " <i>Kon La Poon</i> " Community Radio Station
	Boonchan Chanmor	Head, " <i>Kon Neu Kheun</i> " Community Radio Station
	Songwan Intasan	Co-ordinator, " <i>Khon Rak Thin</i> " Community Radio Station, Phayao Province

Region	Name	Organization
	Nantha Benchasilarak	Managing Editor, Prachatham News Agency
	Aporn Sangchot	Head, <i>"Kon Meung Pai"</i> Community Radio Station, Mae Hong Son Province
	Wichian Wongsathan	Head, <i>"Kon Rak Thin"</i> Community Radio Station, Phayao Province
Northeast (Upper)	Weerapon Charoentham	Network of Community Radio, Loey Province / Association of Khon E-San Community Radio
	Thaweesak Supanan	<i>"Sri-That"</i> Community Radio Station, Udon Thani Province
	Wanna Yaipangkaeo	<i>"Thai-So"</i> Community Radio Station, Sakolnakorn Province
	Plern Yaipangkaeo	<i>"Thai-So"</i> Community Radio Station, Sakolnakorn Province
	Suwakon Ponasa	<i>"Thai-So"</i> Community Radio Station, Sakolnakorn Province

Region	Name	Organization
	Kemporn Chueatamuen	<i>"That-Phanom"</i> Community Radio Station, Nakornphanom Province
	Saringkan Wongthamat	<i>"Bungkla-Phoowua"</i> Community Radio Station, NongKai Province
	U-tai Ponchan	<i>"Bungkla-Phoowua"</i> Community Radio Station, NongKai Province
	Kosin Dablakam	<i>"Kon-Phoo-Phan"</i> Com- munity Radio Station, Sakolnakorn Province
	Chuchat Uttawee	<i>"Kon-Phoo-Phan"</i> Com- munity Radio Station, Sakolnakorn Province
	Rasri Kanrachom	<i>"Kon-Phoo-Phan"</i> Com- munity Radio Station, Sakolnakorn Province
	Panya Kotpetch	<i>"Kon-Hug-Thin"</i> Com- munity Radio Station, Udon Thani Province
	Thaworn Manosilp	<i>"Kon-Hug-Thin"</i> Com- munity Radio Station, Udon Thani Province

Region	Name	Organization
	Naowarat Daorueang	<i>"Kon-Hug-Thin"</i> Community Radio Station, Udon Thani Province
	Buaphan Chukam	<i>"BanDung-ThungFon"</i> Community Radio Station, Udon Thani Province
	Thanasak Kamduang	<i>"Pa-lang-pan-din pak mualchon"</i> Community Radio Station, Nakornphanom Province
Northeast (Center)	Namchai Uttharak	<i>"Kon-Gu-Chi-Na-Rai"</i> Community Radio Station/ Association of Khon E-San Community Radio
	Narong KongIn	<i>"Kon-Meung-Ket"</i> Community Radio Station, Roi Et Province
	Chalee Boonnoon	<i>"Wisdom of Traditional Medicine"</i> Community Radio Station, Kalasin Province
	Wichian Phornbandit	<i>"Meung"</i> Community Radio Station, Kongan Province
	Kachanamat Maneeunyafueangfo	<i>"Meung"</i> Community Radio Station, Kongan-Province

Region	Name	Organization
	Ubon Deeyotha	“ <i>Meung</i> ” Community Radio Station, Kongan Province
	Phu Suporn	“ <i>Kon-Mook-da</i> ” Community Radio Station, Mookdahan Province
	Singh Somboon	“ <i>Kon-Mook-da</i> ” Community Radio Station, Mookdahan Province
	Santhana Thammasaroj	“ <i>Wisdom of Phi-mai</i> ” (Poom-pan-ya-Kon Phi-mai) Community Radio Station, Nakhon Ratchasima Province
	Somkuan Nguphimai	“ <i>Wisdom of Phi-mai</i> ” (Poom-pan-ya-Kon Phi-mai) Community Radio Station, Nakhon Ratchasima Province
	Somkid Siriwatthanakun	“ <i>Kon-Meung-Bua</i> ” Community Radio Station, Nakhon Ratchasima Province
	Ratthapol Tonongna	“ <i>Kon-Meung-Bua</i> ” Community Radio Station, Nakhon Ratchasima Province

Region	Name	Organization
Northeast (Lower)	Boonmee Kamrueang	“ <i>Seang-Mae-Moon</i> ” Community Radio Station, Ubon Ratchathani Province
	Kamphang Huang- pol	“ <i>Seang-Mae-Moon</i> ” Community Radio Station, Ubon Ratchathani Province
	Boonlai Phengdee	“ <i>Seang-Mae-Moon</i> ” Community Radio Station, Ubon Ratchathani Province
	Saman Bamphen	“ <i>Network of Kon Pluk Kao Lum Mea Nam Kong</i> ” Community Radio Station, Ubon Ratchathani Province/ Network of Rice Farm- ers on the Maekhong River, Ubon Ratchathani Province
	Rit Lookngo	Network of Rice Farmers on the Maek- hong River, Ubon Ratchathani Province
	Yutthana ThongLo	“ <i>Kon-sa-tuk</i> ” Community Radio Station, Bureeram Province

Region	Name	Organization
	Sarai Liawthaisong	"Kon-sa-tuk" Community Radio Station, Bureeram Province
	Chusak Atvichai	"Ban-Pao" Community Radio Station, Mookdahan Province
	Somba Traiyawong	"Ban-Pao" Community Radio Station, Mookdahan Province
	Phra Kru Rattana- hammanurak	"Wat Dok Jan Rat- tanaram" FM 91.75 MHz Community Radio Station, Surin Province
	Thaninnat Lamungthong	"Na-rai Sampan" FM 106.0 MHz Community Radio Station
	Orathai Nisailert	"Na-rai Sampan" FM 106.0 MHz Community Radio Station
	Theerapon Unmai	Faculty of Arts, Ubon Ratchathani University
	Saksit Boonyaban	Network of Ubon Ratchathani Community
	Bodin Chiansilpdamrong	"Seang-Mae-Moon" Community Radio Station, Ubon Ratchathani Province

Region	Name	Organization
	Prasert Plukchaiharn	<i>"ThungBon-Samood"</i> 92.50 MHz Community Radio Station
	Chatchai Chaiyotha	Association of Khon E-San Community Radio
	Chongkolnee Sirirat	<i>"Civic Society Network"</i> Community Radio Station, Ubon Ratchathani Province
	Songka Samart	<i>"Civic Society Network"</i> Community Radio Station, Ubon Ratchathani Province
	Phra Ajan Samai	<i>"Tubtim Nimit"</i> Community Radio Station, Surin Province
	Promma Supattho	Director, <i>"Phue Phra-Phut-tha-Sassana"</i> , Community Radio Station, Yasothon Province
West	Saraj Moonpuak	<i>"Don-Rea"</i> Community Radio Station, Ratchaburi Province
	Chalet Thamrongthitikul	<i>"Kon-Nong-Ya-Sai"</i> Community Radio Station, Supanburi Province

Region	Name	Organization
	Worawut Boonphen	“ <i>Ban-Pheao</i> ” Community Radio Station, Samut Sakorn Province
	Boonsong Chansongrassamee	“ <i>100.75 FM</i> ” Community Radio Station, Karnchanaburi Province
	Wanchai Heamharn	“ <i>Thung-Leung</i> ” Community Radio Station, Pak-Tho, Ratchaburi Province
	Kunaneek Sornmala	“ <i>Kon-Sai-Yok</i> ” Community Radio Station
	Phonphiphat Watuksorn	“ <i>Bo-Nok</i> ” Community Radio Station
East	Wisutchon Champakao	Christian Community Radio Station
	Yothin Kaeosawang	Christian Community Radio Station
	Patiyut Saithong	“ <i>Ban-na</i> ” Community Radio Station
	Mongkol Phinduang	“ <i>Khon Tambon Bang-or</i> ” Community Radio Station, Nakon Nayok Province
	Chanthanit Monchaising	Community Radio for Health, Rama VII Nursing College, Chanthaburi Province

Region	Name	Organization
	Dr. Watthana Bunthoengsuk	Committee member National Federation of Community Radio
	Chatchai Lueangcharoen	<i>"Ban-Cham-rung"</i> Community Radio Station
	Thammanit Suriyarangsee	<i>"Soi Dao"</i> Community Radio Station, Chan- thaburi Province
Centre/ Bangkok	Amnuai Pusawat	Labor Voice Community Radio Station, Bangkok
	Thanapat Rueangamphan	<i>"Klong Toey"</i> Community Radio Station, Bangkok
	Supphachai Kachonsiriphakdee	Network of Civic Media, Nonthaburi Province
	Sathian Chanthon	<i>"Keschaiyo"</i> Community Radio Station, Angthong Province
	Bandit Niamthanom	<i>"Keschaiyo"</i> Network of Civic Media, Nonthaburi Province
South	Suthin Muakkwan	<i>"Tambon NamKhao"</i> Community Radio Station, Songkla Province
	Phonthip Kaeomahakan	<i>"Tambon NamKhao"</i> Community Radio Station, Songkla Province

Region	Name	Organization
	Pradit Musikasong	"Suan Pa Huay Pood" Community Radio Station, Phattalung Province
	Fa Singson	"Suan Pa Huay Pood" Community Radio Station, Phattalung Province
	Wallapha Neaskhow	"Suan Pa Huay Pood" Community Radio Station, Phattalung Province
	Chatchaya Chaithaworn	Community Radio for Buddhism Station, Songkla Province
	Pancharee Changpood	Prik Municipality Com- munity Radio Station, Songkla Province
	Pramin Muhamad	Prik Municipality Com- munity Radio Station, Songkla Province
	Uthaihip Pruekphitak	Community Radio for Buddhism Station, Songkla Province
	Patiharn Boonrat	Community Radio for Buddhism Station, Songkla Province
	Suriyon Madra	Prik Municipality Com- munity Radio Station, Songkla Province

Appendix 4

Changes made to the draft code of ethics/practice – original and revised versions

Code	ORIGINAL	REVISED
Background of the code of ethics/practice for community radio		
	Legal background	Add social and political background
Principles of community radio		
Principle No. 4	Not seeking business profits means not seeking financial or other types of commercial interest as primary objective.	Not seeking commercial interest means not seeking financial interest or other forms of interests related to business transaction of goods and services, or advertising of goods and services.
Principle No. 5	Independence and right to communicate means the authority to make decision about program content without the influence of any person(s) or organization(s).	Independence and right to communicate refers to the freedom and authority of station administrative committees to make decision on program content without the influence of any person(s) or organization(s).

Code	ORIGINAL	REVISED
Principle No. 6	Not seeking political interest means not using community radio to serve political objectives, both at the local and national level.	Not seeking political interests means not using community radio to serve political interests for certain person(s) or group(s), both at the local, regional, and national levels, directly and indirectly.
Principle No. 8	None	Codes of ethics/practice refer to the drafting and enforcement of ethical framework and guidelines to regulate the behaviors of community radio practitioners.
Code: 1 Responsibility and accountability to the community		
1.1	Community radio station must be controlled and operated by a committee or group of people that are members of the community or representatives of the community interest in such areas as	Community radio station shall be operated and overseen by a committee or a group of people that are members of the community or representatives of the community interest in such areas as education, community development,

Code	ORIGINAL	REVISED
	education, community development, environment, and health, while the persons do not need to hold official positions;	environment, and health, while the persons do not need to hold official position in the community;
1.3	Community radio station must have training in place for interested community members to enable their participation in station programming and management;	Community radio station shall have training available for their staff. In case community members expressed interest, the station must organize trainings to enable their participation in station programming and management;
1.4	<ul style="list-style-type: none"> • that are not adequately served by other broadcast media, • by encouraging an exchange of ideas and information within the community, 	<ul style="list-style-type: none"> • that are not adequately served by other broadcast media or other forms of media, • by encouraging an exchange of ideas and information within the community,

Code	ORIGINAL	REVISED
	<ul style="list-style-type: none"> • by educating and providing necessary knowledge and skills for listeners, and • by creating good understanding about the community and strengthening community relations; 	<ul style="list-style-type: none"> • by educating and providing necessary knowledge and skills for listeners, and • by creating good understanding about the community and strengthening community relations;
1.5	Community radio station's annual share of revenue from donations and subsidy must not exceed 50% of its total revenue. The information on the community radio station's revenue is to be made available to the public or to the independent regulator of the state on request;	Community radio station must have available an account listing their income and expenses as well as the station's asset. Sources of their income must be clearly stated. This information should be disclosed to the community, the independent regulator of the state, upon request;

Code	ORIGINAL	REVISED
1.6		Community radio stations shall have clear fund mobilization plan, management of fund plan, on the basis of necessity and not capital accumulation, with open participation from the community, and under transparent system for community inspection;
1.7		Community radio station shall calculate their respective break even point so that they are able to identify their sufficient scale of existence and to determine their reserve, if any, and possible returns to the community, in the case of surplus.
Code: 2 Content diversity and local content		
2.1	Community radio station must try to disseminate content that are diverse and different from	Community radio station must try to disseminate content that are diverse and different from those presented by commercial

Code	ORIGINAL	REVISED
	those presented by commercial or state radio stations, both in terms of genres and content formats;	or state radio stations, both in terms of genres (such as news, news and current affair analysis, music, live programs, community-level public meetings, specialized contents, and cultural and language programs), and content formats (both spoken words and music);
2.2	Community radio stations must present local content and/or locally produced content accounting for no less than 50% of total airtime. In case the community has local language that is not central Thai, the station must broadcast its programs in the local language no less than 50% of its airtime as well;	Community radio stations shall present local (community) content accounting for no less than 50% of the airtime. The use of local dialect should also be promoted in program presentation while taking the unique demand and diverse character of each community into consideration;

Code	ORIGINAL	REVISED
2.4	During primetime or the period which is proven to have highest number of listeners, community radio station must give priority to the programs that present news and information or reporting that are directly related to the community, as well as those concerning cultural identity and local language of the community receiving the service;	Community radio station shall give priority to the programs that present news and information or reporting that are directly related to the community, as well as those concerning cultural identity and local language of the community receiving the service;
Code: 3 Programming and content		
3.1 NO. 3.1.1	Violence and harmful behavior Community radio station must not broadcast materials that: <ul style="list-style-type: none"> • incite, encourage, or present for its own sake violence or brutality, 	Violence and harmful behavior Community radio station shall not broadcast materials that: <ul style="list-style-type: none"> • incite, encourage, or present for its own sake violence or brutality,

Code	ORIGINAL	REVISED
	<ul style="list-style-type: none"> • mislead or alarm audiences by simulating news or events, • glamorize, sensationalize, or present suicide as a solution to life problems. In particular, broadcast materials should not provide explicit details about the method and/or location of a suicide attempt or death • present as desirable the use of illegal drugs, the misuse of tobacco or alcohol as well as other harmful substances; 	<ul style="list-style-type: none"> • mislead or alarm audiences by simulating news or events, • glamorize, sensationalize, or present suicide as a solution to life problems. In particular, broadcast materials should not provide explicit details about the method and/or location of a suicide attempt or death • present the use of illegal drugs, unethical practices, as well as abuses of such substances as alcohol and tobacco in a manner that promotes consumption;

Code	ORIGINAL	REVISED
<p>3.1 No. 3.1.2</p>	<p>Rude language Community radio station must not broadcast material that:</p> <ul style="list-style-type: none"> • use rude language in the programs that focus on children as target group and/or programs that broadcast during the time that children are likely to listen; 	<p>Rude language Community radio station shall not broadcast material that:</p> <ul style="list-style-type: none"> • use rude language both in spoken words and music. This should include sarcasm, insensibility during all airtime. Meanwhile, RJs and anchors must take into consideration the differences and unique linguistic and cultural context in each community;
<p>3.1 No. 3.1.3</p>	<p>Sexual content Community radio station must not broadcast material that:</p> <ul style="list-style-type: none"> • explain, describe, or simulate with sound to give imagination about situation of sexual intercourse or explicit sexual activity 	<p>Sexual content Community radio station shall not broadcast material that:</p> <ul style="list-style-type: none"> • explain, describe, or simulate with sound to give imagination about situation of sexual intercourse or explicit sexual activity in all programs during all airtime;

Code	ORIGINAL	REVISED
	<p>during the time that children aged less than 18 years old are likely to listen to the program;</p>	<ul style="list-style-type: none"> • are sexually discriminatory or disrespectful towards one's sexuality;
<p>3.1 No. 3.1.4</p>	<p>Religion Community radio station must not broadcast material that:</p> <ul style="list-style-type: none"> • openly or implacably attack religion or beliefs in any ideology/cult or religions, • try to take profit from religious beliefs or sensitivity, • reduce importance or look down on opinion or beliefs of other ideology/cult or religions; 	<p>Religion, culture and beliefs Community radio station shall not broadcast material that:</p> <ul style="list-style-type: none"> • openly or implacably attack religion or beliefs in any ideology/cult or religions, • try to take profit from religious or cultural beliefs or sensitivity, • reduce importance or look down on opinion or beliefs of other ideology/cult or religions;
<p>3.1 No. 3.1.7</p>	<p>Journalistic content, such as news, news talk, current affairs, news analysis Community radio station must not</p>	<p>Facts-based content such as news, news talk, current affairs, news analysis Community radio station shall not broadcast</p>

Code	ORIGINAL	REVISED
	<p>broadcast material that:</p> <ul style="list-style-type: none"> • reflect bias, partiality, but must give justice to person(s) who are featured in news programs particularly in issues that involve conflict; • present information that is inaccurate or lack supporting evidences; 	<p>material that:</p> <ul style="list-style-type: none"> • reflect bias, partiality, but must give justice to person(s) who are featured in news programs particularly in issues that involve conflict; • present information that is inaccurate or lack supporting evidences; • do not have clear references to the source of information sources;
<p>3.1 No. 3.1.8</p>	<p>Personal privacy Community radio station must not broadcast material that:</p> <ul style="list-style-type: none"> • invade privacy of person in term of physical living or personal information, unless consent is sought and given; 	<p>Personal privacy Community radio station shall not broadcast material that:</p> <ul style="list-style-type: none"> • invade personal privacy or personal information, unless consent is sought and given;

Code	ORIGINAL	REVISED
3.2	Community radio stations must use the available television content rating system of television as a guideline for their program presentation in order to protect children from harmful material and at the same time avoid concealing the real world from them.	The whole sub-code 3.2 deleted
Code: 4 Sponsorship, donations, and subsidy		
Code	Sponsorship, donations, and subsidy	Donations and public contribution
4.1	Community radio station must have in place a written policy on donations, and subsidy that reflects the license condition for community radio on no advertising;	Community radio station shall have in place a written policy on donations, and public contribution that reflects the license condition for community radio on no advertising; (Sponsorship is omitted from the revised draft).

Code	ORIGINAL	REVISED
4.5	<p>In announcing about the person/organization giving subsidy, there has to be a clear indication of a name of the person or the organization that gives subsidy and this has to be broadcast apart from the program content, such as in the beginning ahead of the program or at the end of the program, and shall not assume a promotional reference in any way; for instance, mentioning of slogan, goods, products, image, activity, service, or any action that benefit sponsors directly or indirectly or by using tone, style, and any expression in that direction;</p>	<p>In announcing about the person/organization giving the public contribution, there shall be a clear indication of a name of the person or the organization that gives subsidy and this has to be broadcast apart from the program content. The pattern of the announcement is subject to the consideration of each station's committee. In any case, there shall be no promotional reference in any way; for instance, mentioning of slogan, goods, products, image, activity, service, or any action that benefit sponsors directly or indirectly or by using tone, style, and any expression in that direction;</p>

Code	ORIGINAL	REVISED
4.7	Advertisers or owners of the products that are banned from advertising in general radio stations. For instance, operators and owners of liquor, beer, and cigarette products are not allowed to be sponsor, donor, or giver of subsidies to community radio station;	Advertisers or owners of the products that are banned from advertising in general radio stations. For instance, operators and owners of liquor, beer, and cigarette products are not allowed to give supports to community radio station but they could donate, anonymously, money and things, in accordance with the conditions in 4.2-4.4;
4.9	Politicians, political parties, government agencies, and local administrative organizations are forbidden from being sponsors for the community radio station, but can donate money or give subsidy without having their name(s) broadcast;	Politicians, political parties, government agencies, and local administrative organizations are not allowed to give public contributions to community radio station, but can donate money without having their name(s) broadcast without imposing conditions that will lead to a change;

Code	ORIGINAL	REVISED
		in the philosophy and practice of the station, as provided in 4.2-4.4;
Code: 5 Participation of community and volunteers		
5.1	Community radio stations must regularly broadcast on-air announcement to emphasize that the station is owned by the community and that all community participations are welcomed;	Community radio stations shall regularly broadcast on-air announcement to emphasize that the station is owned by the community and that all community participations are welcomed openly and fairly;
5.2	Besides receiving donations in cash or in kind, the community radio station must allow other community participations such as <ul style="list-style-type: none"> • seeking suggestions from listeners, • inviting local people to speak on the radio programs, • drawing local people to participate in 	Besides receiving donations in cash or in kind, the community radio station shall allow other community participations such as <ul style="list-style-type: none"> • seeking suggestions from listeners, • inviting local people to speak on the radio programs, • drawing local people to participate in program production,

Code	ORIGINAL	REVISED
	<p>program production,</p> <ul style="list-style-type: none"> • holding an annual forum to seek feedback from RJs, anchors, station administrators, and audience on the station's programming, • station's membership; 	<ul style="list-style-type: none"> • holding an annual forum to seek feedback from RJs, anchors, station administrators, and audience on the station's programming, • station's membership • public relations for the station • content monitoring for the station • promotion of audience assembly to render feedback to the station • linking participation from agency and organization within the community • center of learning within the community • organizing an annual forum to seek opinions from RJs, station administrators, and audience on the station's direction, administration, operation and programming;

Code	ORIGINAL	REVISED
5.3	Volunteers must be given adequate training or orientation about the job for which they will be responsible;	Volunteers shall be given adequate and consistent training or orientation about the job for which they will be responsible;
5.6	Volunteers must not participate in community radio programming for political or business purposes.	Volunteers shall not participate in community radio programming for political or commercial purposes.
Code: 6 Complaints-handling		
6.1	Community radio station must acknowledge the rights of listeners, members, and volunteers to make complaints in writing about alleged non-compliance with the license conditions or the requirements outlined in the codes;	The administration committee of a community radio station shall acknowledge the rights of listeners, members, and volunteers to make complaints in writing about alleged non-compliance with the license conditions or the requirements outlined in the codes;
6.2	Community radio stations must make every reasonable effort to resolve complaints, except where a complaint is	The administration committee of a community radio station shall make every reasonable effort to resolve complaints as received in accordance

Code	ORIGINAL	REVISED
	clearly frivolous, without sufficient grounds or not made in good faith;	with 6.1, except where a complaint is clearly frivolous, without sufficient grounds or not made in good faith;
6.3 No. 6.3.3	Complaints must be responded to within 60 days upon receipt;	Complaints shall be responded to within 30 days upon receipt. If necessary, the period could be extended for another 15 days;
6.3 No. 6.3.4	Community radio stations must provide through various communication channels information to listeners about complaints-handling process and complainants' rights to refer their complaints to the independent regulator of the state provided that they have first 1) formally lodged their complaint with the licensee in writing, and/or	Community radio stations shall provide through various communication channels information to listeners about complaints-handling process and complainants' rights to refer their complaints to the independent regulator of the state provided that they have first 1) formally lodged their complaint with the licensee in writing, and/or 2) received a substantive response from

Code	ORIGINAL	REVISED
	<p>2) received a substantive response from the licensee and are dissatisfied with their response, or have not received a response from the licensee within 60 days after making the complaint.</p> <p>A written complaint or response can be a letter, fax, or email;</p>	<p>the licensee and are dissatisfied with their response, or have not received a response from the licensee within 30 days after making the complaint.</p> <p>A written complaint or response can be a letter, fax, or email, or via other forms of communication as made available by the station.</p>
Code: 7 Revision of codes		
<p>7.1</p>	<p>Community radio sector, as coordinated by the CR self regulator -- the sector organization representing the majority of licensees and regional community radio networks or associations, must review the community radio codes of practice/ethics every five year</p>	<p>Community radio sector, as coordinated by the CR self regulator -- the sectoral organization representing the CR licensees and regional community radio networks or associations, shall review the community radio codes of practice/ethics every three year in consultant with other related sector organizations such as</p>

Code	ORIGINAL	REVISED
	<p>in consultant with other related sector organizations such as the government sector, the academic sector, and the government regulatory agencies.</p>	<p>the government sector, the academic sector, and the government regulatory agencies. During the first year, the sectoral organization shall organize for a process to promote understanding and experimental enforcement of the code. The process should emphasize upon promotion and support for code compliance rather than enforcement and sanctions. After the first year of trial, the sectoral organization shall conclude lessons learnt and problems encountered so that the code can be adjusted to best accommodate and answer to the actual operation of community radio.</p>

Appendix 5

Provisions on community radio services in the Broadcasting Act 2008

Definition of community broadcasting service

Community broadcasting services, as defined in the Broadcasting Act 2008 must:

- serve the community or locality receiving the services;
- be provided by licensees who are of the following categories:
 - o associations, foundations, or juristic persons that are neither part of the government, nor are commercially driven, and must operate for the public interest;
 - o organized group of individuals who are residents of the community and locality, that is not in the form of juristic person, and that have the objective to strengthen and serve a particular community
- not seek income from advertising but may be funded by the special fund as allotted by the regulatory authority,
- carry news, current affairs programs as well as programs that benefit the public interest¹ accounting for 70 per cent of the station's airtime,

- carry in-house programs according to the proportion as specified by the regulator.

Licensing of community radio service

The Act also states that the issuing of community broadcasting services must take into consideration diverse demands, readiness, and public interests of each respective community.

Interim regulation of community radio

Recognizing the provision on a convergent regulator in Article 47 of the 2007 Constitution, the Broadcasting Act appointed the National Telecommunications Commission (NTC) as interim regulator, during the period in which the organic law for Article 47 is in process. According to Section 78 in the conditional provision section of the Act, the NTC, which will be aided by the sub-committee on broadcasting, is accorded with the following duties:

- 1) perform regulatory duties according to all prescribed in the conditional provision;

¹Programs that benefit the public interest are defined to cover news and information programs, programs that promote education and understanding about democracy, general education, ethics, arts, culture, economic and social developmental issues, quality of life and the environment. (Article 33)

- 2) proceed to give out temporary licenses (not exceeding one-year) to operators of community broadcasting services and non-frequency services;
- 3) determine and publicly announce regulatory guidelines for program remit for licensees according to 2);
- 4) oversee and enforce upon the dissemination and broadcasting under licensees according to 2) to comply with the stipulated transmission power and signal coverage.

The NTC and the broadcast sub-committee's regulatory role with regard to community broadcasting and non-frequency services shall terminate when the new convergent regulator according to section 47 of the Constitution commences operation.

Submission of program schedule

Broadcast licensees of all types² are required to submit their program schedule to the regulator 15 days prior to the beginning of broadcast services.

Content regulation

Article 37 of the law authorizes the regulator to censor or pull the plug on programs with content that may

- incite the abolishment of a constitutional monarchy;
- have negative consequences for national security, public order, or good morals;
- contain obscene or pornographic content that may lower the mental or physical health of the people.

Penalty

The penalty which may bear relevance to CR operators is noticeably high. For instance, Article 68 of the law reads:

licensees who broadcast their signals in such a way that may interfere with other licensees' services could be subject to three-year imprisonment or Bt3 million (US\$97,000) in fine, or both. If the violation persists, they could be fined for Bt30,000 (US\$970) daily.

²The Act outlined three major types of broadcast services to be licensed: public service broadcasting services, commercial broadcasting services, and community broadcasting services. Within the public service broadcasting services category, there are three sub-categories: 1) type a) whose main objectives are to promote education, religion, arts and culture, science and technology, agriculture, health, sports, and quality of life; 2) type b) whose main objectives are to promote national security and public safety; and 3) type c) whose main objectives are to promote good understanding between the state and people, to educate the people about democracy, and to provide useful information to the handicapped, the underprivileged, and other information that serve the public interest.

Self-regulation

Article 39 under section three on Promotion of Control through Professional Ethics and Protection of Affected Parties from Broadcasting; for instance, reads:

Regulator should promote licensees, program producers, and media professionals in broadcasting to form into organizations and entities in order to create professional codes of ethics for the purpose of self-regulation.

In addition, the same article stipulates that professional entities that successfully establish code of ethics could qualify for the promotional support from the special funding set aside by the regulator as in Article 22.

Special broadcast fund

Article 22 of the Act provides that the regulator set aside not more than two per cent of the revenues from license fees to a special fund. The fund may be used as subsidy to support certain services or programming that benefit the public interest (including community radio services, added by author) or are qualified for promotion – protection and promotion of the rights of the handicapped and the underprivileged (Article 52).

Appendix 6

Summary about Community Radio (CR) Workshops in Four Geographical Regions and List of Participating CR Stations

A. Northeastern Thailand The workshop, co-hosted by Faculty of Infomatics and College of Politics and Governance, Mahasarakam University, was held during June 11-12, 2011 at meeting room No.1, 4th Floor, Barom Raj Kumari Building, Mahasarakam University. There were 28 participants from 14 community radio stations as follows:

1. Khon Dan Sai Community Radio, Leoi Province
2. Khon Phu Rua Community Radio, Leoi Province
3. Khon Phu Luang Community Radio, Leoi Province
4. Khon Kuchinarai Community Radio, Kalasin Province
5. Khon Loom Phu Community Radio, Kalasin Province
6. Local Wisdom of Folk Medicine Community Radio, Kalasin Province
7. Khon Muang Ket Community Radio, Roi Et Province
8. Or Sor Mor Sampan Community Radio, Roi Et Province
9. Wellbeing Society Community Radio, Roi Et Province

10. Khon Hug Tin Community Radio, Udon Thani Province
11. Baan Doong-Toong Fon Community Radio, Udon Thani Province
12. That Phanom Folk Community Radio, Nakhon Phanom Province
13. Khon Na Thong Community Radio, Mahasarakam Province
14. Leoi Youth and Adolescent Community Radio, Leoi Province
15. Narai Sampan Community Radio, Surin Province
16. Mae Noon's Voice Community Radio, Ubon Ratchathani Province

B. Northern Thailand The workshop was held during July 9-10, 2011 at Mandalay Room, UNISERV Chiang Mai University, Chiang Mai Province, with 20 participants from 11 community radio stations as follows:

1. Tarn Phra Phon Community Radio, Chiang Rai Province
2. Hang Dong Community Radio, Chiang Mai Province
3. Khon Jom Thong Community Radio, Chiang Mai Province
4. San Pa Thong Community Radio, Chiang Mai Province
5. Khon Vienghang Community Radio, Chiang Mai Province

6. Chiang Dao Community Radio, Chiang Mai Province
7. Khon Nuea Kuean Community Radio, Chiang Mai Province
8. Khon Rak Tin Community Radio, Payao Province
9. Khon Muang Lee Community Radio, Lam Poon Province
10. Doi Lang Tam Community Radio, Lam Poon Province
11. Vieng Nong Long Community Radio, Lam Poon Province
12. Representatives from CR networks of 17 Provinces in Northern region

C. Southern Thailand The workshop was held during July 23-24, 2011 at Crystal Room, Crystal Hotel, Songkla Province, with 18 participants from 10 community radio stations as follows:

1. Khon Rak Tin Community Radio, Trang Province
2. Rue Sor Community Radio, Naratiwat Province
3. Muang Pattani Spot Community Radio, Pattani Province
4. Risalah Community Radio, Pattani Province
5. Sapa Samanchon Community Radio, Phatthalung Province
6. Mae Kree's Community Organization Council Community Radio, Phatthalung Province

7. Suan Par Huay Pood Community Radio, Phatthalung Province
8. Khon Ni Bong Community Radio, Yala Province
9. Rattapoom Community Radio, Songkla Province
10. Khon Tar Kam Community Radio, Songkla Province
11. Representatives from the Southern CR networks

D. Central, Eastern, Western Thailand and Bangkok Metropolitan Region The workshop was held during July 30-31, 2011 at Sujittra meeting Room, 4th floor, Thai Volunteer Service Foundation's Building, Bangkok, with 17 participants from 8 community radio stations as follows:

1. Prototype Community Radio, Kanchanaburi Province
2. Bor Nok Community Radio, Prachuab Khiri Khan Province
3. Khon Rak Ya Community Radio, Rayong Province
4. Khon Bang Or Community Radio, Nakhon Nayok Province
5. Khon Plang Yao Community Radio, Nakhon Nayok Province
6. CR for good health Community Radio, Chanthaburi Province
7. Baan Cham Roong Community Radio, Rayong Province
8. Khon Baan Nar Community Radio, Nakhon Nayok Province

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