

MAPPING DIGITAL MEDIA: THAILAND



Mapping Digital Media: Thailand

A REPORT BY THE OPEN SOCIETY FOUNDATIONS

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Mapping Digital Media

The values that underpin good journalism, the need of citizens for reliable and abundant information, and the importance of such information for a healthy society and a robust democracy: these are perennial, and provide compass-bearings for anyone trying to make sense of current changes across the media landscape.

The standards in the profession are in the process of being set. Most of the effects on journalism imposed by new technology are shaped in the most developed societies, but these changes are equally influencing the media in less developed societies.

The **Mapping Digital Media** project, which examines the changes in-depth, aims to build bridges between researchers and policy-makers, activists, academics and standard-setters across the world. It also builds policy capacity in countries where this is less developed, encouraging stakeholders to participate and influence change. At the same time, this research creates a knowledge base, laying foundations for advocacy work, building capacity and enhancing debate.

The Media Program of the Open Society Foundations has seen how changes and continuity affect the media in different places, redefining the way they can operate sustainably while staying true to values of pluralism and diversity, transparency and accountability, editorial independence, freedom of expression and information, public service, and high professional standards.

The Mapping Digital Media project assesses, in the light of these values, the global opportunities and risks that are created for media by the following developments:

- the switchover from analog broadcasting to digital broadcasting,
- growth of new media platforms as sources of news,
- convergence of traditional broadcasting with telecommunications.

Covering 60 countries, the project examines how these changes affect the core democratic service that any media system should provide—news about political, economic and social affairs.

The aim of the Mapping Digital Media project is to assess the impact of these changes on the core democratic service that any media system should provide, namely news about political, economic and social affairs.

The **Mapping Digital Media** reports are produced by local researchers and partner organizations in each country. Cumulatively, these reports will provide a much-needed resource on the democratic role of digital media.

In addition to the country reports, the Open Society Media Program has commissioned research papers on a range of topics related to digital media. These papers are published as the **MDM Reference Series**.

Mapping Digital Media: Thailand

Executive Summary

The dawn of the digital age in Thailand has coincided with a prolonged political divide and stalemate that has had a profound impact on how the technology has been embraced. In some respects political division has gravely undermined the opportunities, yet it has helped usher in the most promising development in Thai media for more than a generation: an independent public service broadcaster.

In more than a decade since this country of now nearly 70 million began its recovery from the 1997 financial crisis, political power has oscillated between Thaksin Shinawatra and his allies on the one hand, and his various opponents—including the military—on the other.

These divisions have manifested themselves in the media environment. For instance, not until December 2010 did Thailand finally pass a law to establish a converged telecoms and broadcast regulator. This followed 10 years during which attempts to set one up were blocked by vested political and commercial interests. Thus, there has been no plan for the digitization of terrestrial television or orderly spectrum allocation. Thailand still doesn't have a full roll-out of 3G services.

When the regulator's 11 members are independently appointed by mid-2011, they will find all these issues on their agenda. However, the fact that the law provides for public hearings and legal challenges to their decisions means the whole process could be plunged back into political-legal deadlock.

The regulator's behaviour will need to be closely monitored; for Thailand's raft of content-regulating laws could easily have a chilling effect if they are applied harshly to online platforms.

Free-to-air TV is the most important source of news and entertainment but is rapidly being challenged by satellite and cable, which promise to overtake terrestrial television in the near future. This is partly as a result of the passage of the Broadcasting Business Act of 2008, which allows cable and satellite TV to carry advertising. At the same time, the Act's automatic licensing regime led to a proliferation of broadcasters, the biggest of them the inflammatory mouthpieces of the factions that dominate Thailand's divisive politics.

Newspaper readership, meanwhile, has been declining at rates similar to those in other parts of the world. Apart from the introduction of some multimedia content and website innovations, together with Twitter and Facebook feeds, the mainstream print media have mostly been playing a slow catch-up game. One notable exception is the Manager group, whose diverse outlets mostly echo the political voice of Mr Thaksin's arch-rival, Sondhi Limthongkul.

Young, urban Thais are prolific on-line networkers, but they are few relative to the total population (about 6 per cent). It is another sign of the times that among the top ten Thai keywords in Twitter in 2010, six were associated with politics.

In the midst of this cacophony is the calm voice of Thai Public Broadcasting Service (Thai PBS), built in 2008 from the remnants of a channel bitterly contested by Mr Thaksin and his adversaries. All the evidence suggests that Thai PBS's television channel, 'TV-Thai', is independent, relatively balanced and professional. However, it was born on a battlefield already swarming with mass entertainment channels on the one side and emerging new media on the other. So far, its average audience has reached little more than 0.5 per cent of the population and it ranks fifth out of six terrestrial stations (ahead only of the disrespected government mouthpiece).

The most negative development in Thailand's embrace of digitization has been the willingness of the authorities to use the Computer-Related Crime Act of 2007, often combined with the country's draconian *lèse majesté* laws, in an effort to silence its critics. In addition, a State of Emergency—in place for most of 2010—has been used to shut down TV and radio stations and newspapers, and to censor the internet.

The excuse most often used by the state for intervening in the media is the claim that they cannot regulate themselves. This adds urgency to the need for professional media bodies to reinforce self-regulatory mechanisms by strengthening their codes of conduct and streamlining complaint processes, in order to meet the challenges of the new media landscape.

If self-regulation proves insufficient to meet these challenges, some forms of co-regulation, involving the state's legal power to back up self-regulation, should be considered. Only in the event of legal violations should offenders be prosecuted. Even then, however, there would be no need for the media organization to be closed under the Emergency Decree or any other laws.

As the media are increasingly used as propaganda machines by politicians and politically motivated groups, media literacy should be urgently promoted at every level of society. In particular, audiences should be encouraged to consume and compare information from diverse sources. Media monitoring activities by academic or civil society sectors should also be promoted, to help citizens become more media literate. Independent civic groups promoting media literacy should join forces with academic institutions and professional bodies to develop media literacy courses in schools and universities.

Context

Thailand has a relatively homogeneous population. More than 85 percent speak the Thai language and share a common culture. About 14 percent are of Chinese descent, but the Sino-Thai community is the best integrated in Southeast Asia. Malay-speaking Muslims in some southern provinces comprise another significant minority group. Their integration into Thai society has been far from smooth, as is evident from ongoing violence in the ‘Deep South’ over the past decade. Other minorities include mountain-dwelling tribes, such as the Hmong and the Karen. Many of them do not have citizenship and have had difficulties integrating into Thai society.

The population is mostly rural, concentrated in the rice-growing areas of the central, northeastern, and northern regions. However, as the country continues to industrialize, its urban population is expanding quickly.

With an income per capita of US\$4,400 in 2010, the country is classified by the World Bank as a lower middle-income country. Due to its relatively high economic growth rate over the past two decades or more, unemployment has stabilized at 1 to 2 percent. There are even labor shortages in many sectors, resulting in an inflow of over two million migrant workers from the neighboring countries of Myanmar, Laos, and Cambodia.

While the country has enjoyed economic growth, the income gap between urban and rural population continues to widen and has become a serious social and political problem. A recent study shows that the political conflicts over the past few years, in particular the violent clashes in 2010, are partly associated with the income and regional divide. The study found that Bangkok residents and higher-income people in the provinces tended to favor the so-called ‘Yellow Shirts’ (those opposed to former prime minister Thaksin Shinawatra’s abuse of power, led by the People’s Alliance for Democracy), while supporters of the ‘Red Shirts’ (those opposing the ‘aristocratic polity’, led by the United Front for Democracy Against Dictatorship) were found to be more heterogeneous.²

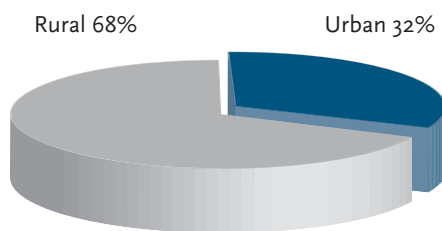
2. Ammar Siamwalla and Somchai Jitsuchon, “The Socio-economic bases of the Red-Yellow Divide: A Statistical Analysis”, 2010, available at <http://www.tdri.or.th/en/pdf/d2010013.pdf> (accessed 20 November 2010).

Social Indicators

Population: 66.9 million

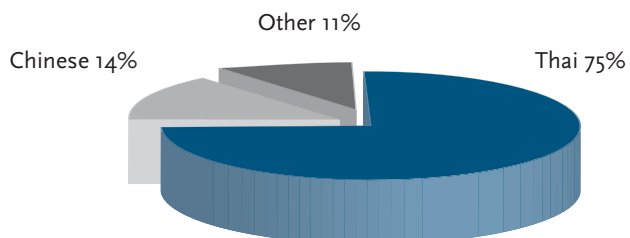
Number of households: 19.5 million (2009)

Figure 1.
Rural–urban breakdown (% of total population)



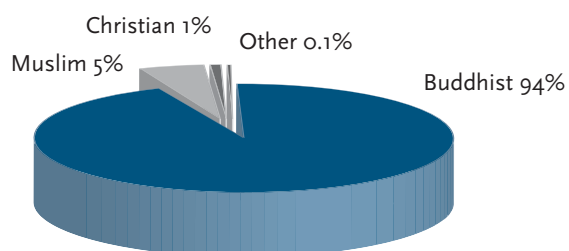
Source: National Statistical Office.

Figure 2.
Ethnic composition (% of total population)



Source: CIA World Fact Book, 2011.

Figure 3.
Religious composition (% of total population)



Source: CIA World Fact Book, 2011.

Table 1.
Economic indicators for Thailand

| | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011f | 2012f |
|---|--------|--------|--------|--------|--------|--------|---------|--------|
| GDP (current prices), total in US\$ billion | 176.35 | 207.22 | 247.11 | 272.49 | 263.97 | 312.60 | 334.502 | 356.20 |
| GDP (in US\$, current prices) per capita | 2,708 | 3,174 | 3,758 | 4,107 | 3,940 | 4,620 | 4,888 | 5,161 |
| Gross National Income (GNI), current US\$, per capita | 6,420 | 6,970 | 7,550 | 7,830 | 7,640 | n/a | n/a | n/a |
| Unemployment (% of total labor force) | 1.8 | 1.5 | 1.4 | 1.4 | 1.5 | n/a | n/a | n/a |
| Inflation (average annual rate in % against previous year, consumer prices) | 4.5 | 4.7 | 2.3 | 5.5 | -0.9 | 3.0 | 2.7 | 2.5 |

Note: n/a: not available.

Sources: IMF, updated data December 2010 for all data, World Bank for GNI.

1. Media Consumption: the Digital Factor

1.1 Digital take-up

1.1.1 Digital equipment and literacy

There is widespread concern among policymakers that the technical infrastructure, regulatory framework and media literacy of the Thai people are not adequate for the digital age. While the penetration rates of television sets and mobile phones are quite high, reaching over 95 and 80 percent of households respectively, take-up of other digital technologies, especially personal computers, is still very low (see Table 2). There are also concerns over the “digital divide” between urban and rural areas. Most notably, the penetration of personal computers in urban households is 2.5 times greater than that in rural areas.

Table 2.
Households owning equipment in Thailand

| | 2007 | | 2008 | | 2009 | |
|-----------|---------------------------|-----------------------|--------------|----------|--------------|----------|
| | HH (million) ³ | % of THH ⁴ | HH (million) | % of THH | HH (million) | % of THH |
| TV set | 17.7 | 96.3 | 18.6 | 97.2 | 19.2 | 97.4 |
| Radio set | 11.6 | 63.9 | 11.4 | 60.3 | n/a | n/a |
| PC | 3.18 | 17.5 | 3.58 | 19.6 | 3.87 | 20.3 |

Note: n/a: not available.

Source: Data for TV are from AGB Nielsen Media Research and data for radio and PC are from the National Statistical Office (NSO).

3. Total number of households owning the equipment.

4. Percentage of total number of households in the country.

1.1.2 Platforms

Thailand's weakness is most evident in the areas of modern digital technologies. In particular, the roll-out of 3G mobile phone and WiMAX services has long been delayed, confirming a low overall rate of adoption of wireless broadband technology in particular and broadband technology in general (see Table 4). In addition, the plan for digitization of terrestrial television has not been formulated due to a regulatory gridlock (see section 5).

Table 3.
Platform for the main TV reception and digital take-up⁵

| | 2007 | | 2008 | | 2009 | | 2010* | |
|---|---------------------------|------------------------|--------------|-------------|--------------|-------------|--------------|--------------|
| | HH (million) ⁶ | % of TVHH ⁷ | HH (million) | % of TVHH | HH (million) | % of TVHH | HH (million) | % of TVHH |
| Terrestrial reception of which digital | 13.5 0 | 74.4 0 | 12.9 0 | 68.3 0 | 12.8 0 | 66.1 0 | 11.8 0 | 56.3 0 |
| Cable and satellite reception of which digital | 4.2 n/a | 21.9 n/a | 5.7 n/a | 28.9 n/a | 6.4 n/a | 31.3 n/a | 9.2 n/a | 43.7 n/a |
| Internet Protocol TV | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total of which digital | 17.7 n/a | 96.3 n/a | 18.6 n/a | 97.2 n/a | 19.2 n/a | 97.4 n/a | 21.0 n/a | 100.0 n/a |

Note: * Forecast by Satellite Television Association (Thailand).

Source: AGB Nielsen Media Research.

Table 4.

Internet subscriptions as % of total population and mobile phone subscriptions as % of total population

| | 2005 | 2006 | 2007 | 2008 | 2009 |
|--------------------|------|------|------|------|------|
| Internet | 12.0 | 14.2 | 15.5 | 18.2 | 20.1 |
| of which broadband | n/a | 52.8 | 58.0 | 48.7 | 55.8 |
| Mobile telephony | 36.7 | 41.6 | 47.3 | 52.8 | 56.8 |
| of which 3G | 0 | 0 | 0 | 0 | 0 |

Source: Estimates based on National Statistical Office (NSO) survey data.

5. The figures refer to the main TV set in the households for multi-TV households.

6. Total number of households owning the equipment.

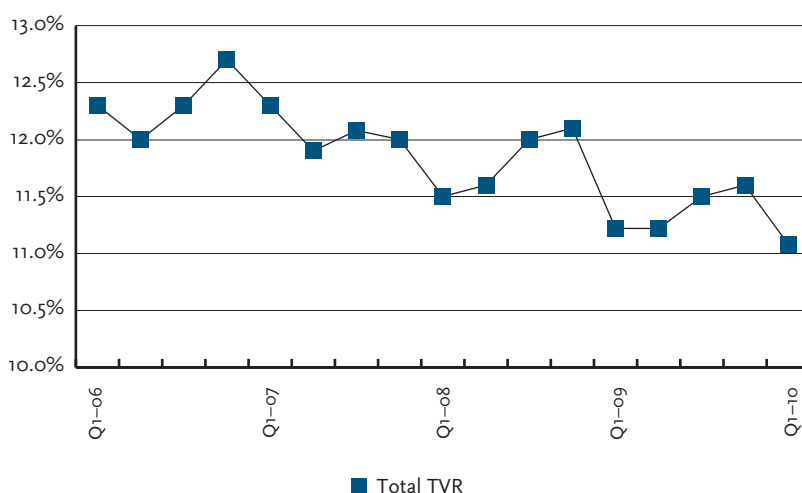
7. Percentage of total number of TV households (TVHH) in the country.

1.2 Media Preferences

1.2.1 Main Shifts in News Consumption

Terrestrial free-to-air television has long dominated the media landscape. However, there appears to be a long-term slow decline in overall terrestrial television ratings (TVR),⁸ which fell from 12.3 percent in the first quarter of 2006 to 11.1 percent in the first quarter of 2010 (Figure 4). While the audience share of each television station has changed over time, the ranking has remained fairly stable. As can be seen from Table 8, Channel 7 and Channel 3, the two leading entertainment channels, are the clear winners in term of audience share, far ahead of Channel 5, Channel 9, Thai PBS (public television), and NBT (state television).

Figure 4.
Trends in overall terrestrial TV ratings (TVR)



Source: AGB Nielsen Media Research.

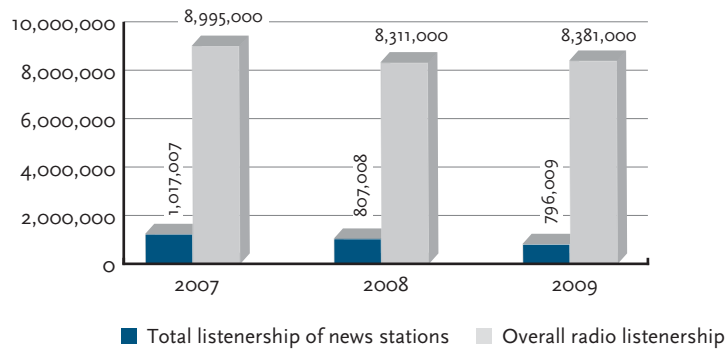
The changes in consumption of radio news have been more pronounced (Figure 5). Although the overall listenership⁹ in Bangkok has not changed much, there was a 22 percent fall in the audience for radio stations specializing in news between 2007 (1,017,007) and 2009 (796,009).

8. The TVR of a *program* is the percentage of television households that viewed the program at the time specified. The TVR of a *channel* is similarly defined.

9. Listenership of a radio station is the percentage of people listening to the station. In Bangkok, it is measured based on monthly surveys.

Figure 5.

Radio listenership in Bangkok, 2007–2009

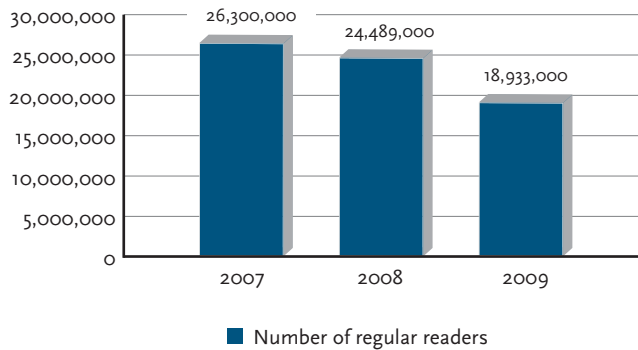


Source: AGB Nielsen Media Research.

Overall newspaper readership also declined significantly from 26.3 million in 2007 to 18.9 million in 2009, equivalent to a 14 percent drop year on year (Figure 6).

Figure 6.

Newspaper readership in Thailand, 2007–2009



Source: AGB Nielsen Media Research.

There are two possible explanations for the reduction in newspaper readership. The first is that some groups of people, e.g. the young, may consume less news from any sources. The second is they do not consume less news but shift their consumption to new media. While lack of data makes it impossible to distinguish between the two explanations, the second explanation appears more likely.

As the digitization of terrestrial television has not started in Thailand, our analysis will be limited to three technologies: cable television, satellite television and the internet. While the consumption of radio and newspaper has seen a significant decline, the consumption of satellite and cable television has grown by leaps and bounds over the past five years. Table 5 shows that households with satellite dishes or cable television are quickly approaching the number of households with terrestrial television aerials. This suggests that cable and satellite television will replace terrestrial analog as the most important platforms for watching television.

Table 5.

Household ownership of satellite dishes, cable and terrestrial aerials
(expressed in % of all TV households in the country)

| Year | Satellite dishes & cables | Terrestrial aerials |
|-------|---------------------------|---------------------|
| 2007 | 21.85 | 78.10 |
| 2008 | 28.90 | 71.10 |
| 2009 | 31.30 | 68.65 |
| 2010* | 43.74 | 56.26 |

Note: *Forecast by Satellite Television Association (Thailand).

Source: Calculated by the authors using data from AGB Nielsen Media Research.

Research in 2009 by AGB Nielsen shows that ratings and share of terrestrial and cable television are now very close (Table 5). In fact, the share of cable television viewers is already larger than that of terrestrial television during most non-prime time periods and even some prime times (see Table 7). All statistics indicate that the rise of satellite and cable has caused audiences to migrate from terrestrial television. As a result, the oligopolistic structure of the television market, long dominated by terrestrial television, appears to be eroding fast.

Table 6.

TVR and audience share of terrestrial television and cable television

| TV platform | 2010 | January 2010 |
|----------------|--------|--------------|
| | Share | TVR |
| Terrestrial TV | 50.86 | 5.95 |
| Cable TV | 49.14 | 5.76 |
| Total | 100.00 | 11.71 |

Source: AGB Nielsen Media Research, cited in *Positioning* magazine, no. 70, March 2010.

Table 7.

Comparison of TVR of cable and terrestrial television

| Time periods when cable TV has more audience than terrestrial TV | | Time periods when cable TV has less audience than terrestrial TV | |
|--|-----------------|--|-----------------|
| Time | TVR of cable TV | Time | TVR of cable TV |
| 11p.m.–1p.m. | 4–14 % | 5 p.m.–7p.m. | 10–16 % |
| 2p.m.–5p.m. | 10–14 % | 9p.m.–11p.m. | 15–21 % |
| 7p.m.–9p.m. | 12–18 % | | |

Source: AGB Nielsen Media Research, cited in *Positioning* magazine, no. 70, March 2010.

In addition to the growth of cable and satellite televisions, the internet appears to be becoming a platform for occasional news consumption. Lack of reliable research, however, makes it impossible to support this impression with clear evidence. An online survey by the National Electronics and Computer Technology Center (NECTEC) reported that 85.5 percent of the online sample have consumed online news, defined as news consumption by electronic devices.¹⁰ According to this survey, which provides the only research on this topic, online sources are seen by many internet users as complementing mainstream media, from which they differ in speed and trustworthiness. While 44.8 percent of those surveyed responded that consumption of online news did not bring about any changes in their consumption of news from newspapers, 28.6 percent said that consuming online news made them read newspapers less often. Concerning trustworthiness, however, 48.4 percent of respondents believed that television was the most trustworthy news source, followed by newspapers (22.7 percent) and the internet (19.2 percent).

1.2.2 Availability of a Diverse Range of News Sources

The passage of the Broadcasting Business Act of 2008 has spurred the growth of cable and satellite television in two ways. First, the Act classifies cable and satellite television as services under an automatic licensing regime: all qualified applicants are granted licenses to operate. Second, it allows cable and satellite television to carry advertising for the first time, thus lifting the ban on advertising in existing cable and satellite concessions.¹¹ This allows for the emergence of new business models based on advertising. Technological development has also lowered the investment cost and promotes entry into the market. According to *Positioning* magazine, it now costs only THB 30 million (US\$950,000) to buy equipment and set up a new satellite television studio.¹² An additional monthly expenditure of only THB 3 million (US\$95,000) is needed for personnel and satellite link costs.

These changes have encouraged dozens of content providers and media companies to set up new cable and satellite television stations. The television landscape, traditionally dominated by a few companies, suddenly became crowded as many operators, including the Nation Channel, INN, Post TV, MCOT, ASTV, PTV, and Voice TV, rushed to enter the market. Some of them, such as the Nation Channel, INN, Post TV, and MCOT, are existing mainstream news providers that went into satellite and cable broadcasting mainly for business reasons. Others, such as ASTV, PTV, and Voice TV were established for political, not commercial, reasons. As a result, their representation of facts and viewpoints is highly biased, to the extent that they are widely viewed as ‘propaganda machines’ or ‘mouthpieces’ of certain political groups. Examples of such bias oversimplify complicated issues by providing one-sided information, if not misinformation, inserting viewpoints into news content, attacking political rivals by digging into their personal lives, and using political rhetoric to incite hatred against them.

10. NECTEC, *Internet User Profile of Thailand 2009*, accessed online from http://pld.nectec.or.th/websrii/images/stories/documents/books/internetuser_2009.pdf, March 2010.

11. For the first five years following the adoption of the law, cable and satellite television channels will be allowed to air advertising for up to six minutes per hour. After that, the regulator will review whether the cap should be increased to 10 minutes per hour, the same as the terrestrial television channels. This transitional provision is the result of a compromise between the two groups of broadcasters.

12. S. Manchainimit, “The Age of Satellite TV”, in *Positioning* magazine (no. 70), March 2010.

In sum, the arrival of satellite, cable and internet outlets has increased the range of choice for news consumers. However, it raises an uneasy question as to whether such lop-sided news reporting organizations should be treated as media or as propaganda instruments.

As in other countries, media organizations, civil society groups, and individuals have made active use of the internet for disseminating news. Some major media organizations, including the Manager Group and Matichon, even set up separate editorial teams for traditional and online content. The online version of *The Nation* newspaper goes another step by offering blogs for its readers to express their opinions. *The Nation* also requires all its journalists to create Facebook and Twitter accounts and use them as reporting platforms (see section 4.1). The *Bangkok Post* has been a slower starter. Its website is still run separately from the newspaper, with only 'breaking news' being assembled by a small team from internet sources, with no original reporting done. The newspaper content is then uploaded overnight. A Multimedia Editor was appointed in late 2010 as part of some tentative steps aimed at adapting to the digital age.

As for less institutionalized media, Prachatai stood out as one of the most active websites for alternative news sources and citizen journalism, until it was shut down by the government during the political conflict in early 2010. Many of its articles were written by professional journalists, scholars, and social activists. Other alternative online news sources include Prachatam.com, Midnightuniv.org, Onopen.com, Openthaidemocracy.com, and Sameskybooks.org, to name but a few.

Social networking sites have recently entered the news landscape. The number of Facebook and active Twitter users reached 2.8 million¹³ and 80,000 respectively in early 2010.¹⁴ Suthichai Yoon, editor-in-chief of *The Nation* and Thailand's top-ranking tweeter, said that Twitter is an efficient way of tapping into the "wisdom of crowds". According to statistics from Thailand Trending in March 2010,¹⁵ Twitter is used heavily for disseminating and discussing political news. Among the top ten Thai keywords in Twitter, six were associated with political issues in Thailand. Similarly, four (#welovethai, #redmarch, #redtweet and #ptv) out of the top ten hashtags referred to by Thai Tweeples (Twitter users) were related to politics.¹⁶ Many politicians, including the prime minister, senior ministers, and opposition leaders, have jumped on the Twitter bandwagon to communicate directly with their supporters and the media. Political activities on Facebook are also vibrant, as can be seen from the burgeoning number of political campaign pages during the political conflicts of the past few years.

13. Facebakers.com, accessed in March, 2010.

14. Estimated by Lab.in.th/thaitrend, accessed in March 2010.

15. Lab.in.th/thaitrend, accessed in March 2010.

16. Lab.in.th/thaitrend, accessed in March 2010.

1.3 News Providers

1.3.1 Leading Sources of News

Television

There is no regular survey of the popularity of news sources. The only available information is derived from Sripatum Poll.¹⁷ The polls were conducted in Bangkok in 2009 with the survey population of 3,000. The poll found that television was the most popular source of news (68.0 percent), followed by newspapers (13.6 percent), the internet (12.1 percent) and radio (3.2 percent).

Table 8.
Market share of free-to-air television stations (2006–2009)

| | 2006 | 2007 | 2008 | 2009 |
|-----------|------|------|------|------|
| Thai PBS* | 12.6 | 10.3 | 7.0 | 4.9 |
| NBT | 3.0 | 2.4 | 4.6 | 3.4 |
| CH9 | 10.2 | 9.2 | 9.7 | 10.0 |
| CH7 | 41.2 | 41.9 | 44.3 | 45.6 |
| CH5 | 7.3 | 6.7 | 7.1 | 8.7 |
| CH3 | 25.6 | 29.6 | 27.3 | 27.6 |

Note: * Before 2008, this channel was known as iTV, a commercial station. Thus, comparisons should be made with care.

Source: AGB Nielsen Media Research.

As there are no ratings for news programs on cable and satellite television, our discussion of television is limited to news programs on terrestrial television.

Table 9.
Five most popular ‘hard’ news programs on terrestrial television¹⁸

| News Programs | Start Time | End Time | Audience (number of viewers) 2009 |
|---------------------------------------|------------|------------|-----------------------------------|
| 8PM NEWS (CH7) | 8:06 p.m. | 8:26 p.m. | 6,849,000 |
| 8PM NEWS (CH3) | 7:56 p.m. | 8:16 p.m. | 5,680,000 |
| Praden Ded 7 See (News Talk) (CH7) | 10:35 p.m. | 11:10 p.m. | 3,044,000 |
| Khao 3 Miti (News Talk) (CH3) | 10:30 p.m. | 11:05 p.m. | 2,264,000 |
| Ruang Lao Sao-A-Tid (News Talk) (CH3) | 10:59 a.m. | 12:18 p.m. | 1,898,000 |

Source: AGB Nielsen Media Research (as of September 2009).

17. “Survey of People’s Attitudes to News Consumption”, available at <http://research.spu.ac.th/poll/content/1/12362.php>.

18. ‘Hard’ news refers here to news related to social, economic and political affairs in general. It does not necessarily refer to investigative journalism. In fact, unlike the press, investigative news in television outlets is still not common.

Table 10.

Five most popular 'tabloid' news programs on terrestrial television

| News Programs | Start Time | End Time | Audiences (number of viewers) 2009 |
|----------------------|------------|------------|------------------------------------|
| TV Pool (CH5) | 8:10 p.m. | 8:30 p.m. | 1,420,000 |
| Bangkok Gossip (CH3) | 10.50 a.m. | 11.00 a.m. | 1,100,000 |
| Khan Pak (CH7) | 7.00 a.m. | 8.00 a.m. | 843,000 |
| Dao Krajai (CH9) | 20.15 p.m. | 20.30 p.m. | 781,000 |
| 9 Entertain (CH9) | 11.05 a.m. | 11.45 a.m. | 300,000 |

Source: Estimated from ratings data compiled by AGB Nielsen Media Research.

Radio

Whereas television stations broadcast a variety of programs, most radio stations, especially those in the Bangkok metropolitan area, are specialist stations. Based on the way the listenership survey is conducted, there are currently no data for each radio program. Only aggregated data for the stations in Bangkok are available. As a result, it is possible to identify the most popular news stations but not the most popular news programs. Tables 12 and 13 show the five most popular stations that specialize in hard and tabloid news.¹⁹

Table 11.

Radio listenership of news stations in Bangkok by monthly regular listeners (2007–2009)

| Frequency | Station | 2007 | 2008 | 2009 |
|-----------|----------------------|---------|---------|---------|
| FM 99.0 | Muang Thai Kang Rang | 262,000 | 248,000 | 205,000 |
| FM 96.5 | Kluen Kwam Kid | 151,000 | 112,000 | 149,000 |
| FM 106.0 | Family News | 100,000 | 126,000 | 124,000 |
| FM 90.5 | Nation Radio | 92,000 | 63,000 | 71,000 |
| FM 105.0 | Wisdom Radio | 74,000 | 62,000 | 67,000 |
| FM 100.5 | News Station 24 Hr | 110,000 | 62,000 | 40,000 |
| FM 101.5 | Chulalongkorn Radio | 69,000 | 49,000 | 59,000 |
| FM 99.5 | Ruam Duay Chuay Kun | 88,000 | 38,000 | 48,000 |
| FM 101.0 | INN | 69,000 | 45,000 | 31,000 |

Source: AGB Nielsen Media Research.

19. As very few stations air only tabloid news programs, music stations that broadcast a high proportion of tabloid news content are also classified as 'tabloid stations'.

Table 12.
Five most popular ‘hard’ news radio stations

| Frequency | Station | Average number of listeners | | |
|-----------|---------------------------|-----------------------------|---------|---------|
| | | 2007 | 2008 | 2009 |
| FM 99.0 | MCOT Muang Thai Kang Rang | 262,000 | 248,000 | 205,000 |
| FM 96.5 | MCOT Kluen Kwam Kid | 151,000 | 112,000 | 149,000 |
| FM 106.0 | Family News | 100,000 | 126,000 | 124,000 |
| FM 90.5 | The Nation | 92,000 | 63,000 | 71,000 |
| FM 105.0 | Wisdom Radio | 74,000 | 62,000 | 67,000 |

Source: Estimated from ratings data compiled by AGB Nielsen Media Research.

Table 13.
Five most popular ‘tabloid’ news radio stations

| Frequency | Station | Average number of listeners | | |
|-----------|-----------------------|-----------------------------|-----------|-----------|
| | | 2007 | 2008 | 2009 |
| FM 95.0 | Look Tung Maha Nakorn | 1,425,000 | 1,248,000 | 1,136,000 |
| FM 97.5 | Seed FM | 940,000 | 653,000 | 550,000 |
| FM 93.0 | Cool FM | 599,000 | 425,000 | 530,000 |
| FM 103.5 | FM One | 397,000 | 377,000 | 292,000 |
| FM 94.0 | 94EFM | 188,000 | 149,000 | 137,000 |

Source: Estimated from ratings data compiled by AGB Nielsen Media Research.

News Websites

Among online media, the most popular news sources are websites or web portals. However, most of them offer gossip news and are thus categorized as tabloid media. The five most popular non-tabloid and tabloid news websites are shown in the two tables below. The data is based on Truehits.net, the most popular source of web statistics in Thailand, operated by the Internet Innovation Research Center.

Table 14.
Five most popular non-tabloid news portals (as of 28 March 2010)

| Website | Unique IP per day | Page Views per day |
|-----------------|-------------------|--------------------|
| Manager.co.th | 249,287 | 2,456,499 |
| Thairath.co.th | 130,244 | 847,773 |
| Rytg.com | 66,223 | 166,662 |
| Komchadluek.net | 50,511 | 158,569 |
| Matichon.co.th | 44,660 | 273,398 |

Source: Truehits.net

Table 15.

Five most popular tabloid news portals (as of 28 March 2010)

| Website | Unique IP per day | Page Views per day |
|-------------|-------------------|--------------------|
| Sanook.com | 685,848 | 13,126,944 |
| Mthai.com | 483,597 | 5,459,464 |
| Dek-d.com | 358,143 | 4,558,826 |
| Exteen.com | 296,105 | 796,912 |
| Teeneee.com | 281,522 | 3,841,512 |

Source: Truhits.net.

Print media

Finally, as mentioned above, newspaper readership has declined—by no less than 14 percent year on year between 2007 and 2009.

Table 16.

Newspaper readership (2007–2009)

| Newspaper | 2007 | 2008 | 2009 |
|-------------------|------------|------------|-----------|
| Thai Rath | 12,669,000 | 12,526,000 | 9,759,000 |
| Daily News | 7,073,000 | 6,910,000 | 5,303,000 |
| Khao Sod | 1,157,000 | 960,000 | 747,000 |
| Ma-Ti Chon | 998,000 | 955,000 | 717,000 |
| Krungthep Turakij | 179,000 | 95,000 | 90,000 |
| Post Today | 84,000 | 81,000 | 85,000 |
| Bangkok Post | 71,000 | 115,000 | 70,000 |
| The Nation | 55,000 | 33,000 | 29,000 |

Source: AGB Nielsen Media Research.

1.3.2 Television News Programs

The most popular news programs are CH7 8PM News and CH3 8PM News. Both programs present news related to activities of the Royal family, followed by entertainment news, news portraying lives of ordinary people, and miscellaneous news.

Table 17 shows that TVRs for both programs have not changed significantly during the past three years. It can be argued that the popularity of television as a news source has not been affected much by digital media. However, as noted in section 1.2, many people now watch terrestrial television news via cable and satellite, rather than via terrestrial receivers.

Table 17.

TVRs of the two most popular television news programs (percent)

| News Programs | 2007 | 2008 | 2009 |
|---------------|------|------|------|
| CH7 8PM NEWS | 11.4 | 11.5 | 11.3 |
| CH3 8PM NEWS | 8.0 | 6.1 | 7.6 |

Source: AGB Nielsen Media Research.

1.3.3 Impact of Digital Media on Good-Quality News

Cable, satellite and internet media have increased the diversity of news sources. However, if quality is judged by the basic principles of journalism, such as thoroughness, accuracy, impartiality, transparency, freedom from bias, and respect for privacy, the contribution of new media to news quality becomes doubtful. A number of news channels in cable and satellite television stations such as ASTV, PTV, and Voice TV, are highly partisan and clearly politically motivated. They sometimes perform ‘investigative’ reporting by exposing the ‘wrongdoings’ of their political opponents. During the intense political conflicts of 2009 and 2010, however, these channels tended to deepen the divide as many people chose to consume only news consistent with their political beliefs, without questioning its reliability. In other words, the ‘Yellow Shirts’ tended to watch ASTV and its sister website while the ‘Red Shirts’ flocked to PTV and Voice TV. As a result, the two groups of audience believed (and appear still to believe) in different versions of the ‘truth’, making peaceful resolution of the divide less achievable. Most new media organizations also produce low-budget news content such as news talk rather than investing in original news reporting.

Most mainstream media have news websites. However, they are mainly used for updating news or presenting secondhand content. According to AGB Nielsen Media, the advertising spend on the internet is still less than 1 percent of the national total. Media organizations are thus understandably reluctant to produce high quality content specifically for online media.

1.4 Assessments

The Internet User Profile of Thailand 2009 reveals that the most important reasons for people to consume online news is convenience (56.5%), followed by freedom to choose (18.3%), the capability to participate in discussion (13.2%) and low cost (9.8%). Many kinds of benefit from consuming online news are also cited by those surveyed: variety of information (42.6%), freedom of expression (26.7%), increased participation (21.4%), immediacy (4.9%), and ease of searching for foreign news (3.3%). In short, choices, interactivity, and speed seem to be the main attractions of online new media. On the contrary, accuracy, objectivity, and impartiality, the key principles of good journalism, are not mentioned as reasons to consume online news.

Lower barriers to entry have attracted new participants to the cable and satellite market. As discussed in Section 1.2.1, the diversity of news sources has increased significantly as a result of the entrance of ASTV, PTV, Voice TV, and the Nation Channel. However, the political viewpoints of some new entrants, especially

ASTV, PTV, and Voice TV, reflect mainly those of their sponsors. As will be discussed later, diversity of news sources alone would not produce a healthy journalistic outcome without an effort to raise professional standards and media literacy among the public. Specialist channels for niche markets such as Farm Channel, CSR TV, Look Tung Channel (Thai folk music), and Miracle TV (astrology and the paranormal) have also started to emerge. However, there are still many voices left under-represented in the media, most notably minority groups and migrant workers.

2. Digital Media and Public or State-Administered Broadcasters

2.1 Public Service and State Institutions

2.1.1 Overview of Public Service Media; Output of News and Current Affairs Output

Before the Thai Public Broadcasting Service Act (2008), there were only state media and commercially run broadcasters. The Act set up the Thai Public Broadcasting Service (Thai PBS) as the first and so far the only truly public broadcaster in Southeast Asia. As a latecomer, Thai PBS faces a different set of challenges from public broadcasters in other parts of the world, which had decades to build up their audience base and institutional strength before the new media appeared. As such, its experience may provide valuable lessons for public broadcasters in other developing countries.

Although Thai PBS produces content for television, radio, and website, it is best known for its flagship television service, called “TV Thai”. Thai PBS’s financial independence is ensured by an earmarked tax of 1.5 percent on tobacco and alcohol sales, known as the “sin tax”, with a ceiling of THB 2 billion per year.

In 2009, Thai PBS produced around 2,980 hours of news and current affairs, or 41.9 percent of its total airtime of 7,117.5 hours. The ratio of news and current affairs was reduced from 46 percent in 2008 to meet its target ratio of 40 percent of news and current affairs, 30 percent of factual and documentary programs and 30 percent of arts and entertainment programs. The average audience size in 2009 was 316,169 viewers, or a little more than about 0.5 percent of the total population. In terms of popularity, Thai PBS ranks fifth among six terrestrial television stations. Its website (www.thaipbs.or.th) averages 59,772 unique IP visits per month, and monthly page views of 351,391, ranking 35th out of 377 media websites in Thailand. Among its website viewers, 63 percent are repeat visitors.²⁰

20. Internet statistics provided by Thai PBS’s Department of Radio and Multimedia.

2.1.2 Digitization and Services

There is still no official timeframe for digital switchover of terrestrial television. This is due to the delay in establishing the sector regulator, the National Broadcasting Commission (NBC), over nearly a decade. This was due to two court cases filed by candidates who failed to be selected as NBC commissioners, claiming conflicts of interests and procedural irregularities in the selection process. Meanwhile, constitutional changes mean that the NBC will have to merge with the National Telecommunications Commission (NTC), the telecom regulator, to form a converged regulator called the National Broadcasting and Telecommunications Commission (NBTC). A bill to establish the NBTC, formally named the Frequency Organization Act (hereafter referred to as the NBTC Bill or Act), was adopted by parliament and subsequently became effective on 20 December 2010. The NBTC is mandated to draft a master plan for digital switchover within a year of its appointment.

In April 2007, representatives from six terrestrial television stations met informally to decide a tentative deadline for analog switch-off. They agreed on 2015, as recommended by the International Telecommunication Union (ITU). Meanwhile, these stations have already invested in digital production and transmission technologies and are ready to broadcast in digital within one year of obtaining spectrum. According to the NECTEC study on digital terrestrial switchover and information from the Thai PBS engineering department, Thai PBS appears to be the best prepared of all terrestrial stations for digital broadcasting in terms of technological readiness and signal coverage. The station's advantages are due to the fact that it is the only station which broadcasts solely in the ultra high frequency (UHF) band.²¹

On the demand side, there is no estimate of the number of households that would buy new television sets with built-in digital tuners or set-top boxes after digital broadcasting starts. The rate of digital take-up will depend on the price of a set-top box or a digital television receiver, as well as government policy to subsidize them. (See *section 7.1*.)

2.1.3 Government Support

A transitional clause in the NBTC Bill stipulates that if Thai PBS wants to operate additional television or radio services, it will have to apply for new licenses from the NBTC. If such licenses were to be granted, Thai PBS could provide services to specific groups of audiences in a way that it currently cannot. For example, it can open channels dedicated to education, healthcare, and local government. In addition, it could use interactive functions and data services to increase audience engagement, as mentioned in a policy statement of its board of governors in March 2010.

2.1.4 Public Service Media and Digital Switch-over

According to the Thai PBS engineering department, the station is capable of providing one channel of high definition television (HDTV) and six channels of standard definition television (SDTV) after digitization, if

21. When iTV (the predecessor of Thai PBS) was established in 1996, all VHF spectrum was fully occupied by other terrestrial television stations. As a result, iTV had to broadcast in the UHF band. When Thai PBS replaced iTV, it inherited the UHF spectrum and all the related equipment.

it is allowed to keep the same amount of spectrum.²² Reaching 98 percent of households, Thai PBS currently has the widest coverage of all terrestrial television stations. Its engineers believe this coverage would not be significantly affected by digitization. However, the production budget may not be able to meet the increase in transmission capacity, unless its revenue ceiling is adjusted accordingly.

Thai PBS currently uses the internet as another platform for distributing television programs. In other words, very few of its services or programs are generated specifically for the internet. However, the board of governors recently issued a policy statement for online media, setting short-term and long-term goals. At the initial stage, Thai PBS will set up online services to provide information on its news and other programs, its organization, and other information for foreigners. In the long run, specialized platforms, such as websites for children and youth, embedded blogs and online portals for mobile devices, will be created.

2.2 Public Service Provision

2.2.1 Perception of Public Service Media

Thai PBS regularly assesses its performance by commissioning outside evaluation teams, selected from reputable institutions. Typical methodologies involve focus groups of viewers, non-viewers, media professionals, communication scholars, politicians, community leaders, youth representatives, consumer advocates, and representatives of underprivileged groups. These informants are independently selected by the evaluation team. Results from the 2009 focus groups showed that Thai PBS was perceived as independent from political and commercial interference. It was also recognized as providing public space for citizen dialogue and as actively sourcing programs from independent and small producers. An evaluation by Media Monitor, an independent media watchdog, produced similar results.²³ Thai PBS's Audience Council, modelled after the BBC initiative with the same name, was viewed as a bridge between the organization and its audience.

However, according to the focus groups, some media professionals questioned the editorial independence of Thai PBS and criticized it for not scrutinizing the government closely enough. Some viewers still struggled to differentiate the public broadcaster from state broadcasters. For example, they could not distinguish Thai PBS from the National Broadcasting Services of Thailand (NBT), which is operated by the government's Public Relations Department. This suggests that Thai PBS has not yet established its identity among the broad public, which easily confuses public service broadcasting with state broadcasting.

As for content, Thai PBS output was regarded by the focus group as predominantly factual, informative and 'serious'. These programs were considered by stakeholders as Thai PBS's strength and weakness at the same time. On the positive side, the documentaries and educational programs were considered to have

22. Thai PBS, "A Strategic Plan to Develop Digital Network Services", 2010 (in Thai).

23. For example, see Media Monitor, "A Survey of Terrestrial Televisions' Schedules" (in Thai), 2009, http://www.mediamonitor.in.th/home/final_report/pdf/pdf_issue_34.pdf (accessed April 2010).

high educational value. Many informants also believed that the programs were sufficiently diverse and suitable for people of all ages and needs. On the negative side, many programs were considered tedious and unattractive. This can be a serious problem since most viewers are used to entertainment programs, such as soap operas, game shows, reality shows, soft news and ‘news talk’ (hard news presented in highly simplified and opinionated ways). In addition, compared to its commercial counterparts, Thai PBS programs were perceived as old-fashioned, especially by young people.

Regarding news reporting, most informants in the focus groups, especially politicians, believed that Thai PBS produced impartial news and provided balance for all parties to air their views. In other words, they considered the station as markedly different from NBT, which was seen as the government’s mouthpiece. Thai PBS news and commentary programs were also viewed positively, in that they focused on regional and local issues and explained complicated issues by providing context. In terms of presentation, Thai PBS was also perceived to be unique in that it did not produce any ‘news talk’ programs.

On the other hand, some media professionals questioned the impartiality of Thai PBS news and commentary, claiming they were subjective and biased towards the government at the expense of opposition voices. They also claimed that its reporters and anchors lacked experience and were not knowledgeable enough to produce good quality news. This is partly because the station has had difficulty recruiting and maintaining talented staff, due to budget constraints.

In sum, public perception of Thai PBS appeared to be mixed, especially regarding its impartiality. This may be due to the fact that the agency started its operation during the time of intense political conflict that deeply polarized Thai society. The perception of Thai PBS may therefore reflect the wider political environment as much as the performance of the broadcaster.

2.2.2 Public Service Provision in Commercial Media

Before 2008, no clear public service obligations were imposed on commercial media. In 2008, the Broadcasting Business Act replaced the outdated 1955 Broadcasting Act. The aim of the Act is to provide a legal framework for licensing and regulating public, community and commercial broadcasters. Commercial terrestrial licenses are further divided into national, regional and local (provincial) ones. Each licensee has to perform public service obligations according to its license type:

- All commercial licensees have to broadcast news and information programs for at least 25 percent of their total airtime (Article 33).
- Regional (or local) commercial licensees have to broadcast regionally (or locally) produced programs meeting the minimum ratio set by the NBTC (Article 33).
- All licensees have to broadcast news and issue warnings in the event of a natural disaster or emergency, if requested by the competent authorities (Article 35).
- To protect children and young people, all licensees must refrain from broadcasting certain types of programs during times specified by the NBTC (Article 34).

- To promote greater access to broadcasting programs for the disabled and the disadvantaged, all licensees must provide services appropriate to their viewing or listening in a manner established by the NBTC (Article 36).
- All free-to-air commercial licensees are allowed to advertise no more than 12.5 minutes in any broadcasting hour and no more than 10 minutes per hour on average (Article 23). In addition, subscription-based broadcasters are allowed to advertise no more than 6 minutes in any broadcasting hour and no more than 5 minutes per hour on average (Article 28).
- Licensees shall not broadcast programs that undermine the democratic regime, national security, public peace and morals, or air pornographic or obscene contents, or programs that cause severe degradation of people's mental and physical health (Article 37).

It is important to note that most of the above provisions apply only to terrestrial broadcasters, which use the scarce analog spectrum. In other words, the regulation of satellite and cable television is more light-touch. These obligations reflect the belief of the legislators that it is still necessary to regulate terrestrial broadcasters to promote the public interest, even in the digital age.

On the surface, Article 37 may appear to open the door to state censorship. However, there is no requirement for a broadcaster to submit a program for regulatory checking before broadcasting. Thus a broadcaster can broadcast any material it chooses, but may be legally liable if found violating the law. If the clause is implemented illiberally, it may result in self-censorship by licensed broadcasters.

2.3 Assessments

Digital broadcasting has many important implications for Thai PBS and other public broadcasters that will be set up in the future. On the positive side, public broadcasters should be able to provide more specialized programs to their viewers. However, more programs will require more investment, and public broadcasters may not be able to raise sufficient funds for this purpose. For example, the current annual tax revenue earmarked for the Thai PBS is currently capped at THB 2 billion. Without an increase in funding, the Thai PBS would face a dilemma. If it expands its services without more resources, the quality of its programs is likely to deteriorate. On the other hand, if it does not expand its services, it is likely to lose viewers in a competitive multi-channel environment. Digital broadcasting thus poses a serious challenge to the operation of public broadcasters.

The rise of new media raises another potential threat, likely to be even more serious than digital broadcasting. As the younger generation switches to the internet, all terrestrial broadcasters stand to lose their audience bases. This threat will be especially pronounced for Thai PBS in the long run, considering its viewers' profile. Currently it has the lowest rating among "digital natives" (aged 14-25), and the highest rating among "digital aliens" (40+ years). If the station cannot appeal to the present young by providing them with programs of their interests, it will risk losing them even when they become older. As a result, its viewer base could shrink

significantly. According to internetworldstats.com, Thailand has 16.1 million internet users in a population of 66 million. Manager.co.th, the most popular news website in Thailand, already attracts around 300,000 unique IP per day, close to the average Thai PBS viewership of 316,169. Without a wider audience base, it could lose its legitimacy and would have difficulties facing the call to cut its funding.

Whether the new media pose more of an opportunity or a threat to Thai PBS depends very much on how it formulates a strategy for new media. At present, the internet is used as just another delivery platform or an archive for past television content without much interactivity. Based on this “Web 1.0” strategy, the Thai PBS website only attracts 5,000–6,000 unique visitors per day, a mere 2 percent of that of Manager.co.th.

Public service obligations imposed by the Broadcasting Business Act on commercial terrestrial broadcasters, including cable and satellite operators, reflect the belief of the legislators that public service obligations cannot be left solely to public and community broadcasters, and that it is still necessary to regulate the broadcasting media to promote public interest. This belief is also enshrined in the Constitution, which mandates that the frequency spectrum is a national resource and must be used in the public interest.

3. Digital Media and Society

3.1 User-Generated Content (UGC)

3.1.1 UGC Overview

Table 18.
Top 10 most popular UGC websites in Thailand (25 March 2010)

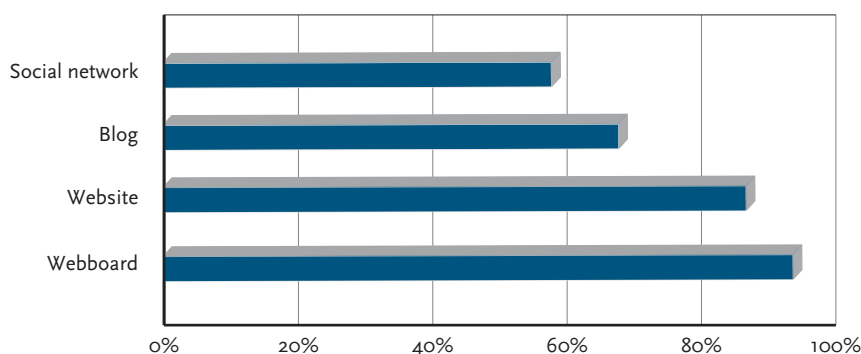
| UGC Websites | UGC type | Global Reach* (Alexa.com) | Reach in Thailand (Alexa.com) | Daily Unique IP in Thailand (Truehits.net) | Daily Unique IP in Thailand (Trafficestimate.com) |
|--------------------|------------------------------|------------------------------|-------------------------------------|--|---|
| Facebook | Social network | 539,587,000 | 4,310,000 | n/a | 711,578 |
| YouTube | Video sharing | 410,180,000 | 3,690,000 | n/a | 565,058 |
| Hi5.com | Social network | 17,070,000 | 2,740,000 | n/a | 812,800 |
| Sanook.com (TH) | Web portal and webboard | 2,800,000 | 2,610,000 | 685,848 | 694,308 |
| Pantip.com (TH) | Web portal and webboard | 2,230,000 | 2,100,000 | n/a | 499,573 |
| Blogger.com | Weblog | 203,770,000 | 2,030,000 | n/a | 303,192 |
| Mthai.com (TH) | Web portal and webboard | 1,710,000 | 1,600,000 | 483,597 | 481,200 |
| Dek-d.com (TH) | Web portal and webboard | 1,210,000 | 1,160,000 | 358,143 | 370,221 |
| Manager.co.th (TH) | Established media website | 1,320,000 | 1,160,000 | 265,116 | 258,256 |
| 4shared.com | File sharing | 17,880,000 | 940,000 | n/a | 200,334 |

Note: * Reach measures the number of users. It is typically expressed as the percentage of all internet users who daily visit a given site. The numbers of total visitors in the world is 1,730 million users, based on World Internet users (internetworldstats.com).

Sources: Calculated from Alexa.com, Trafficestimate.com, and Truehits.net.

As in other countries, user-generated content (UGC) has spread along with Web 2.0 technologies. While there has been no systematic survey of the most popular types of UGC, some web information companies produce rough estimates (see Table 18). In addition, the NECTEC survey *Internet User Profile of Thailand 2009*, identifies certain popular online news sources, which can in turn be used to infer the popularity of UGC. Here we classify online news sources into four groups: webboards (internet forums or message boards for online conversations on current issues), websites of professional media organizations, weblogs (blogs), and social networks.

Figure 7.
Online news sources of choice



Note: The graph shows the percentage of people in the survey stating that they have experience consuming online news from the stated sources (multiple answers allowed).

Source: Adapted from NECTEC (2009).

Figure 7 shows that webboards are the most popular online news source, following by established media websites, blogs and social networks. The NECTEC survey broadly agrees with the rankings of the top 10 UGC websites shown in Table 18. Again, webboards appear to be the most popular UGC sources for online news. Personal blogs and social networks are more popular than professional media websites. The fact that personal UGC websites are highly popular news sources does not imply that established media websites are not influential, since a large portion of content in personal UGC websites is drawn from mainstream media companies.

Table 19.
Top 10 most popular UGC websites, grouped by online news sources

| Sources | Top 10 UGC websites |
|----------------|--|
| Webboard | Sanook.com (#4), Pantip.com (#5), Mthai.com (#7), Dek-d.com (#8) |
| Website | Manager.co.th (#9) |
| Weblog | Blogger.com (#6) |
| Social Network | Facebook.com (#1), Hi5.com (#3) |
| Sharing Site | YouTube.com (#2), 4shared.com (#10) |

Note: Numbers in the parentheses represent the ranks of the websites.

Source: Alexa.com, Trafficestimate.com, and Truehits.net.

While social networks are relatively new, they have quickly gained popularity as platforms for exchanging information and opinions. During the intense political confrontation in March 2010, for example, six out of the ten most frequently used Thai keywords on Twitter were related to the political situation.

Table 20.
Ten most mentioned Thai words in Twitter (accessed 3 April 2010)

| # | Words | Hits per month |
|----|--|----------------|
| 1 | Red Shirts | 33,598 |
| 2 | Abhisit (Prime Minister) | 22,583 |
| 3 | Hot (weather) | 19,981 |
| 4 | Thaksin (former Prime Minister) | 15,402 |
| 5 | Demonstration | 13,246 |
| 6 | House Dissolution (implies early general election) | 11,381 |
| 7 | Weng (One of the red-shirt leaders) | 10,875 |
| 8 | Weather | 10,458 |
| 9 | Blackberry | 8,537 |
| 10 | Commute | 5,979 |

Source: Lab.in.th/thaitrend.

Website audiences can be estimated by the number of daily unique IPs, gathered by Truehits.com, a Thai website, and Trafficestimate.com, a foreign website. Based on these sources, the total audience of the ten most popular independent UGC websites is around 3.96 million people, or 24.6 percent of Thailand's internet users and 5.9 percent of the total population.²⁴

3.1.2 Social Networks

As of late March 2010, it was still debatable whether Facebook or Hi5 was the most popular social networking site. According to Alexa, the most popular UGC website was Facebook, with 4.31 million members. An alternative source, Facebakers.com, estimated in March 2010 that there were 2.87 million Thai Facebook members. However, Topspace, an online advertising agency, estimates that Hi5 has around 6 million members, far more than Facebook. It should be noted that Hi5's six million members are based on registration, not actual usage. As a result, some of them are no longer active and many may have already migrated to Facebook. Although it is impossible to be sure, we believe that Facebook is becoming, if it is not already, the most popular UGC website in Thailand. As for professional media websites, Manager.co.th appears to be the most popular, with around 260,000 visitors per day.

24. This estimation assumes a one-to-one correspondence between a unique IP and an individual user.

Table 21 shows the ‘reach’ of the ten most popular social networks in Thailand according to Alexa. (“Reach” is defined as the number of internet users who visit on a daily basis, or active members.)

Table 21.
Ten most used social networks (as of 25 May 2010)

| # | UGC Websites | UGC type | Global Reach (Alexa) | Reach in Thailand (Alexa) |
|----|-------------------|--------------------|----------------------|---------------------------|
| 1 | Facebook.com | Social networks | 539,587,000 | 4,310,000 |
| 2 | YouTube.com | Video sharing | 410,180, 000 | 3,690,000 |
| 3 | Hi5.com | Social networks | 17,070, 000 | 2,611,000 |
| 4 | Blogger.com | Weblog | 203,770,000 | 2,240,000 |
| 5 | 4shared.com | File sharing | 17,880,000 | 940,000 |
| 6 | Wikipedia.org | Free encyclopaedia | 223,320,000 | 1,340,000 |
| 7 | Exteen.com (TH) | Weblog | 1,210,000 | 1,140,000 |
| 8 | Bloggang.com (TH) | Weblog | 950,000 | 870,000 |
| 9 | Multiply.com | File sharing | 5,840,000 | 660,000 |
| 10 | Twitter.com | Social network | 101,180,000 | 600,000 |

Source: Alexa.

3.1.3 News in Social Media

NECTEC’s *Internet User Profile of Thailand 2008* revealed that 49.1 percent of those surveyed had visited blogs to look for information, 23.4 percent for writing articles and 18.1 percent for expressing themselves.²⁵ Asked about online activities with friends or like-minded individuals, the surveyed group replied that the internet was for sharing data and knowledge (63.7 percent) and photos or video clips (59.1 percent). In addition, 57.2 percent responded that one major benefit of social networks is the ability to access ‘online knowledge sources.’

The 2009 survey found that 85.5 percent of those in the online survey had read news on the internet.²⁶ However, the frequency of reading online news is still quite low: 59 percent responded that they read online news only once or twice a week. The most frequently consumed news was political (35.7%), followed by social (20%), entertainment (17.1%), technology (10%), economic (8.9%), sport (6.6%), and education news (1.7%). Similarly, Thailand Trending reported that the most frequently used Thai keywords in Twitter were related to politics.²⁷

25. NECTEC, “Internet User Profile of Thailand 2008”, accessed online from http://pld.nectec.or.th/websrii/images/stories/documents/books/internetuser_2008.pdf March, 2010.

26. NECTEC, *Internet User Profile of Thailand 2009* (ibid).

27. Accessed online from <http://lab.in.th/thaitrend>, on 28 March 2010.

There is anecdotal evidence that social networks and blogs have become new ways for many Thais to consume news and exchange opinions. Thailand Trending reported that the most frequently used Thai keywords in Twitter were related to politics.²⁸

3.2 Digital Activism

3.2.1 Digital Platforms and Civil Society Activism

Digital platforms have been used to organize political activism. Here are four recent prominent cases:

- *ASTV & People Channel*: Even before the Broadcasting Business Act of 2008, which liberalized the cable and satellite broadcasting markets, satellite television had become an important platform for partisan politics. Both sides have exploited satellite television, ASTV in the case of the ‘yellow shirts,’ and the People Channel in the case of the ‘red shirts,’ to criticize rivals, mobilize supporters, and raise funds. Both channels are broadcast by satellites registered overseas to avoid closure by the government. It should be noted that in this case satellite television is used by established political groups, rather than civil society movements. The results are impressive in the sense that both are highly popular among their supporters and have been able to help mobilize over 100,000 people to join their rallies.
- *Sniffer*: Early in 2010, *Than Sejtthakit* newspaper reported that the Ministry of Information and Communication Technology (MICT) had asked the National Telecommunications Commission, the independent telecom regulator, to require internet service providers (ISPs) to install ‘sniffers’—software that monitors internet activity in order to capture ‘suspicious’ data. This news raised concerns among internet users that their privacy would be violated. A tweeter sent an alarm message to her 2,000 followers and the news spread fast through the online community, leading to a heated debate. One day after the news was released, a group called “Thailand No Sniffer” was established on Facebook and attracted over 1,000 followers in just a few days. Soon afterwards, the Thai Netizens Network, an online civic group, launched an anti-sniffer campaign. Numerous questions and comments about sniffers were posted on the Prime Minister’s website (www.pm.go.th), compelling him to respond and the mainstream media to follow up. The fact that many prominent media professionals were active in social networking also contributed to the quick follow-up by the mainstream media, first by the press and then by television and radio. Fringer, a pro-free speech blogger, was invited to appear in many television programs. Pressured by netizens and the media, the MICT gave in and withdrew the implementation plan.
- *‘Compulsory Licensing’ of lifesaving drugs*: In 2006, the Ministry of Public Health issued compulsory licenses (CL) for drugs to treat AIDS, heart disease, and cancer, all of which claim thousands of lives every year. These licenses granted a government-owned company the right to produce or import the drugs in question.

28. Accessed online from <http://lab.in.th/thaitrend>, on 28 March 2010.

The government announced that this move was in accordance with the WTO's intellectual property rights agreements. However, multinational pharmaceutical corporations, especially Abbott Laboratories, denounced the government in strong terms. This reaction caused local and international civil society organizations to rally in support of the policy, using the internet for communication, coordination, and resource mobilization to take political action at a transnational level.²⁹ The CL movement network is characterized by the large number of participating organizations, ranging from local groups such as AIDS Access and Thai Networks for People Living with HIV/AIDS to international groups such as Oxfam, Médecins Sans Frontières (MSF), the Clinton Foundation, Student Stop AIDS UK, Student Global AIDS Campaign, Consumer Projection on Technology (CPTECH), ACT-UP Paris, and UNAIDS. A major platform for communication was the Intellectual Property Group Email, which was used to share information and mobilize financial resources. For example, 20 organizations helped fund Jon Ungpakorn, a former senator, and other social activists to travel to the United States to lobby U.S. policymakers, Abbott shareholders, and the general public. A website, www.abbottsgreed.com, was created to inform the press and the public about the network and its activities.³⁰

Network members organized a series of high-profile protests. The Delhi Network of Positive People held a demonstration in New Delhi to show support for the Thai government. In Paris, a group called Act Up-Paris rallied in front of the Thai Embassy when it was rumored that the government might backtrack. In Massachusetts, a group of students organized a “die-in protest” at a meeting of Abbott shareholders. Act Up-Paris, with the cooperation of thousands of activists from India, Thailand, Canada, and the United States, also conducted a ‘netstrike’ attack on Abbott’s website, causing it to crash.

iLaw: iLaw (www.iLaw.or.th) is an online forum aimed at promoting citizen participation in the most upstream part of the legislative process: helping them to propose new laws. It adopts a three-step model: “think, draft and sign.” In the first stage, iLaw provides a forum for active citizens to propose an idea to change society by making new laws. For example, a law to legalize surrogate mothers was being discussed in 2010. In the second stage, details of the proposed laws are spelled out and drafted in a format fitting the Thai legislative process by iLaw’s volunteer lawyers. Finally, at the signing stage, iLaw campaigns for voters’ signatures to meet the constitutional requirement of 10,000 signatures. To endorse a draft law, supporters must download a form from iLaw’s website, sign and send it to iLaw together with a copy of their identity card. As of mid-2010, iLaw was campaigning to abolish three security laws: the Internal Security Act, the Martial Act, and the Emergency Decree. From our observation, iLaw has succeeded in stimulating vigorous debate on its chosen topics, but has largely failed to translate debate into the signatures and actions needed to have a real impact.

29. Elle, Kal, *The Networking of Transnational Social Movements: The Case of Compulsory Licensing in Thailand*, Chulalongkorn University, 2008.

30. Although the website is no longer live, an archived version is available at http://web.archive.org/web/20080424010611rn_2/www.abbottsgreed.com.

3.2.2 The Importance of Digital Mobilizations

Internet guru Clay Shirky has defined three different types of online activities, from the easiest to the most difficult to organize.³¹ The first and the most basic type is information-sharing, such as uploading photographs or video clips. The second is cooperation and collaboration. The third, and most difficult, is to mobilize people to take collective action in the real world. Fringer, a famous Thai blogger, observed that many people were willing to take the first step of sharing information in the case of anti-sniffer. In fact, it was quite easy for internet users to communicate with others in their circle. However, going from information-sharing to action, such as signing a petition with their real names to protest the MICT, was much more challenging. The experience of iLaw confirms this point. By contrast, the example of compulsory licensing shows that if the target groups are already organized and share the same beliefs, effective action can be taken.

3.3 Assessments

Social media, especially Facebook and Twitter, have rapidly grown in popularity. According to some sources, Thailand had the highest growth of social media participation in the world in 2009.³² According to Thailand Trending, there were more than 80,000 active Tweeples as of mid-2010. It is also estimated that there are 2.87 million Facebook users.

Social media contribute to news transmission in two ways. First, they expand the reach of mainstream media to those who might not form their regular audience. Table 22 shows the numbers of links from Twitter to websites of selected mainstream media during the time of intense political conflict in March 2010. For example, news from the Manager's website was retransmitted by over 900 Tweeples to their peers, some of whom might not usually read the Manager. In this way, social media can strengthen the reach of the mainstream media.

Second, social media can turn media consumers into media producers by letting them set their own news agenda without relying on mainstream outlets. Photos and video clips can be uploaded by eye-witnesses, along with text. Facebook was flooded with photos and video clips taken by spectators during the political turmoil in 2010. In this way, social media may undermine the mainstream media monopoly of news production, rather than strengthening it as previously discussed. Thus the net impact of social media on mainstream media is still hard to determine.

31. Clay Shirky, *Here Comes Everybody: The Power of Organizing Without Organizations*, Penguin Press (Reprint edition), 2009, pp. 47–54.

32. The Nation, available at <http://www.nationmultimedia.com/home/2010/04/01/technology/Social-media-role-continues-to-grow-30126090.html> (accessed on 22 April 2010).

Table 22.

Links from Twitter to mainstream media websites during March 2010

| Media websites | Number of links from Twitter |
|----------------------|------------------------------|
| Manager.co.th | 924 |
| Thairath.co.th | 486 |
| Bangkokpost.com | 316 |
| Bangkokbiznews.com | 286 |
| Posttoday.com | 233 |
| Matichon.co.th | 217 |
| Nationmultimedia.com | 138 |
| Komchadluek.net | 121 |
| Voicetv.co.th | 69 |
| Total | 2,912 |

Note: Numbers are averaged for the period 14–28 March 2010.

Source: Backtweet.com, accessed 3 April 2010.

Activists have already employed the new media to take civil and political action, sometimes beyond national borders, as shown in the campaign to support compulsory licensing. So far, however, the general public has used the new media mainly for information-sharing and exchanging opinions. The example of iLaw shows that proceeding from online activism to action in the real world, such as signing a petition, is still a step too far for the general public.

4. Digital Media and Journalism

4.1 Impact on Journalists and Newsrooms

4.1.1 Journalists

The impact of digitization on journalists depends on the level of adoption of the new media in newsrooms. In general, journalists have been affected by digitization in three main aspects: modifying the editorial workflow, accelerating the process of news production, and changing the news-gathering practices.

Concerning editorial workflow, journalists in some outlets have been urged to embrace multitasking and multimedia reporting. For example, Mango TV, a satellite television subsidiary of the Nation Multimedia Group, which also broadcasts via local cable TV, mobile phone, and the internet, aims to develop a new generation of “Mojos”, or mobile journalists. The Mojoes are expected to be able to interview, take photos or video, produce, edit, broadcast or publish the content, send mobile news and update content on social media. They are also trained to be capable of transforming a piece of information into multiple types of content suited for different platforms: website, social media, mobile devices, and television.

With a somewhat lower level of digitization, *Prachachart Turakij*, a business newspaper well known for its investigative reporting, requires its staff to work simultaneously on print and online editions. This requirement coincides with the newspaper’s move to expand its business online.

Under a new editorial workflow plan, journalists will be given more authority to work and publish with less editorial oversight. For example, a number of pre-selected journalists at *Prachachart Turakij* are authorized to publish stories on the website without passing through the usual editorial process. Yet, this kind of freedom is not applicable to most other staff members of *Prachachart Turakij*, who still have to undergo the usual rigorous editorial check. On the other hand, journalists at the Nation Multimedia Group are trusted to send mobile news or publish online news without passing through the hands of a sub-editor. This delegation of authority is due to the need for speed of reporting and the need to cut costs during the economic downturn, as well as to the more general competitive commercial pressures on the media.

Some media companies have grasped the opportunity to supply news to websites or mobile devices throughout the 24-hour news cycle. The Manager Group is a leading example of a mainstream media company that has been able to exploit the internet to report breaking news. As a result of heavy investment in online content production, it has been able to attract a large audience to its website, which currently ranks number one for online news. Other mainstream media companies are also trying to catch up. For example, the *Bangkok Post* and *Post Today* are experimenting with ‘e-papers’, which allow readers to access the newspapers via iPad and iPhone apps. On the other hand, top sellers such as *Thai Rath* and *Daily News* have been slow to experiment with new media, apart from operating simple websites and selling SMS-based news alert services.

As for news-gathering practices, the internet has long been an important tool for journalists to gather information even for traditional media. Some use the internet intensively, to the extent that they become ‘armchair journalists.’ Increasing storage capacity and searchability make it more convenient for journalists to get access to new pools of information. UGC is monitored and picked up by journalists if it is newsworthy. Interactivity also makes it possible for audiences’ perspectives to become part of the publication process, such as through comments at the foot of articles.

Although journalists cannot afford to ignore digital reporting in the long run, technological change has presented great challenges. Digital transition in the newsrooms has never been smooth. Unlike their younger counterparts, older journalists have resisted the new editorial workflow as they feel uncomfortable with multimedia and social networking technologies. For them, producing news around the clock and distributing it to multiple platforms seems overly demanding.

While there has been no systematic research into the impact of new media on the quality of journalism, the proportion of aggregated content to original content in online outlets appears to have increased over time. This results from changes at both the organizational and the individual level. At the organizational level, many traditional outlets, especially newspapers, have suffered from a decrease in advertising revenue as advertising spending on newspapers dwindled from THB 22.5 billion in 2008 to THB 19.5 billion in 2009, equivalent to a 13.3 percent decrease in one year. This has forced them to cut investment in original content and rely more on less expensive news sources, such as press releases. At the individual level, the expansion of digital media outlets, without an accompanying increase in manpower, forces journalists to seek information online, which is far less time-consuming. The internet even makes it possible for journalists to copy and paste free online information from other news agencies.

Second, demand for speed seems to prevail over accuracy when it comes to online reporting, and the competitive pressure has knock-on effects on quality in offline journalism as well. Many media organizations have set up separate online editorial teams. However, most appear to be understaffed because online news has not become a main source of revenue. For example, unlike the news in the printed version, English-language news on *The Nation’s* website is not sub-edited by native English speakers, allowing some grammatical and spelling errors to creep in. One of the journalists interviewed estimated that around 10 to 20 percent of online news contains mistakes. Although online news can be easily corrected after publication, rapid dissemination makes inaccuracies potentially more harmful. For online news, the job of checking for accuracy is partly delegated to unpaid readers, who may or may not be capable of detecting mistakes.

Third, the impact of new media on investigative news is still unclear. On the one hand, the imperative of speed does not encourage deep or investigative news. On the other hand, some journalists contend that only by producing original and investigative news can traditional media differentiate themselves from competing online media.

The exploitation of new media to find more varied news sources or include a wider range of voices in the editorial process has not taken off among professional journalists. Sometimes the news agenda has been influenced by UGC, and audience viewpoints solicited online have been incorporated in the news in many forms, including online polls. However, UGC or audience viewpoints have not been granted much importance because of the difficulty of verifying their information. Journalistic practises, and the determination of some professionals to differentiate themselves from amateur journalists, also contribute to the low usage of UGC in the mainstream media.

4.1.2 Ethics

The proliferation of digital news media—cable and satellite television, online newspapers, and social networking—has blurred the line between professional and amateur journalism. In principle, what distinguishes professional journalists from other content-providers are strict standards of conduct which support such principles as accuracy, balance, thoroughness, respect for privacy, and the right to reply. The staff at traditional media outlets are expected to conform to codes of ethics. Amateur journalists have yet to set up similar standards.

Since the Broadcasting Business Act liberalized the electronic media, many organizations have emerged that claim to be professional outlets but do not comply with existing standards of conduct. Some are overtly partisan. For example, PTV and ASTV, broadcast through satellite and local cable television, are financed by politically motivated tycoons or even by politicians themselves. News produced by these media is predictably heavily biased, such that at times it amounts to nothing more than propaganda or rumor. This phenomenon has emerged because the liberalization coincided with the deep political conflicts in the country.

Another more complicated issue is how to judge online media that claim to provide alternative views, such as Prachatai.com. Financed by non-governmental organization (NGO) and individual donations, Prachatai claims to provide space for people who do not have a chance to voice their opinions or concerns in the mainstream media. During the political conflict of 2010, Prachatai appeared to lean towards the ‘red shirts’, perhaps believing they were under-represented in the mainstream media or because they shared similar ideological positions. The key issue is whether alternative information sources such as Prachatai should also be judged by traditional standards of accuracy, balance, thoroughness, and so forth. One may argue that online media do not need to conform to such standards because, in the online environment, audiences have more control over what they consume than in the traditional media environment.

Another problem with online information sources is that it is difficult to check their origin and hence their reliability. As a result, misquotation is common. Plagiarism by cutting and pasting articles, copying photos, graphics, and video is becoming a big problem. Before the advent of the internet, careless journalists who

used floppy disks to duplicate other reporters' news became known as "A-drive" journalists. Now it is even easier for journalists to copy contents from some websites without crediting the author or the original source. Pictures taken and posted by amateur photographers are often used without permission.³³

The loss of advertising revenue in printed media, partly caused by digital technology, has driven certain media companies to adopt practices that may compromise their journalistic integrity. For example, after the Matchon Group accepted a commission to organize events for the Ministry of ICT, these events were given full coverage in the press despite the fact that much of the content was not newsworthy.

4.2 Investigative Journalism

4.2.1 Opportunities

Generally speaking, digital media have not been used much for investigative journalism. It is true that digitization allows journalists to find general information more easily, including background that can help them better understand the context of what they are investigating. Digital media also help journalists to solicit opinions from many sources. However, all good journalism, including investigative reporting, has to go beyond the screen to get what it needs.

This is not to downplay the opportunities digital media may bring to 'citizen journalists', who can play very important roles in investigative reporting at the local level. With the help of digital media, local issues can be easily brought to the attention of those at the national level. That was the idea behind Prachadham, an investigative local news website.

According to Mana Trirayapiwat, a lecturer in media studies, Thai news journalists have not yet grasped the full potential of social media.³⁴ In his opinion, social media technology can be used for gathering knowledge from experts on particular issues. For example, during the dispute between Thailand and Cambodia on the issue of the Khao Phra Viharn Temple, in 2008, the Nation Group received in-depth information from its readers' blogs. Some of these bloggers turned out to be famous historians.³⁵ However, this example seems to be an exception rather than the rule.

4.2.2 Threats

Violence poses the most serious threat to journalists who cover sensitive issues related to local influences, such as illegal logging and smuggling, whether in traditional or digital media. Defamation actions present the second major threat. In Thailand, defamation lawsuits can be filed as criminal or civil cases, or both, and

33. Interview with a journalist working for an English-language newspaper in Thailand, 13 April 2010.

34. Speech given at the seminar, "Journalist 3.0: Tough Situation for Thai Media", 8 March 2010, text accessed online from http://www.tja.or.th/index.php?option=com_content&view=article&id=1526:-30-----2553&catid=34:journalist-day&Itemid=21 (accessed in April, 2010).

35. Interview with Adisak Limparunphathanakit, Managing Director of Broadcasting Business of Nation Multimedia Group, April 2010.

often result in self-censorship by media organizations.³⁶ Digitization can potentially magnify such threats, leading to even more self-censorship. A number of recent cases show that media organizations can be sued over content they published online. In some cases, misinformation was rapidly corrected in the printed media, but not online. With the greater space available, online news often contains information that does not appear in printed versions. Still, such information can be used as evidence in lawsuits. Moreover, as online reporting is not limited to any particular location, defamation lawsuits can be filed in many jurisdictions. The threats from online defamation suits thus are very serious for investigative journalists and media companies.³⁷

4.2.3 New Platforms

While online publication can accelerate the distribution of breaking news, it does not seem to have had much impact on investigative journalism. Exclusive news is generally not published online because most Thai editorial managers think that it can help boost the circulation of the printed press.

Digitization encourages the convergence of professional and citizen journalists by facilitating the flow of information between them. Professional and citizen journalists may have different working styles but they work in a complementary manner. Their synergy increases news quality and impact. Some investigative news produced by professional media can be easily and immediately disseminated to online readers and hotly debated if it gains their attention, greatly enhancing its impact.

Certain important topics emerged in online discussions before they were reported by professional media. The January 2010 controversy over the GT200 bomb detector, used by the Thai military, is one. This debate was initiated by Jessada Denduangborriphan, a university professor, who publicized the device's ineffectiveness on a webboard of the popular Pantip.com site. To support his argument, he uploaded a video clip from the BBC's *Newsnight* program, which showed that the device could not detect explosives as well as its producer claimed. Participants in the ensuing online debate urged the professional media to investigate the subject and turn it into national news. After a systematic test of the GT200, the government terminated procurement.

4.2.4 Dissemination and Impact

All journalists interviewed agree that citizen journalists play a very active role in investigative journalism. With the help of social networking technologies, consumers are not only just passive news recipients, but also civic reporters. The cases of the bomb detectors (see *section 4.3.4*) and of the internet 'sniffer' software (see *section 3.2.1*) show how citizen journalists can help to bring about real policy change.

A third case that shows the power of citizen journalism was the exposure of Nathan Oman by the so-called 'Pantip Detectives'. In early 2010, Nathan Oman, a young singer and film star, claimed publicly that 20th Century Fox had hired him to star in a Hollywood movie with Bruce Willis and Nina Ricci, directed by

36. Interview with Adisak Limparungphathanakit.

37. Interview with Adisak Limparungphathanakit.

Wolfgang Peterson. On a Pantip webboard, sceptics calling themselves the ‘Pantip Detectives’ carried out a collaborative investigation and discovered that Oman had lied. They also found that photographs Oman posted on his Hi5 social network were from some unrelated event.

These cases demonstrate the power of civic collaboration through social networking to expose lies wittingly or unwittingly disseminated by mainstream media, and sometimes to change public policies or government practices. It should be noted, however, that while all these issues were initiated in the online world, they came to the attention of the public at large only after the issue was picked up by the mainstream media. While the new media are increasingly powerful, they continue to rely on established mainstream media to achieve a tangible impact. Thus a typical life cycle of high-impact online news consists of the following sequence: a) the mainstream media propagate some misinformation, b) the information is investigated and exposed by the online community, and c) the investigative work of the online community is echoed back in the mainstream media and generates an impact.

4.3 Social and Cultural Diversity

4.3.1 Sensitive Issues

The most sensitive issue for the media is the monarchy. It is sensitive in cultural, social, and legal terms. Like all its predecessors, the 2007 Constitution states that “The King shall be enthroned in a position of revered worship and shall not be violated. No person shall expose the King to any sort of accusation or action.” The Criminal Code prohibits *lèse majesté* by stipulating that, “Whoever defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent, shall be punished with imprisonment of three to fifteen years.” Culturally and socially, the majority of Thais have the highest respect for the King. It is thus considered unacceptable for anyone to criticize or make derogatory remarks in public about the sovereign or the Royal Family.

Another sensitive issue is the conflict in Thailand’s three southernmost provinces, where the majority population is ethnically Malay and Islamic by confession. The conflict can be traced back to the so-called ‘nation-building’ period in the late 1930s and the 1940s, when governments tried to assimilate all ethnic minorities into Thai society. The Muslim Malays in these provinces reacted strongly against this policy. Some Muslim separatist groups have long attempted to establish an independent state. In 2004, the situation in these provinces suddenly became violent, leading to the deaths of thousands of people, including many Muslims, Buddhists, and government officials. Media organizations have taken care to avoid inciting hatred between Muslims and Buddhists. The challenge facing newsrooms is how to differentiate the southern separatist movement from the broader Muslim community.

Other issues related to minority groups concern Burmese migrants, Vietnamese, Laotian, Hmong, hill-tribe people, and homosexuals. However, these issues are not perceived to be highly sensitive in the wider society and the media are able to discuss them openly, sometimes even with overt prejudice. The National Press Council has issued codes of conduct for reporting on certain minority groups. However, there is no requirement for minority coverage or program quotas in the broadcast media.

4.3.2 Coverage of Sensitive Issues

With the help of modern information technology, a number of news websites dedicated to ethnic minorities and other disadvantaged groups have been set up to respond to demands for human rights, equality, and social justice. These include Isranews.org, Thaipeoplepress.com, Prachatam.com, Deepsouthwatch.org, and Salweennews.org. In fact, almost every active community and NGO has its own website.

The establishment of Thai PBS gave these concerns a new foothold in the mainstream media, greatly increasing the public space for groups that have been under-represented in Thai society. The station broadcasts a regional program called “D Slatun” in five southern provinces with substantial Muslim populations. It also allocates prime-time slots for citizen journalists, who report on local issues mostly from the perspective of disadvantaged people. Some television stations, which had provided almost no coverage of disadvantaged groups, have followed suit, by granting some—though very little—airtime to these groups of people.

Media coverage of inter-ethnic tension between Muslim Malays and Thais in the three southernmost provinces has changed remarkably over recent years. Previously, Muslim Malay issues were covered by stringers rather than professional journalists. The tensions were presented as the result of violent religious or ethnic conflicts or separatism. In other words, the issue was mostly framed in terms of illegitimate goals and criminal action by one side. The delicate issue concerning the culture and identity of Muslim Malays was rarely reported by the traditional media. Also, the fact that many Muslims were mistreated and tortured by the Thai authorities was not reported.

Since the founding of the Isra News Center in 2005, a collaborative venture by several major Thai newspapers, coverage of Muslim Malays has both increased and improved. This is because major newspapers sent their staff journalists to work with local stringers in the field. With the changes in the way news is gathered, long-ignored issues such as Muslim religious belief and Malay culture gained additional space in the traditional media, which has improved public understanding of Thailand’s cultural and religious diversity. Other problems in these areas, such as people going missing and other human rights violations, have also been exposed. Investigative news also turned the spotlight on how government policies and military action have created problems rather than solving them. Overall, the portrayal of Muslim Malays today is more balanced and the voices of local people are better presented in news due to the efforts of major newspapers. Unfortunately, due to limited resources, the partner newspapers have withdrawn their journalists from the area and put reporting back in the hands of stringers.

In sum, new media are able to facilitate coverage of sensitive issues at a lower cost and thus enable Prachatham, Deepsouthwatch, and others to become alternative sources. However, the factor that decides whether unheard voices are indeed heard is still the commitment of the mainstream media, which have far more resources and distribution power than the alternative sources. The situation may change once the internet penetration rate reaches a critical level.

4.3.3 Space for Public Expression

The Isra News Center has used digital media to disseminate news since its founding. Deepsouthwatch.org, run by a network of local people, scholars, university students, journalists, and non-governmental activists, also uses a website and social media as the main means for internal and external communication. Other news websites such as Wevoicepeace.org, Bungarayanews.com, and Amannews.org, run by local Muslims, have also emerged, increasing the space available for public expression by Muslims.

However, the impact of online reporting has been very limited in the three southernmost provinces themselves because internet penetration in the area is very low. Also, there appears to be a religious belief that the internet will bring evil things to its users.³⁸ News from those websites is thus distributed to people in the area by local radio. It should also be noted that, unlike the Isra News Center's site, sites run by local people have received very little, if any, attention from the mainstream media.

4.4 Political Diversity

4.4.1 Elections and Political Coverage

The emergence of digital media has not led to any change in the regulation of media in elections. The Election Commission's regulations allow candidates to use any media, including websites and electronic media, to seek voter support. Any prohibitions on political communication by a candidate apply equally to all media, including digital media. For example, it is prohibited by the law to conduct an election campaign from 6 p.m. on the eve of elections until the end of election day. This applies equally to online campaigning. In the past, candidates have been charged for violating the regulations by misusing websites.

4.4.2 Digital Political Communications

Digital media have profoundly enhanced the diversity of voices. The internet has stimulated the rise of amateur journalism, as can be seen from the emergence of so-called 'middle' and 'micro' media. The 'middle media' include alternative media websites (such as Prachatai.com, Prachatam.com, Onopen.com, and Deepsouthwatch.com), non-governmental organization websites (such as Consumerthai.org, Flc.or.th, Bannok.com, Thainetizen.org, and iLaw.or.th), collective blogs, and Facebook groups (such as Thailand No Sniffer, Stop GT200, and Watch Red Shirt). They have contributed to the increase in political discourse in the digital world. On the other hand, 'micro media', which include personal blogs and social media, are used for media consumption and information-sharing among individuals.

The use of new media to enlarge the political space was put to the test when the Ministry of ICT blocked Prachatai's website in April, 2010, forcing its users to get proxy access to its website or to become fans of

38. For example, see Somkid Leewan, "Islamic Attitudes Towards the Internet" (in Thai), available at <http://www.quranthaikt.com/main/content.php?page=sub&category=7&cid=15> (accessed 15 June 2010).

Prachatai's page on Facebook. The emergence of digital satellite and cable television has also resulted in an array of political groups becoming media operators, as discussed in the cases of PTV, ASTV, and Voice TV.

New media have also been widely employed by politicians to communicate directly with their supporters. For example, Abhisit Vejjajiva, the current prime minister, has a Twitter account (@PM_Abhisit), a Facebook page, a channel on YouTube (www.youtube.com/abhisitorg), and both personal (Abhisit.org) and official (Pm.go.th) websites. His main political rival, former prime minister Thaksin Shinawatra, who is in exile evading a jail term for corruption, uses similar techniques. All major political parties have their own websites and some, including the ruling Democrat Party, even use social networks, e.g., Facebook, Twitter, and YouTube, to communicate with voters.

Nevertheless, the professional media organizations still play a decisive role in setting the national news agenda. This is due to the low rate of internet penetration of only 20.1 percent of the population. Even if a political issue originates in the new media, most people will not recognize it unless it is picked up by mainstream media. A hotly debated issue on Twitter would circulate among no more than 80,000 users.

Yet, according to the journalists interviewed for this report, professional media often compete for interesting online stories. They estimated that around 80 percent of journalists make regular use of social media to gather information, and that around 20 percent are highly active users. Some of these users choose the new media channel to report longer versions of stories in the press. Doing so does not, however, offer them protection from lawsuits.

While digital media increase the diversity of sources, ultimately the readers decide which information they choose to consume. In a highly polarized society, characterized by intense political conflict, people tend to adhere to information sources that match their ideological leanings. As noted above (see *section 1.3.3*), the so-called red shirts watched PTV and the yellow shirts, ASTV. The more competition there is in the media marketplace, the more important balanced reporting has become.

4.5 Assessments

The new media have had an uneven impact on professional journalists, depending on the strategies and business models of their organizations. While the work of most mainstream journalists may remain pretty much the same, journalists who work in the new media are increasingly forced to adapt to the digital environment. First, they are required to be multimedia journalists, adept on multiple platforms. Many of them need to learn to use new equipment such as the BlackBerry, iPhone, or other devices for mobile reporting. Second, they are pushed to adapt to the new 24-hour news cycle.

It is debatable whether the requirement for faster reporting and multiple platform skills will improve or worsen the quality of journalism. Some believe that round-the-clock reporting helps journalists to keep abreast of important details and write a more accurate final draft. Others believe that the requirement for

immediacy and the additional workload will exhaust journalists' time and energy to the point that they can no longer produce well-researched journalism, or investigative journalism of any kind. In other words, the new media are likely to increase the quantity and speed of news production, but at the price of reducing investigative news and overall quality. In addition, inaccuracy is likely to increase due to the greater workload, abbreviated editorial process, and insufficient investment in human resources. However, both sides agree that the most decisive factor for the quality of journalism is the quality and dedication of the journalists themselves, which are relatively independent of media platforms.

Digitization has not significantly affected the way elections are covered. Journalists, politicians and regulators see digital media as just another platform. As for marginalized groups, new media have been used to enhance their voices, as shown in the case of Muslim Malays, the disabled, and immigrant labor. However, the actual impact depends largely on whether new media reports are picked up by mainstream media.

Digital media have not been much used for investigative journalism. Journalists still need access to primary sources for important information if they are to carry out insightful investigations. However, the internet has proven to be highly helpful in producing well-researched news that requires enormous background information.

5. Digital Media and Technology

5.1 Spectrum

5.1.1 Spectrum Allocation Policy

There is currently no official spectrum allocation policy for broadcasting. Rights to spectrum use have been granted on the basis of concessions. There are many concession-granting agencies, but the main ones are the military, the government's Public Relations Department (PRD), and the Mass Communication Organization of Thailand (MCOT). This fragmented system means that the conditions attached to spectrum use depend on the particular deal between the concessionaires and the concession-granting agencies. For example, the Channel 3 concession, granted by the MCOT, and the Channel 7 concession, granted by the army, differ in length of term, annual fees and other respects.

Behind this archaic system is the fact that almost all radio frequencies are hoarded by the three state agencies in the name of security (in the case of the army) or of the need for the government to communicate with the public (in the case of the PRD and MCOT). In practice, frequencies are issued to private operators for commercial use through concessions, which are granted according to a patronage system.³⁹ The status quo thus supports a privileged few.

Attempts to reform this rotten system started over a decade ago when the 1997 Constitution came into force. Section 40 of the Constitution stipulates that the frequency spectrum is a national resource and must be used in the public interest. To put an end to the concession system, the Constitution also requires that the frequency spectrum be allocated by the broadcasting regulator, the National Broadcasting Commission (NBC), and the telecom regulator, the National Telecommunications Commission (NTC).

39. For instance, in 1997, an army chief furtively extended the concession contract of Channel 7 for another 25 years, 10 years ahead of its expiration, presumably to help the station avoid any possible frequency reallocation by the regulator to be established after the passage of the 1997 Constitution.

As the borders between telecom and broadcasting services are increasingly blurred, the 2007 Constitution, drafted after the coup in 2006, mandates a merger between the NBC and the NTC to form the National Broadcasting and Telecommunications Commission (NBTC). Following the passage of the NBTC Act into law in December 2010, the body of 11 NBTC commissioners must be appointed within 180 days.

The NBTC Act requires the NBTC to draft a spectrum allocation master plan. The plan will determine how frequency spectrum is to be allocated for public, commercial, and community services. The Act also stipulates that auction is the only acceptable means of allocating spectrum for commercial services. This reflects the legislators' belief that auction is the most transparent process and an effective method to move away from the patronage system. However, the Act does not specify any allocation methods for community and public broadcasting services. It only states that license fees for those services may be lower than for commercial broadcasters, in order to reflect their not-for-profit nature.

For radio, the Act also mandates that at least 20 percent of the spectrum must be used for community services. A similar provision applies to television, but only after the completion of the digital switchover. In addition, the Act sets up a Fund for Broadcasting and Telecommunications Development to provide financial support for the operation of community radio and other activities related to the public interest. The Fund will be financed by license fees and spectrum auction revenues paid by broadcasting operators.

The Broadcasting Business Act of 2008 also introduces a licensing system for public services. Those entitled to apply for a license in this category are state agencies (excluding state enterprises), civil society groups, and higher education institutes. The Broadcasting Business Act and the NBTC Act are expected to increase significantly the use of spectrum for public purposes. With the system of public service licenses and the public service obligations imposed on commercial terrestrial broadcasters (see *section 2.2.2*), the Broadcasting Business Act provides a major step to ensure that the liberalized broadcasting market will not be too lopsided in favor of commercial media that seek only to maximize profits.

However, the reform has not been smooth. Most importantly, the selection of the NBC has been delayed for a decade by legal disputes over the selection process. The long-awaited NBTC Act, which aims at reducing such legal disputes, was only completed in December 2010. This means that there is still no broadcasting regulator, whether separate or converged. Even after the regulator has been put in place, it will not be immediately obvious whether the law is being implemented according to its intention. In addition, vested interests may continue to use legal tactics to maintain the status quo.

5.1.2 Transparency

As discussed above, a few state agencies have hoarded most of the spectrum since the beginning of spectrum usage in Thailand. They have in turn allocated spectrum to certain private operators, mostly based on favoritism. While this means of assignment helps release spectrum to the private sector, only well-connected firms are able to obtain concessions. These concession-based operators are generally required to pay a percentage of their revenue to the concession-giving authorities. In addition, it is widely believed that they are also required to pay illegal payments in most concessions.

After the enactment of the 1997 Constitution, which paved the way for the use of spectrum in the public interest, a dozen non-commercial community radios started operating without licenses. The rush to enter the market was based on the expectation that early applicants would be more likely to get licenses once the regulator was set up. When the Thaksin administration made a serious mistake in 2005, by allowing community radios to air advertisements, thousands of local commercial stations also started to operate, pretending to be community radios. Most of them broadcast on FM frequency bands. Although the transmission power of these stations is limited to 30 watts and the antenna height to 30 meters, these restrictions are not strictly enforced. Interference among radio stations thus became a serious problem in many areas, and discouraged market entry by concession-based stations. Again, the lack of a regulator means that these problems have not been addressed.

5.1.3 Competition for Spectrum

In 2009, the NTC commissioned the National Electronics and Computer Technology Center (NECTEC) to conduct a study of digital transition for terrestrial television. The study recommended that the digital dividend be distributed as recommended by the International Telecommunications Union (ITU). It is unclear what this would mean for Thailand as the ITU has yet to report its technical studies to the World Radiocommunication Conference, planned for 2012.

Table 23.

Proposal for spectrum reallocation for digital terrestrial television

| Band | VHF I | VHF III | UHF IV | UHF V | |
|----------------------------------|---------------------------------------|---|---|--|-------------|
| Frequency Band | 47–68 MHz | 174–230 MHz | 510–582 MHz | 582–698 MHz | 698–790 MHz |
| Transmission Band width (MHz) | 21 | 56 | 72 | 116 | 92 |
| Applied usage after digitization | Unlicensed Application, Public Safety | Digital Audio Broadcast (DAB), Digital Multimedia Broadcast (DMB) | Digital Television (4–6 Multiplexes and 24–60 Channels) | Digital Dividend (Wireless Communication), Next Generation | |

Source: NECTEC, 2009.

It should be noted that this proposal is not legally binding and may not even reflect the thinking of the future NBTC. Until the frequency master plan and the digitization transition plan have been drafted, there will be no clear policy direction on how the digital dividend will be distributed.

5.2 Digital Gatekeeping

5.2.1 Technical Standards

Representatives of all terrestrial television stations convened in April 2007 to discuss the technical standards for digital terrestrial television. The meeting was organized by the government’s Public Relations Department. The representatives suggested that Thailand should use the Digital Video Broadcasting–Terrestrial (DVB-T)

standard adopted by many European countries. In their opinion, while DVB-T may not be the most technologically advanced standard, it is the most suitable for Thailand. The NTC study on Technical Standards for Digital Terrestrial Television arrived at the same conclusion, for the following reasons:

1. DVB-T is designed to be a direct replacement of the PAL B/G 625 50Hz standard for analog television.
2. It is developed as the enhancement of the DVB-S standard, which has proved to be spectrum efficient.
3. It is resistant to echo and multi-path noises.
4. It allows clear transmission in moving vehicles and mobile devices.
5. It enables both standard-definition television (SDTV) and high-definition television (HDTV) services, as well as a combination of the two.
6. It is able to support both stationary television (based on DVB-T) and mobile television (based on DVB-H) services in the same channel.
7. It enables easy allocation of frequencies, and is relatively inexpensive due to the ability to utilize the same frequencies similarly to a single frequency network (SFN).
8. It allows various customizable variables and parameter formats.
9. It enables add-on services via data broadcasting technology.
10. Television receivers and set-top boxes based on this standard are cheaper than those based on other standards.

A public consultation was held to discuss the NTC study. Although some argued that there should be a trial to compare the performance of DVB-T compared with the Japanese ISDB-T standard, most participants agreed that DVB-T was most appropriate for Thailand.

The ASEAN Ministers Responsible for Information (AMRI), meeting in Jakarta in May 2007, also supported DVB-T as the common standard for digital terrestrial transmission. Therefore, it is highly likely that Thailand will adopt this standard, even though there has been no official decision.

With the cost of a built-in digital tuner or a set-top box still around THB 1,000–2,000 (US\$30–60), there are concerns that the adoption rate of digital terrestrial television will be slow. NECTEC has suggested that the government should accelerate the adoption rate by subsidizing poor households to buy set-top boxes (see *section 7.1*).

5.2.2 Gatekeepers

While there are no obvious gatekeepers in the free-to-air television market, there are concerns about monopolization in the national subscription television market. In particular, True Visions, the cable subsidiary of True, a listed company whose majority shareholder is the giant Charoen Pokphand Group, Asia's largest agro-conglomerate, has long been accused of acquiring exclusive rights to many premium programs, such as English Premier League football, HBO and the Discovery Channel, and abusing its market power as the

largest subscription television company in the national market. As the competition authority in Thailand has been notoriously weak, there has been no recent investigation into the company's conduct.⁴⁰

After the market liberalization that came with the Broadcasting Business Act, over 100 small local cable operators formed an alliance under the name Cable Thai Holding (CTH). CTH executives claimed that setting up a holding company was crucial for the survival of their members, which needed to increase their bargaining power in procuring programs to compete with True Visions and satellite operators.

While the emergence of the CTH may increase the competitiveness of its members as a whole, it creates a dilemma for some small cable companies. Ironically, the CTH has adopted the same strategy as True Visions in that it buys exclusive rights to remaining premium programs. It also tries to coerce local operators to become members and bundles the rights to broadcast its programs. CTH has also threatened to file a complaint with the NTC against operators that broadcast pirated programs. As of March 2010, about 80 percent of local cable operators had joined the Holding.

5.2.3 Transmission Networks

According to the Broadcasting Business Act of 2008, network owners are required to share their infrastructure with other licensees. While the Act aims to reduce infrastructure bottlenecks and thus facilitate the entry of new operators, its effectiveness has never been tested as the NBTC is expected to be established in mid-2011. In addition, it is unclear whether only passive network elements (such as ducts and poles) or both passive and active network elements (such as transmitters) are required to be shared, and if so, at what cost. Experience in other markets shows that the problem of infrastructure-sharing will not be easily solved.

5.3 Telecommunications

5.3.1 Telecoms and News

The telecommunications industry has been dominated by three conglomerates: Shin Corp, DTAC, and True. While Shin Corp and DTAC are now outside the broadcasting sector,⁴¹ as we have seen, True's subsidiary True Visions is the country's largest subscription television company, offering a range of domestic and foreign news programs such as TNN 24, TNN 2, Money Channel, CNN, BBC World, CNBC, and Bloomberg.

As a media and telecoms conglomerate, True has adopted a 'triple play' marketing strategy by bundling its services of subscription television, mobile and fixed telephony, and broadband internet access. It also offered an IPTV service for a while before terminating the service due to lukewarm market acceptance.

40. In 2000, the company was investigated by the competition authority, but was acquitted. See 6.1.3 for more detail.

41. Shin Corp used to own iTV, a free-to-air television station, before it was nationalized after violating certain concession conditions. The station was subsequently transformed into Thai PBS.

The three major mobile phone companies, AIS of Shin Corp, DTAC, and True Move, offer two main services related to media content: SMS & MMS news, and mobile television. For SMS & MMS news, all three mobile phone companies make money by taking a portion of the fee paid by consumers. For mobile television, content providers are allowed to broadcast their content free of charge because the mobile phone operators already receive fees for providing wireless internet access. News services for mobile devices such as iPhone and iPod are also offered by many content providers such as ASTV, the *Bangkok Post*, INN, and *The Nation*.

One telecom operator, 3BB, also provides IPTV services. Most television programs distributed by 3BB's IPTV services are drawn from terrestrial and satellite television broadcasts. 3BB also produces a few of its own programs and distributes them in a high-definition television (HDTV) format. Thus, the availability of IPTV services does not necessarily increase the diversity of news, because most content is drawn from other platforms. However, it changes the mode of news consumption from "linear" to "non-linear". For, rather than watching live programs, 3BB's subscribers can now view television on demand. They can also access programs broadcast within the previous seven days.

The role of telecom operators in distributing media content is likely to increase after 3G mobile phone services start in Thailand around late 2011. The broadband wireless platform will certainly enhance the availability of news services consumed on mobile devices. However, as in the case of IPTV, a new platform will not automatically increase the diversity of news without changes in market structure.

5.3.2 Pressure of Telecoms on News Providers

Thailand's mobile phone market is oligopolistic. This is a result of its relatively small size and the restriction of foreign ownership in the telecom sector by the Foreign Business Act. The market share of AIS, DTAC, and True Move is 99 percent. By contrast, content providers are numerous and small. As a result, they have very little power to bargain with the telecom operators. In a typical contract, the operator will restrict a provider from signing up with its competitors. For example, the contract between *The Nation* and AIS requires that audio news analysis by Suthichai Yoon, *The Nation's* founder and a senior journalist, be supplied only to AIS subscribers. Even the mighty *Thai Rath* newspaper is obliged to provide its entertainment news only to DTAC. This one-sided restriction, which binds content providers unilaterally, is made possible by the fact that mobile operators act as a gateway between content providers and consumers.

In addition, the revenue share between a telecoms operator and a content provider in providing SMS and MMS news is set at 50:50 by the telecom operators. This share for mobile phone operators is considerably higher than the international standard, where telecom operators typically get 30 percent of the revenue, falling as low as 10 percent in a very competitive telecom market such as Japan's. Not surprisingly, content providers complain about the abusive behavior of the mobile operators and claim that it hinders the development of quality content.

The problem with True is different, as it is fully in the media business, having TNN 24 as its news agency. In this case, the complaint is that True has not been active in promoting information services supplied by independent content providers because it wants to promote its own content.

5.4 Assessments

The majority of spectrum is currently reserved for state agencies. The allocation of spectrum to private operators is based on a patronage concession system that does not take due account of the public interest. Reform attempts started after the enactment of the 1997 Constitution. The Broadcasting Business Act of 2008 also provides a framework for a new regulatory regime. It is hoped that a fruitful reform will follow after the establishment of the long-awaited NBTC in 2011. However, the success of any such reform will depend on the relative strength of reform-minded media professionals and civil society vis à vis vested interests. After the selection of the NBTC commissioners, the next battleground is likely to be the drafting of the master plan for spectrum allocation and the formulation of related bylaws by the NBTC.

Without a regulator, spectrum use is in a chaotic state. White spaces in the radio frequency spectrum are utilized haphazardly by community radio and local commercial radio, resulting in interference and numerous disputes. While the NTC, the caretaking regulator for the NBTC, is trying to put things in order, the process is far from straightforward as it would be difficult to take the spectrum back from those exploiting it.

Regarding the digital dividend, there has not been much debate on how the spectrum released after the digital switchover should be used. The next battleground will be the drafting of the master plan for spectrum allocation, which is supposed to be finished by mid-2012.

6. Digital Business

6.1 Ownership

6.1.1 Legal Developments in Media Ownership

Section 47 of the 2007 Constitution defines frequencies used for radio, television, and telecommunication services as national resources that must serve the public interest. The accompanying transitional clause, Section 315, called for an organic law to restrict cross-media ownership that could limit the diversity of information sources. In 2008, the Broadcasting Business Act was legislated to implement this constitutional requirement.

As mentioned earlier, the Act introduces three categories of broadcasting license: public, community, and commercial. Commercial licenses are further divided into national, regional, and local levels. In addition, the NBTC Act requires that at least 20 percent of the frequency spectrum should be allocated for community services. The Act also provides a funding mechanism to empower communities to make full use of the allocated spectrum. It is hoped that, with these legal provisions, media ownership will no longer be concentrated in state agencies and large media companies. The Broadcasting Business Act also liberalizes the satellite and cable television markets by granting licenses to any qualified applicants. It also grants interim licenses for low-powered community radio stations.

In addition, Thai PBS, the first national public service broadcaster, was established in 2008. Its independence from political and commercial influence is guaranteed by the structure of its board of directors and direct financing from earmarked tax revenue. According to the Thai PBS Act, a committee of representatives from media, governmental, and non-governmental organizations is responsible for selecting nine qualified persons: two from mass communication, three from organization management, and four from (1) democratic promotion, (2) community or local development, (3) learning and studying, (4) youth and family protection, or (5) promotion of the rights of the disadvantaged.

As for commercial broadcasting services, Section 47 of the 2007 Constitution requires the NBTC to set measures to prevent mergers and acquisitions among media companies that would result in an obstruction

of a free flow of information or a lack of freedom to receive information from diverse sources. To prevent political interference, Section 48 prohibits holders of political office from owning stakes in the newspaper, radio, television, and telecommunication businesses. This new provision is intended to counter the move by politicians to own media companies (see *section 6.1.4*). If all these laws are properly enforced, it is hoped that media ownership will be more diversified and less concentrated. However, law enforcement in this area is likely to be tricky, as ‘proxies’ or ‘nominees’ can be employed in a way that is difficult to detect.

6.1.2 New Entrants in the News Market

The launch of Thai PBS had a significant positive impact on media diversity and pluralism. Its programs have covered issues ignored by mainstream media, especially those related to disadvantaged people. According to Media Monitor, a civic media watchdog, Thai PBS allocates 15 percent of its airtime for children’s programs, significantly higher than the average 7 percent by other state and commercial television stations.⁴²

The Broadcasting Business Act of 2008 also liberalizes the market for non-terrestrial television. The past two years have witnessed market entries of many satellite and cable-based news stations such as the Nation Channel, Dhamma Media Channel (a religious channel), ASTV, PTV, and Voice TV. Thousands of community radio stations have also been set up. These new entrants help increase the diversity and pluralism of news content.

However, without a proper regulatory regime, the liberalized market may not actually benefit society. As discussed earlier, many satellite-based stations are highly partisan and imbalanced. Some of them even provoke the use of violence in times of political conflict. Likewise, many community radios are used as mouthpieces for political interests and many others obviously pursue purely commercial interests by airing only entertainment programs to attract more advertisements. Only the minorities are genuinely operating for community and public purposes.

In addition to the Foreign Business Act, the foreign ownership restriction is contained in the 2007 Constitution and the 2008 Broadcasting Business Act. According to the Act, owners of newspapers and other mass media must be of Thai nationality. For legal entities, at least 75 percent of their capital must be owned by Thai nationals and at least three quarters of their directors must be Thai.

6.1.3 Ownership Consolidation

Horizontal mergers of media companies have been rare. The most recent major case happened in 1998 when two loss-making cable companies, IBC and UTV, merged as the United Broadcasting Corporation (UBC), subsequently renamed True Visions. UBC became a monopolist in the national pay-TV market. According to a report by a subcommittee of the Trade Competition Committee, it had increased subscription fees many times by moving premium programs, such as English Premier League football, from cheaper to more expensive packages. As a result of these price increases, the cost of subscription television became much

42. Media Monitor, “A Survey of Terrestrial Televisions’ Schedules” (in Thai), 2009, http://www.mediamonitor.in.th/home/final_report/pdf/pdf_issue_34.pdf (accessed online in April 2010).

higher than comparable services in Malaysia, Hong Kong, and Taiwan. The Trade Competition Committee acquitted the company of any wrongdoing, observing that the price increase was approved by MCOT, its concession-granting agency.

UBC was also accused of using its dominant market power to buy exclusive rights to premium programs from overseas producers, preventing small and medium-sized cable operators from competing. With its firmly entrenched position, UBC had no need to offer new functions such as enhanced programming (e.g., subtitles offered in more than one language, or different camera angles), interactive services, and on-demand television.

The monopoly status of UBC had a negative impact on news diversity since it was able to exclude certain content providers. For example, the Nation's news channel was withdrawn from UBC's packages after it broadcast an interview with a vocal critic of the then prime minister Thaksin Shinawatra, probably due to the close connection between UBC's major shareholders and Mr. Thaksin.

There are a few recent cases of vertical integration. For example, BBTv, the operator of Channel 7, the most popular terrestrial television station in Thailand, took over Media of Medias, a variety program producer, in 2003. However, such vertical integration does not appear to have reduced pluralism and diversity of voices, since the merged company was not a major news program producer.

6.1.4 Telecoms Business and the Media

The most significant business involvement of the telecom industry in the media sector happened when Shin Corporation, Thailand's largest telecommunications conglomerate, founded by Mr. Thaksin and owned by his family, took over iTV in June 2000.⁴³ The timing of the takeover bid, before the 2001 general election, led to accusations that it was more politically than commercially motivated. News staff protested against the takeover and 23 of them, known as the 'iTV rebels', were subsequently sacked. During the election campaign, the iTV news agenda was controlled by a new executive team. It was widely criticized for acting as a mouthpiece for Mr. Thaksin.

While he was still prime minister, Mr. Thaksin and his family sold Shin Corp. to Temasek Holdings of Singapore in 2006, potentially violating a law which prohibits foreigners from owning media in Thailand. Later, iTV's concession was revoked after the Thaksin administration lost power because the company violated some concession conditions. Subsequently, the government took over the station and renamed it TiTV. TiTV was finally transformed into Thai PBS in January 2008.

43. Previous major shareholders in iTV include Siam Commercial Bank and the Nation Multimedia Group. Designed to be an independent news station after the May 1992 political crisis, no shareholder was allowed to own more than 10 percent of the company. After the 1997 financial crisis, this restriction was lifted, opening the way for Shin Corporation to become the major shareholder.

Another significant case of telecom involvement is provided by True Corporation. As the border line between telecom and media businesses has become increasingly blurred, True Corporation has pursued a convergence strategy under the motto of “True Convergence”. True Corporation now owns True Move (mobile telephony), True Online (hi-speed internet), True Visions (subscription TV), True Life (content), and True Money (money and electronic transaction services). True Visions produces most of its local content in-house for broadcast on True Inside (entertainment news channel), True Music (music channel), and TNN 24 News (24-hour news and commentary channel). Unlike AIS and DTAC’s, True Move’s SMS service supplies only in-house news. Its popular reality show, “Academy Fantasia”, is only open to True Move subscribers. Boosted partly by the show’s success, True Move’s subscribers soared to 1.4 million after the end of the program’s third season. True Corporation also adopts a ‘triple play’ strategy by bundling its offer of Pay-TV, mobile and fixed telephony, and broadband internet services into one package. All these strategies may be good for True’s shareholders, but can have the effect of creating unfair competition in the media and telecom market.

6.1.5 Transparency of Media Ownership

The Constitution requires all broadcasters to be of Thai nationality. It also prohibits holders of political office from owning shares in media companies. In addition, the Broadcasting Business Act requires at least one-third of the shares in a local commercial broadcaster to be owned by people living in the locality.

As a result, it is necessary to have a system requiring media operators to report ownership information to the authorities. In practice, applicants for a broadcasting license must submit a copy of their business registration certificate, issued by the Department of Business Development (DBD), to the NBTC. This certificate contains information about shareholders, the board of directors, and management. Due to its limited resources, however, the DBD rarely verifies the accuracy of this information. Companies are only investigated when there are allegations of legal violations.

In the case of telecommunications services, the NTC lists all licensees on its website. However, details of shareholders and the board of directors are not publicly provided. It is expected that information on broadcasting licensees will follow the same pattern. As a result, in order to obtain information on media ownership and control, one has to search the website of the DBD or use Business Online, a commercial service. In short, obtaining information about ownership requires effort and, in some cases, a certain amount of money.

6.2 Media Funding

6.2.1 Public and Private Funding

Public funding for media has increased significantly over the past few years due to several important events. Firstly, since Thai PBS started operations early in 2008, it has been financed by a 1.5 percent earmarked tax on alcohol and tobacco, with a current ceiling of THB 2 billion per year. The ceiling is subject to upward revision every three years by the Minister of Finance. This unique funding model is intended to ensure Thai PBS’s political independence. Second, the Thai Health Promotion Foundation started a Media Project for

Children and Family to provide financial support for production of children and family radio programs, children's books, and activities related to media literacy.

Finally, the NBTC Act will also provide a mechanism for mobilizing additional financial resources. In particular, the Act will establish a fund for subsidizing community broadcasting, developing communication resources, producing programs for children and families, media research, developing a broadcasters' code of ethics, and protecting media consumers. Revenue for the fund will come from license fees of broadcasters and the auction revenue of commercial licenses. Among these sources, the first is likely to be the largest and the most stable.

There is also international funding for media development activities, such as organizing public seminars, publishing books, or funding alternative media. Major donors include the National Endowment for Democracy (NED), UNESCO, the United Nations Development Program (UNDP), the Heinrich Böll Foundation (HBF), the Southeast Asian Press Alliance (SEAPA), the European Union (EU), the Open Society Foundations (OSF), and embassies of Western countries. For example, the Deepsouthwatch project (see *section 4.3*) is supported by the EU, the U.S. Embassy, and the Dutch Embassy. A little domestic funding from charitable organizations is also available; the latest example is the Somchai Neelaphaijit Foundation, which provides grants for investigative journalism related to human rights issues.

Spurred by the growing interest in corporate social responsibility (CSR), a few private firms, such as the Siam Cement Group, also provide grants to support civic activities including those related to media development. However, it is unclear how sustainable this funding will be, as grants from the private sector are generally awarded on a project basis and must be reconsidered every year.

While Thailand has a tradition of philanthropy, most donations go to support religious activities. Endowed with such donations, many religious organizations can own and operate traditional and new media. For example, the Dhamma Media Channel is subsidized by the Dhammakaya temple, which has a powerful fund-raising machine. With no culture of donation specifically for civic activities and media development, not-for-profit media organizations cannot rely on individual or corporate donors. ASTV and PTV are exceptions to this rule: they both receive donations from their supporters.

To sum up, public funding is likely to increase following the adoption of the NBTC Act. In the longer run, however, funding may stagnate or even decline in real terms, if the subsidy ceiling of Thai PBS, the largest funding source for non-commercial media activities, is not adjusted upward to keep pace with inflation. Private funding for non-commercial media is currently limited to religious outlets.

6.2.2 Other Sources of Funding

As in other countries, media companies receive additional income from providing services on new media platforms. In addition to the traditional 'first screen' (television screen or newspaper), some also generate income from the 'second screen' (computer) by selling online advertisements in the form of classified ads, banner ads, and in-text ads based on a cost-per-click model. Advertising spending on the internet has risen steeply, with a growth rate of 30 percent in 2009, albeit from a very low base. As the internet is a transnational

platform, the market for online advertising is potentially global. In other words, media and advertising companies can now target audiences anywhere in the world. However, advertising that targets Thais overseas is still very rare. The subscription model, based on conditional access, is used even less frequently as media companies believe that the gain in subscription fee is likely to be outweighed by the loss in advertising revenue. Catering to the 'third screen' (mobile device) is seen by many media companies as more viable; this is shown by the rush to provide SMS and MMS news services.

With the ownership of various outlets, media companies are now in a position to offer integrated advertising packages to advertisers. In fact, many newspapers have already offered an advertising package of print and online commercials.

As audiences are now segmented by platform, media companies can target advertisements with much greater accuracy. For example, as the audience of the Nation Channel's 24-hour news is mostly the educated middle classes, financial products that require some financial literacy can be directed to them. In addition, targeting can be based on geographical location. While advertisers targeting national consumers can advertise on satellite television, those targeting consumers in specific geographical areas can advertise on cable television and local radio stations. The ability of cable and satellite television to air advertisements, which is made possible for the first time by the Broadcasting Business Act, is expected to facilitate market entry for new media companies and potentially increase media diversity and pluralism over the longer term.

6.3 Media Business Models

6.3.1 Changes in Media Business Models

Traditionally, the media industries have relied on two main business models. The first is selling advertising, or equivalently selling audiences to advertisers. The second is selling content through subscription. For free-to-air television and radio, the dominant model is the first. For newspapers and pay-TV, the dominant model is the combination of the two, with more weight on the first.

As in other countries, media companies, especially radio stations and newspapers, are facing low growth in advertising revenue, if not an absolute decline. According to AGB Nielsen Media Research, the overall advertising spend on radio in Bangkok decreased from about THB 7.9 billion in 2008 to THB 6.9 billion in 2009. By contrast, revenue from online advertising is on the rise (though still very small as a share of total ad spend: see *section 1.3.3*). As a result, media companies that are able successfully to shift to online media will be able to grasp the opportunities. For example, the Nation Broadcasting Corporation (NBC), the new media subsidiary of the Nation Multimedia Group, saw its revenue grow by 30 percent last year. On the other hand, its sister newspapers, *The Nation*, *Krungthep Turakij*, and *Kom Chum Luek*, are all suffering a decline in revenue.

The new media also change the business models of advertisers. Most importantly, the proliferation of digital platforms makes the scarcity of distribution channels a thing of the past. In addition to traditional media, they can now choose to advertise on websites, social networks and satellite television. For example, Unilever

Thailand has allocated some of its advertising budget to satellite and local cable television, hoping to target its consumers with greater accuracy. The new media also challenge the role of media companies as middlemen for content selection and distribution. Using the new media, some advertisers are trying to bypass media companies altogether. For instance, Land & House, a leading real estate company specializing in high-end housing, now spends hardly any of its advertising budget on traditional media. Instead, it uses the new media for direct marketing activities by experimenting with a number of techniques, including viral marketing.

With advertising revenue from traditional media in decline, media companies are struggling to build new business models around the new media. In short, they are trying to follow the money that is migrating from the first screen to the second and third screens. However, the business models for the second and the third screens are quite different. As mobile subscribers are used to paying for content and services, media companies expect the third screen to be a new cash cow. This is to be contrasted with the remote prospect of earning non-advertising revenue from the second screen as internet users are used to free online content. On the other hand, it appears easier to advertise on the second than on the third screen. While the business models for new media are far from being settled, media companies cannot afford to be left behind. Many of them are rushing to the new platforms, apparently in the belief that a multi-platform business will strengthen their position in the advertising market.

Media companies that cannot formulate a new media business model may resort to strategies that conflict with the principles of good journalism. During the economic slump, it has become increasingly acceptable for media companies to sell advertising in the form of “advertorials”, which blur the line between editorial content and advertising. Other companies provide “below-the-line” advertising services, such as organizing events. This can potentially compromise their integrity as reputable media companies. As discussed in *section 4.1.2*, the Matichon Group was heavily criticized for accepting a commissioned work from the Ministry of ICT to organize an event and gave full coverage of the event in its newspapers despite the fact that much of the content was not newsworthy.

It is vital for media companies to assess whether they can use technological convergence as a growth or cost-cutting strategy. Our interviews with executives suggest that most Thai media companies take the latter view. However, undue cost-cutting can have a negative impact on output, especially if it means hiring fewer qualified journalists. Insufficient manpower leads inevitably to a reduction in investigative and original news content, making the media companies increasingly indistinguishable from their online counterparts.

6.4 Assessments

The new media such as satellite and cable television as well as internet-based radio and television are expected to de-monopolize the broadcasting market, which has traditionally been dominated by a few terrestrial television stations. In terms of audience share, these stations are still the most influential news sources. The problem is that their operations are almost entirely dictated by commercial and political interests. For example, the National Broadcasting Service of Thailand (NBT) has always been a propaganda tool for the government.

The rise of new media, such as ASTV, PTV, and Prachatai, has significantly affected the way political discourse is framed. Closely related to the parties involved in the current troubles, ASTV and PTV often frame the conflicts in a highly confrontational and divisive way. They repeatedly attack moderate voices that propose peaceful negotiations to end the political conflicts and effectively silence many of them. ASTV also tends to stir up nationalism whenever border disputes between Thailand and Cambodia erupt, making it more difficult to discuss the case in a rational way.

Thanks to the new media, news providers are able to present alternative views that the government cannot easily censor. The case of the Nation Channel, which was taken off the air by UBC and subsequently moved to the satellite platform, exemplifies the increasing independence of media from political censorship. Likewise, when the political talk show *Muangthai Raisabdah* (Thailand Weekly) was cancelled by MCOT, it was quickly reborn on satellite television. Also, after the pro-Thaksin talk show “Truth Today” was removed from NBT, following Mr. Thaksin’s overthrow in the 2006 coup, it was relocated to D-Station, though it was subsequently shut down by the Emergency Decree in April 2009. The station was later reborn as People TV (PTV) and became even more provocative during the redshirt movement in 2010.

Even though the media can evade government censorship, they cannot escape financial reality. Due to the shifting revenue base, they have to struggle harder to survive financially. Many of them have to compromise their professional integrity for commercial reasons. For example, the *Bangkok Post* and *Post Today* often print ‘news’ and pictures about Central Department Stores, which belong to its major shareholders.

Mergers and acquisitions can present another threat to financially weak media companies. Grammy, one of the largest entertainment companies, tried to take over *Matichon* and the *Bangkok Post* and two other daily newspapers in 2005. A public outcry led Grammy to abandon the attempt. Cross-ownership between media and telecom companies can also result in tied sales that potentially limit choice for consumers and independent program producers, if the media-telecom conglomerate has significant power in some markets.

Some media organizations employ new business models to survive competition in the age of convergence. The first involves the expansion of delivery channels to new media to reap the benefits from economies of scale by selling the same services on multiple platforms. For instance, the Nation Multimedia Group distributes its news for newspapers, radio, satellite television, mobile television, SMS, websites, blogs, and social media. Owning many delivery platforms also allows it to offer integrated services to advertisers. While some platforms, such as mobile television and social media, are not profitable by themselves, they help attract audiences to other profitable platforms. While the Nation Multimedia Group as a whole is still loss-making, Nation Broadcasting Corporation, its new media subsidiary, announced that its profit for the third quarter of 2010 was THB 28.3 million, a 19 percent increase over the previous year.⁴⁴

44. See http://www.bangkokbiznews.com/home/detail/finance/finance/20101109/361646/news.html?utm_content=backtype-tweetcount&utm_medium=bt.io-twitter&utm_source=direct-bt.io (accessed in November 2010).

Another viable business model is to invest little and expect moderate returns. As the new media allow cheap production and delivery of news, media companies can be profitable even in intensely competitive markets. Satellite television provides a good case study. While the advertising tariff of a satellite television station is much lower than that of a terrestrial one, many satellite stations are profitable because the monthly operating costs can be as little as THB 3 million (US\$100,000).

In sum, the rise of new media has changed not only the way political discourse is framed but also the business models of the media company themselves. These two points are closely interrelated.

In terms of framing political discourse, the clearest and most worrying trend is that new media are used as propaganda machines during political conflicts. While this phenomenon partly reflects the current political environment, it also demonstrates that new media can be used in a way that deeply divides society.

A brief analysis of the differences in business models of the mainstream and new media may shed light on this phenomenon. Traditional media generally rely on advertising revenue. As a result, they cannot be too extreme in their political orientation, for fear of alienating some of the audience. On the contrary, new media tend to incur much lower cost and can be financed in many ways, e.g. advertising, subscriptions, donations, or even sponsorship by political groups. As they usually target specific segments of the audience, they can express more extreme political orientations. At worst, they can be used to frame political discourse in a very destructive way by deepening political conflicts and inciting violence, as shown in the Thai case in 2010.

7. Policies, Laws and Regulators

7.1 Policies and Laws

7.1.1 Digital Switch-over of Terrestrial Transmission

7.1.1.1 Access and Affordability

The NBTC Act requires the NBTC to draft a frequency allocation master plan within one year of its appointment. Since the NBTC Act was announced in the Royal Gazette in December 2010, the appointment of the commission should be finished by mid-2011 and the master plan drafted by mid-2012. The plan will provide a framework for spectrum reallocation and utilization for broadcasting and telecommunications. The Act also sets aside 20 percent of spectrum specifically for community uses. Another important element is a plan for digital terrestrial broadcasting.

While spectrum reallocation for radio services is relatively straightforward as the term of most concessions is only one to two years, spectrum reallocation for television services is much more difficult. This is because television concessions have much longer terms. For example, the concessions for Channel 3 and Channel 7 will end in 2020 and 2022, respectively. As the Constitution provides protection to concessions until the end of their terms, spectrum for television services may not be reallocated for another decade.

7.1.1.2 Subsidies for Equipment

There are currently no official policies about helping certain audience groups to prepare for analog switch off.

According to the NECTEC study, which assumes digital switch-on in 2011, two factors need to be considered before analog broadcasting is switched off: the adoption rate of digital television reception, and the length of the simulcast period. The study proposes that analog switch-off should occur only after 90 percent of households have digital receivers or set-top boxes. NECTEC believes this is most likely to happen around 2015 (the medium-case scenario in Table 24). NECTEC also encourages the government to subsidize the purchase of set-top boxes and estimates the cost at about THB 641 million at 2011 constant prices.

Table 24.

Net benefits and governmental subsidies in three DTV adoption scenarios

| DTV Adoption Rate | Net Benefit* (THB million) | Households not having DTV receiver in 2015 (%) | Governmental STB Subsidies in 2015* (THB million) |
|-------------------|----------------------------|--|---|
| Fast | 30,467 | 5% | 321 |
| Medium | 28,924 | 10% | 641 |
| Slow | 26,936 | 35% | 2,244 |

Note: * Numbers are at 2011 constant prices. Net benefits are the estimated total benefits minus the estimated total costs related to digital switchover. The former are the sum of the value of the spectrum released and the cost savings due to digital transmission. The latter are the sum of private investment cost, equipment costs paid by consumers, and government subsidy.

Source: NECTEC.

7.1.1.3 Legal Provisions on Public Interest

As the master plan requires reallocation of the frequency spectrum, it would inevitably generate winners and losers. As a result, the process of drafting the master plan is likely to be highly political. Foreseeing the problem, the NBTC Act requires the NBTC to conduct public hearings with all stakeholders before drafting the plan. The Act also accords the master plan the status of a regulation, thus allowing stakeholders to file lawsuits at the Administrative Court in case there are irregularities in the process. Although designed with the intention of protecting the public interest, this provision could open a door for vested interests to file frivolous lawsuits. If cases drag on, as many previous cases in the Administrative Court have done, the status quo would be extended for a few more years.

7.1.1.4 Public Consultation

The NBTC Act requires the NBTC to consult all interested parties when drafting the switch-over plan.

7.1.2 The Internet

7.1.2.1 Regulation of News on the Internet

Media content regulation in Thailand is mostly technology-neutral in that it does not discriminate with regard to content on the grounds of delivery platform. For example, the Criminal Code, which contains provisions on defamation and *lèse majesté*, is independent of the platforms on which the alleged content appears. Thus, the internet and mobile platforms are generally treated the same way as traditional media, e.g. newspapers.

The exception to this general rule is the Computer-Related Crime Act of 2007, which contains some provisions related to certain online content. For example, the author or poster of online content is liable to incarceration or fine as stipulated in Section 14 of the Act:

Whoever commits the following acts shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding THB 100,000 or both:

1. Inputting into a computer system wholly or partially fake or false computer data that is likely to cause damage to another person or the public;
2. Inputting into a computer system false computer data in a manner that is likely to undermine national security or to cause public panic;
3. Inputting into a computer system computer data that is an offence against national security or is of a terrorist nature according to the Criminal Code;
4. Inputting into a computer system pornographic computer data that is accessible to the public;
5. Publishing or forwarding any computer data with the full knowledge that such computer data falls under paragraph (1), (2), (3) or (4)

Loosely speaking, the provisions in Section 14 (1)–(4) are similar to their paper-based counterparts. Section 14 (5) also extends legal liabilities to those who help disseminate the contents that violate Section 14 (1)–(4).

Online pornography is specifically prohibited by the Act, which also provides sanctions against photo doctoring that is likely to impair the reputation of others. In addition to the aforementioned substantive provisions, the Act also contains clauses on procedural matters, such as the requirement imposed on providers to store traffic data for at least 90 days.

In sum, communications on the internet and mobile platforms are generally regulated in the same way as other media platforms. However, there are circumstances in which they are regulated more strictly than those on traditional media platforms.

7.1.2.2 Legal Liability for Internet Content

Under the Computer-Related Crime Act, legal liability for internet content rests with authors, posters, webmasters of the site or webboard, and bloggers. In addition, any service providers who intentionally consent to offences prohibited by the Act are also liable to the same penalty as the primary violators. Service providers are defined broadly by the Act to include (1) a person who provides other persons with access to the internet or the ability to communicate by other means through a computer system, and (2) a person who stores computer data for the benefit of other persons. In other words, internet service providers (ISPs), web hosting service providers, webboard managers and so forth are all classified as service providers.

The Act has significantly affected the operation of new media service providers due to the new legal risks imposed on them. Interestingly, the greatest type of risk does not come from news or articles produced by these providers. Rather it comes from user-generated content such as comments posted on their webboards. The case of Prachatai, a popular political website, illustrates the risks introduced by the Act. Another case was that of Suvicha Thakor, a blogger who posted a message that was insulting to the King and was convicted under the Act to a 20-year prison term in August 2009. He applied for and received royal clemency in June 2010.

The perils of being a web manager: the case of Chiranuch

Before the passage of the Computer-Related Crime Act, Prachatai's web manager, Chiranuch Premchaiporn, was able to use her discretion when accepting or refusing a request from the authorities to delete certain messages posted on Prachatai's webboard. Since the Act became law, however, she has had to accept every such request. This is because maintaining an open space to promote free expression has become a very risky business. To reduce the risks, webmasters need to relentlessly monitor and carefully moderate their webboards to erase sensitive content and comply with the requests for data from the authorities.

During the last few years, Chiranuch has been asked to be a witness in many cases related to the comments posted on Prachatai webboard for many law enforcement agencies, including the Ministry of ICT, the Crime Suppression Division, the Metropolitan Police Bureau, the Central Investigation Bureau, the Technological Crime Unit, and a police station in a north-eastern province of Thailand.

In January 2009, the Crime Suppression Division sent a summons to the Prachatai editor to testify as a witness in a *lèse majesté* case related to a comment posted on its webboard. The police also interrogated directors and ex-directors of the Media Education for Community Foundation, the parent organization of Prachatai.

In March 2009, police officers from the Crime Suppression Division arrested Chiranuch, charging her with violating Sections 14 (2), 14 (3), 14 (5), and 15 of the Computer-Related Crime Act. Again, the case involves a charge related to *lèse majesté* comments posted on Prachatai's webboard. Her computer's hard disk was copied for evidentiary purposes. Although Chiranuch was released on bail the same day, she was soon notified of nine additional charges, because the police separated nine infringing posts into nine separate cases. In May, the prosecutor filed a lawsuit against her. If convicted, Chiranuch could be imprisoned for up to 50 years. In September 2010, Chiranuch was arrested at Suvarnabhumi Airport after returning from a conference on internet freedom in Budapest. She was then escorted to Khon Kaen provincial police station where the charges were filed.

Various organizations, including Freedom against Censorship Thailand and the Thai Netizen Network, called on the government to drop all charges against her. In an editorial, *The Nation* strongly criticized the conservative officials for not understanding the nature of the new media and called the day Chiranuch was prosecuted "A Dark Day for Thai Freedom of Expression".

Source: Newspaper reports.

7.2 Regulators

7.2.1 Changes in Content Regulation

Over the past five years, content regulation in traditional as well as new media has changed in several important respects. For television and radio, the Broadcasting Business Act contains a number of provisions on the regulation of broadcasting programs:

- Licensees shall prepare programming schedules in conformity with their license types and submit the schedule to the NBTC 15 days before commencing operations. In particular, they have to broadcast news programs for no less than 70 percent of the total airtime in the case of public or community services, and 25 percent in the case of commercial services. Programs for community services must also benefit local communities. In addition, the NBTC may set watersheds in the broadcasting schedule to protect children and young people.
- The NBTC can require television and radio operators to provide services that facilitate the reception of programs by the disabled and the disadvantaged.
- Licensees shall not broadcast programs that undermine the democratic regime, national security, public peace and morals, or air pornographic or obscene contents, or programs that cause severe degradation of people's mental and physical health.

However, the NBTC, specified as the regulator in these provisions, does not yet exist, which means these regulations have not been and cannot currently be enforced.

Initiated by the Public Relations Department, a content rating system for terrestrial television programs was first introduced by a cabinet resolution in June 2007. Under the system, television programs are classified into five categories:

1. programs for pre-school children (3–5 years old)
2. programs for children (6–12 years old)
3. programs for a general audience
4. programs that need parental guidance for minors' viewing
5. programs inappropriate for children and youth.

Programs in the fourth and fifth categories can be broadcast only after 8 p.m. and 10 p.m. respectively. Unlike that of the NBTC, this rating system has no legal force. Accordingly, even if there are overt violations, the officials in charge can only seek 'cooperation' from the broadcasters.

The Computer-Related Crime Act created a content-regulation regime specifically for the new media. In addition to the requirements discussed in *section 7.1.2*, the Act grants power to the competent authorities to:

1. notify or summon any person involved in any offence defined by the Act to give statements or submit evidence
2. require traffic data from service providers
3. require service providers to submit users' information in their possession or control
4. copy data and traffic-related data from computer systems suspected of having been used in committing the offences
5. require the owner of the computer data or storage devices to deliver such computer data or devices
6. access computer systems or traffic data of any person in order to identify the offender; decrypt computer data
7. seize computer systems for the purpose of identifying details of the offence or the offender.

7.2.2 Regulatory Independence

The NBTC is required by the Constitution to be an independent regulator, which is generally interpreted as meaning independent of political interference. This requirement is implemented by the NBTC Act in a number of ways.

- First, while the NBTC has to perform its duties pursuant to the government's policies, it has full autonomy in conducting its day-to-day operations.
- Second, political office holders are barred from becoming NBTC commissioners.
- Third, professional associations, academia, and civic groups are responsible for shortlisting the candidates. The Senate (upper house of parliament) then selects the commissioners from the proposed list. The process leaves very little room for government intervention, except in the case of deadlock. If the Senate fails to select all the required commissioners from the shortlist within 60 days, the Cabinet selects the remaining commissioners from the list.
- Fourth, the fixed term of six years is meant to ensure the NBTC's stability and independence. Individual members as well as the whole NBTC can be impeached by a qualified majority vote of no confidence in the Senate, in the event of corruption or ineffectiveness.
- Finally, the NBTC is financially independent since most of its funding comes from the license fee. It also has full autonomy over the recruitment, personnel and financial management of the NBTC Office.

The NBTC is obliged and empowered by law to be an independent regulator, and is accountable to the Senate. Thus, the source of concern is not how the government will interfere but how the Senate will select and supervise the NBTC. Comprising 150 members, half of them unelected, the Senate has not always had an impressive record in selecting and supervising independent bodies. For example, its selection of the Human Rights Commissioners was widely criticized by human rights groups as involving favoritism.

7.2.3 Digital Licensing

Under the Broadcasting Business Act, cable and satellite operators are entitled to broadcasting licenses provided they meet basic conditions such as being Thai legal entities and having adequate capital to operate. As a result, there are few concerns about the fairness and transparency of the licensing process. However, there are some concerns related to the licensing of digital terrestrial television. Without an official plan for digitization, it is unclear how the digital dividend will be distributed. Issues that need to be resolved include the following: does the released spectrum continue to be owned by the incumbent television stations currently using them, or are they to be reallocated, and—if the latter—to which services, and how? While the Broadcasting Business Act allows the NBTC to reduce or even waive license fees for public and community broadcasters, it leaves wide discretion to the NBTC to define what constitutes the “public interest”. This is an issue for future attention.

7.2.4 Role of Self-regulatory Mechanisms

The National Press Council of Thailand (NPCT) was established in 1997 as the self-regulatory body of the print media. It currently has 50 organizational members. Its aim is to raise professional standards without relying on government intervention. It regulates its members by drafting a series of codes of ethics and considering complaints related to alleged violations of these codes by members. Content carried on new media receives the same treatment as that in print media.

Modeled on the NPCT, the News Broadcasting Council of Thailand (NBCT) was set up in late 2009 as a self-regulatory body of television and radio news organizations. The establishment was partly encouraged by Section 46 of the 2007 Constitution and the Broadcasting Business Act. It now has 11 organizational members, most of which are major television and radio stations. There is an ongoing debate about whether to open membership to cable and satellite television operators. Community radios are also excluded due to their operational differences from public and commercial media.

In addition to being regulated by professional bodies, some media organizations, such as Thai PBS, *The Nation*, and the *Bangkok Post*, have internal codes of ethics. Thai PBS has issued a code of ethics for its board of directors, management, and staff, as well as standards for media production and distribution and guidelines for professional ethics. *Bangkok Post* journalists must also pledge to comply with the codes of ethics when signing their employment contracts. However, the *Nation* and the *Bangkok Post* both use their codes of ethics as guidelines for internal use with no established mechanisms to process complaints from the public. Only Thai PBS has set up a committee to consider complaints from the public.

7.3 Government Interference

7.3.1 The Market

Almost every government has tried to interfere with the media, differing only in degree. While direct control of state media and censorship of private media used to be the main intervention mechanisms, financial intervention has recently emerged as a new instrument. In 2009, the government’s advertising spend on

television reached THB 2.77 billion (US\$85.5 million) or about 5.3 percent of the total advertising spend on television. In a single month, January 2010, the government spent THB 74 million (US\$2.28 million) on newspaper advertisements, making it one of the top five buyers. Government spending on radio advertising during the same period was even more pronounced as it was the biggest spender, with a budget of THB 64 million (US\$1.97 million). With the power of money, a government can exercise considerable control over the media market. It should not be a surprise that media companies friendly to the government are often rewarded with large advertising revenue. By the same token, those who challenge the government risk losing such rewards. In 2002, an executive of *Naew Na*, a Thai-language daily, told a Senate committee that Thaksin, then the prime minister, had asked the newspaper to drop the column of a government critic. The newspaper refused, and as a result, lost advertising revenue from state-owned enterprises. The *Thai Post* experienced similar pressures.⁴⁵

Political interference with the media becomes even more harmful when political power merges with big business. During the premiership of Thaksin Shinawatra, intervention in the media was especially heavy handed. Cooperative outlets were allegedly rewarded with handsome advertising contracts from the government, his family-owned empire and his political allies' businesses.⁴⁶ In addition to advertising money, the government can also reward friendly media with some privileges. For example, the Manager Media Group, during its honeymoon with the Thaksin government, got a contract from the MCOT to run a prime time television talk show *Muangthai Raisabdah* (Thailand Weekly). The group's debt to the state-owned Krung Thai Bank was also reduced from THB 1.8 billion to THB 200 million.⁴⁷

7.3.2 The Regulator

While cooperative media are rewarded by the government, others face harassment. The Thaksin administration became notorious in this respect. From his first days in office, Mr. Thaksin resorted to all kinds of stratagems with the media. With former journalists and activists as advisers, he knew how to manage and disarm the media. The mode of interference with each outlet depended on its organizational and financial vulnerability. As a start, critical television and radio operators saw their contracts terminated by state agencies and granted instead to those friendly to the government.

Dealing with the press required different strategies from those used to control the broadcasting media. This is because, unlike the broadcasting media, the press had enjoyed independence for many decades. A combination of techniques was employed, ranging from verbal intimidation to harassment by a number of state authorities. Most blatantly, the Anti-Money Laundering Office (AMLO), a quasi-independent body set up to fight money laundering by drug dealers and organized crime, was used to investigate the assets of media professionals, social activists and their families. Among those in the investigation list are editors and senior journalists of the Nation Multimedia Group and the *Thai Post*. Likewise, the Revenue Department was reportedly used to investigate tax records of critical outlets such as the *Thai Post*.

45. The Nation, 1 December 2005.

46. Interview with Kavi Chongkittavorn, "Thai Press Under Siege," *The Irrawaddy*, 1 March 2004.

47. The Nation, 30 November 2005.

Under the current Abhisit administration, the climate of censorship against red-shirt media has also spread under the state of emergency decree declared on 7 April 2010. Accused of spreading misinformation, community radio stations sympathetic to the red-shirt movements were raided and closed down, and the transmissions of satellite-based People Channel (PTV), the major mouthpiece of the red-shirts, were suspended by Thaicom, a satellite operator, under the order of Ministry of ICT. Red-shirt print media, *Voice of Thaksin*, *Red News* and *Truth Today*, were also banned. The situation seems to be worse on the internet. A report by Sawatree Suksri finds 74,686 URLs blocked by the MICT.⁴⁸ Reporters Without Borders claims that not only overt redshirts supporters such as Norporchor USA (www.norporchorusa.com) and UDD Thailand (www.uddthailand.com) but also news sources such as Thai E-News (thaienews.blogspot.com), Thai Free News (www.thaifreenews2.com), and Prachatai (www.prachatai.com) were blocked under the Emergency Decree.⁴⁹

7.3.3 Other Forms of Interference

Intimidation by criminal and civil defamation lawsuits was also used by Mr. Thaksin and his business empire. High-profile cases include the lawsuit filed in 2003 by the Shin Corporation, a telecoms conglomerate owned by Mr. Thaksin's family, against the *Thai Post* and Supinya Klangnarong, a media activist, demanding US\$10 million.

Intervention in the media continued after Mr. Thaksin's government. During the political clashes of 2010, for example, the Abhisit administration employed the Emergency Decree to close down the red-shirts' PTV, a large number of community radios, and thousands of websites. As a result, websites which supported or leaned towards the red-shirt movements were blocked by the order of the Center for the Resolution of the Emergency Situation (CRES) and the Ministry of ICT. Examples of such websites are Norporchorusa.com, Prachatai.com, Sameskybooks.org, and Weareallhuman.net. Mr. Thaksin's twitter account, Twitter.com/thaksinlive, was also blocked. While the enforcement of an Emergency Decree to silence the media may in most cases be lawful, its legitimacy is highly doubtful.

Other forms of pressure are also exerted against critical media. First, access to exclusive information may be withheld. As a senior journalist, Suthichai Yoon, noted in 2005: "The insiders had access to exclusive information ... The outsiders got caught in a web of constant intimidation, both in public and behind the scenes".⁵⁰ This is still the case today. In some cases, pressure is applied directly against editors and the newsroom staff. For example, after the *Kom Chad Luek* newspaper reported on the misdemeanours of Mr. Thaksin's son, its editor, Thepchai Yong, was pressured to resign.

48. <http://ilaw.or.th/node/632>, accessed in January, 2011.

49. <http://en.rsf.org/thailand-does-state-of-emergency-justify-29-07-2010,38055.html>, accessed in January 2011.

50. Suthichai Yoon, "Thaksin breeds 'suicide-bomb' journalism", *The Nation*, 1 December 2005.

7.4 Assessments

Due to the delay in establishing the NBCT, the sector regulator, Thailand has not been able to formulate a policy for the digitization of terrestrial television. As a result, there is no plan related to (1) the preparation phase before digital switch-on; (2) the transition phase during which both analog and digital signals are broadcast simultaneously; and (3) the phase after full analog switch-off. There is only a broad provision in the NBCT Act that requires the NBCT to formulate such a plan within one year after it is appointed. The studies by the NECTEC and the NTC provide some policy directions, but they are not binding.

Direct control of state media and censorship of private media used to be the government's main instruments for intervening in the media market. They are used by the current government under the Emergency Decree. However, such instruments are becoming increasingly ineffective and unacceptable as the media market is liberalized and Thai democracy becomes more consolidated. Financial intervention has recently emerged as a new instrument. It is becoming an established practice that media friendly to the government are rewarded with government advertising and those critical of the government are not financially supported. What this means is that an effective media reform program needs to address the transparency of the government's advertising spend. Also, the Broadcasting Business Act has to be interpreted liberally to avoid self-censorship by broadcasters, as discussed in *section 2.2.2*.

Internet regulation has become more stringent after the enactment of the Computer-Related Crime Act. Indiscriminate enforcement of the law has led to the closure of a large number of websites and prosecution of some journalists, some of which—and whom—might not have violated any laws (see *section 7.1.2.2*). The *lèse majesté* law appears to have been abused to silence political rivals. For example, Mr. Thaksin and his archrival, Sondhi Limthongkul, both filed charges of *lèse majesté* against each other.

From our observations, there appears to be a significant increase in the amount of, and a change in the nature of, public debate related to digital media laws compared with similar laws governing analog context. The enactment of the NBTC Act confirms this. The law took more than a year and a half to get through parliament. Most of the time was spent on debate of the Act in the House's Special Subcommittee. The meeting room of the subcommittee was usually packed and closed-circuit television had to be used to broadcast the meeting to interested parties and journalists, who closely followed its progress. Numerous proposals were submitted to the subcommittee by professional and business associations, the telecom regulator, civil society organizations, religious groups, community radio operators, and the labor unions of state enterprises. Outside parliament, countless seminars, workshops, and public hearing sessions were conducted in parallel.

This level of active participation was for a number of reasons. First, the Act is related to the convergence of broadcasting and telecommunications services, and thus is of interest to people in both industries. Second, the Act brings about a significant reform in the two sectors, which involves high stakes. Finally, the Act raises new issues, such as the digitization of terrestrial television, which require considerable effort to understand.

Delays in legislation and the appointment of the sector regulator turn out to be the most important bottlenecks for market reform. Although the NBTC Act finally passed into law in December 2010, it is two years behind the deadline set by the Constitution. There may be further delays in the selection of the NBTC and the drafting of the master plans. Accountability to the public of the independent NBTC will be another important issue. Meanwhile, technologies continue to evolve and the market has been left without a regulator and thus no effective enforcement of the law. As a result, disputes between parties who claim overlapping rights, and confusion, abound. With all these problems, Thailand is at risk of wasting the opportunities brought about by new media.

8. Conclusions

8.1 Media today

8.1.1 Positive Developments

The most significant positive development in terms of media independence during the past five years happened in 2008 when Thai PBS was established. Never before has Thailand had a media organization that is truly independent from political and commercial interference. While Thai PBS has yet to achieve high popularity (and may never do so), it has already provided an important alternative for audiences dissatisfied with the diet provided by mainstream media. It has also provided a public space for civic participation in many programs, such as prime-time news programs that allow grass-root citizens to report news from their perspective, and talk programs that invite ordinary people to share their views.

With regard to the diversity of media ownership and content, the most significant positive development during the past five years was the passage of the Broadcasting Business Act in 2008. The Act has led to the rapid growth of cable and satellite television and, subsequently, to an increase in the diversity of media ownership and content. While this growth may have surpassed actual market demand, the biggest threats to Thailand are not economic but political and social. As satellite television is increasingly used as a propaganda machine, the country becomes more deeply divided. It is unfortunate that in almost every political issue, even simple facts are now disputed by the parties involved.

The growth of community radio has increased the pluralism of voices. Every local community now has a radio channel to communicate within its area. However, the lack of regulatory enforcement has led to spectrum interference and to disputes between community and commercial radios.

Finally, the growth of the internet and social media also contributes to greater media diversity. It also changes the role of ordinary citizens from news consumers to reporters, and allows activists to take political action in new ways.

8.1.2 Negative Developments

The most negative development in terms of media independence was the use of the Emergency Decree to shut down thousands of critical community radio stations and websites during the political clashes of 2010. While many of these stations were admittedly partisan; some even promoted violence and incited hatred, while others merely offered viewpoints that the government disliked. Even though the political tension has eased, media control under the Decree remains tight. The draconian enforcement of the Computer-related Crime Act also has chilling effects on media professionals and others involved in political debate (see *section 7.1.2*).

8.2 Media Tomorrow

The selection of NBTC commissioners (which is due to be completed by mid-2011) will be the most important event for the future of the Thai media. The most important tasks awaiting the NBTC are the drafting of the frequency allocation master plan and the digital switchover plan. If the NBTC is selected from independent-minded people, then long-awaited sectoral reform can begin. On the contrary, if the selection process is blocked or distorted by vested interests, as has happened many times in the past, reform may be further delayed, perpetuating the status quo.

The regulation of media content by self-regulatory bodies, such as the National Press Council of Thailand and the News Broadcasting Council of Thailand, will also be tested in the new media environment, where a diverse range of media co-exist. If self-regulation proves to be effective, the public will have faith in the system and the government will have no rationale for intervention. On the other hand, if these self-regulatory bodies fail to live up to expectations, the public will likely call for—or, at least, tolerate—state intervention and censorship. The future of media independence will thus hinge on the adaptability and effectiveness of the existing system of self-regulation.



9. Recommendations

The Recommendations are currently in preparation and will be added to this report in the near future.

List of Abbreviations, Figures, Tables, Companies

Abbreviations

| | |
|--------|---|
| 3G | Third generation of mobile telephony |
| AMRI | ASEAN Ministers Responsible for Information |
| CIA | Central Intelligence Agency |
| CL | compulsory license |
| CPTECH | Consumer Projection on Technology |
| CSR | corporate social responsibility |
| CTH | Cable Thai Holding |
| DVB-T | Digital Video Broadcasting–Terrestrial |
| EU | European Union |
| HBF | Heinrich Böll Foundation |
| HDTV | high definition television |
| IMF | International Monetary Fund |
| ITU | International Telecommunication Union |
| MCOT | Mass Communication Organization of Thailand |
| MICT | Ministry of Information and Communication Technology |
| NBC | National Broadcasting Commission |
| NBT | Thai state television |
| NBCT | News Broadcasting Council of Thailand |
| NBTC | National Broadcasting and Telecommunications Commission |
| NECTEC | National Electronics and Computer Technology Center |
| NED | National Endowment for Democracy |
| NGO | non-governmental organization |
| NPCT | National Press Council of Thailand |
| NSO | National Statistical Office |
| NTC | National Telecommunications Commission |

| | |
|----------|---|
| OSF | Open Society Foundations |
| PTV | People TV |
| SDTV | standard definition television |
| SEAPA | Southeast Asian Press Alliance |
| SFN | single frequency network |
| Thai PBS | Thai Public Broadcasting Service |
| THB | Thai baht |
| TVR | terrestrial television ratings |
| UGC | user-generated content |
| UHF | ultra high frequency |
| UNDP | United Nations Development Program |
| WiMAX | Worldwide Interoperability for Microwave Access |
| WTO | World Trade Organization |

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Companies

BEC World Public Company
 Bangkok Broadcasting & T.V. Co.
 MCOT Public Company Limited
 Voice TV Co.
 Thaiday Dotcom Co.
 Matichon Public Company
 Nation Multimedia Group Public Company
 The Post Publishing Public Company
 The Thairath Daily, Vacharapol Co.
 Than Sejtakit Co.
 Total Access Communication Public Company
 True Corporation Public Company
 Shin Corporation Public Company
 GMM Grammy Public Company
 INN Co.
 Triple T Co.
 Temasek Holdings of Singapore

Mapping Digital Media is a project of the **Open Society Media Program** and the **Open Society Information Program**.

Open Society Media Program

The Media Program works globally to support independent and professional media as crucial players for informing citizens and allowing for their democratic participation in debate. The program provides operational and developmental support to independent media outlets and networks around the world, proposes engaging media policies, and engages in efforts towards improving media laws and creating an enabling legal environment for good, brave and enterprising journalism to flourish. In order to promote transparency and accountability, and tackle issues of organized crime and corruption the Program also fosters quality investigative journalism.

Open Society Information Program

The Open Society Information Program works to increase public access to knowledge, facilitate civil society communication, and protect civil liberties and the freedom to communicate in the digital environment. The Program pays particular attention to the information needs of disadvantaged groups and people in less developed parts of the world. The Program also uses new tools and techniques to empower civil society groups in their various international, national, and local efforts to promote open society.

Open Society Foundations

The Open Society Foundations work to build vibrant and tolerant democracies whose governments are accountable to their citizens. Working with local communities in more than 70 countries, the Open Society Foundations support justice and human rights, freedom of expression, and access to public health and education.

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