

The Future of Radio in Thailand After Digitalization: Dead or Alive?

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Abstract

Radio broadcasting services in Thailand are in transition and face an uncertain future. This situation has arisen from enforcement of the 2010 Frequency Allocation and Telecommunications Business Act and the establishment of the National Broadcasting and Telecommunications Commission (NBTC) as a single, combined regulatory body for broadcasting and telecommunications. The Act brings in significant changes through 'liberalization' in telecoms and broadcasting markets. Key events expected in the future, such as the implementation of AEC in 2015 and the transformation from analog to digital systems will have significant detrimental impact on the Thai broadcasting industry. These changes will affect 524 AM and FM radio stations and around 7,000 community radio operations. This paper argues that the survival of radio stations in Thailand after 2015 will depend on:

1) Its own history. Formally, Thailand has more than 500 radio stations, all owned by state agencies. Private businesses run stations in the form of concession contracts. These stations are already becoming digitalized. Among nearly 7,000 community radio stations, one quarter are financed and run by local communities. Investing in digital equipment is too expensive for these local community operations. Moreover, modern digital technologies such as smart phones and computers are lacking among the community radio audiences.

2) NBTC could adopt and enforce policy and regulation for promoting free and fair competition. This paper provides views from different types of radio business and their readiness for the digital transition.

Key Words: digitalization, community radio, broadcasting

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INTRODUCTION

The Thai broadcasting industry has been dominated by government agencies which own the spectrum frequency. Some of these agencies operate TV & radio stations on their own whilst others allow private companies to run the broadcasting business via concession contracts.

Major government agencies that control the spectrum frequency include: the Royal Thai Army, Royal Thai Air Force, Mass Communications Organization of Thailand (MCOT) and the Government Public Relations Department (PRD). Prior to the commencement of the first community radio station in 2001, Thailand had 500 radio stations, all owned by state agencies. Of these, 147 stations were under the control of the Public Relations Department (PRD), 127 under the Army, 62 under the Mass Communication Organization of Thailand (MCOT), and 36 under the Air Force.

The 1997 Constitution aimed to create formal broadcasting regulation by establishing the *National Broadcasting Commission (NBC)* as an independent regulator but political and legislative struggles failed the NBC election process several times. By 2007, the 2007 Constitution merged NBC with the *National Telecommunications Commission (NTC)* as a unified *National Broadcasting and Telecommunications Commission (NBTC)*. The first 11 NBTC commissioners were appointed in late 2011. The NBTC allowed existing broadcast contracts to continue until the end of their concessions, but new entrants must apply for 'broadcasting licenses'. The licensing procedure has been in operation since 2012.

The vacuum of broadcasting regulation caused by NBC appointment challenges during 1997-2011 was the main factor driving community radio (CR hereafter) in Thailand. CR stations were allowed by the 1997 Constitution, but the absence of NBC rendered all stations unlicensed. As of June 2012, CR stations operate under temporary licenses issued by the NBTC. The National Federation of Community Radios was founded as a self-governing body for some of these stations. The political turmoil since 2008 and the anti-competitive behavior of the broadcasting industry led to a growth in the number of political related radio stations, mainly created by the "Red Shirt" movement loyal to the exiled former Prime Minister Thaksin Shinawatra. The "Yellow Shirt" movement in opposition to the Red Shirts also has community radio stations in the Bangkok area. Red Shirt radio stations have become an effective communication tool amongst political communities after the 2006 coup d'état. During the unrest in April 2009 and April-May 2010, Red Shirts used CR to mobilize protestors on the streets. Many stations were seized by the Government at that time using powers under the State of Emergency Act and Internal Security Operations Command.

In summary, the Thai broadcasting industry is transforming from a state-controlled via concessions entity into a fully competitive one under NBTC licensing. The structural changes, along with new broadcasting technologies, especially digital technology, will reshape the Thai broadcasting industry to be more competitive and transparent.

This paper explores the path of CR practitioners, their struggle from the time when first CR emerged until 2012 – the end-point of the analysis at which they are moving into the digital era.

WHAT IS COMMUNITY RADIO?

The sector's global networking body, the World Association of Community Radio Broadcasters (AMARC), provides the following general definition as part of its membership criteria: A community radio station is a station that responds to the needs of the community, which it serves and contributes to its development in a progressive manner by promoting social change. It promotes the democratization of communication by facilitating community participation in communication. This participation may vary according to the context in which the radio operates. (AMARC, www.amarc.org, under 'Becoming a Member'). In other words, CR physically, philosophically and structurally is volunteer directed, and takes on a wide variety of social aims according to the collective goals of the participants, operates using low-power transmitters, often on FM bands ranging from 5 or 10 W up to 1000 W. The broadcasting equipment may be housed in a radio station or a person's home.

There is no precise global headcount of CR stations; if there were, it would doubtless change on a daily basis. In Thailand, for example, CR began with a single station in 2001; within one year there were more than 100 stations on air (Ubonrat 2005: 62). In 2004, Thai governmental and non-governmental estimates placed the number of stations at 2000. By 2005, the number most frequently reported in the press was in the 3000 range (Macan-Markar 2006). In 2009, the Royal Thai Army estimated there were 5000 stations (Komsan 2009), while the Prime Minister's Office placed the number at 7000 (IFEX 2009).

Given the large numbers being reported, clearly CR is a phenomenon worth the close attention of media scholars and communications planners. But, as with all grass-roots media activities, it is more than numbers that tell the tale of community radio, its meanings and its impacts. Looking at the example of Thailand, this article will provide a concrete example of the political, regulatory and social issues that have accompanied sudden – and at times unforeseen – CR emergence within heretofore highly controlled radio environments.

A HISTORY OF STRUGGLE

Since radio's advent in Thailand in the 1930s, broadcasting has been closely tied to the formation of a modern national identity, based on central Thai lowlands culture and language, and on a discourse of modernization and industrial development (Thailand Public Relations Department 2007). In law, the broadcast frequency spectrum was made the property of the state, with access to frequencies enforced under the Post and Telegraph Act (1940). In 1955, the Radio and Television Act clarified that actual ownership of radio and television stations was the exclusive privilege of the Public Relations Department (PRD) and the Ministry of Defence, which in turn assigned ownership to various divisions of the Royal Thai Army (Ubonrat 1994: 105). Later, the Mass Communications Organization of Thailand (MCOT), an agency under the Prime Minister's Office, was added to the list (Luckana 2004: 81).

Effectively, the system operated as a dual monopoly, with the army and government radio stations at times battling one another and at times working in concert, depending on the politics of the day. The army turned its piece of the airwaves into a highly lucrative business, leasing broadcast concessions and airtime to private interests (Elliott 2007: 41). Under this system, 524

AM and FM radio stations enjoyed legal sanction in 2006 (Thailand Public Relations Department 2006). The result was radio that looked and sounded free but was not free, because the government and the army controlled the studios.

Article 40 of the Constitution B.E. 2540 (1997) laid down a mandate for broadcasting reform. It contained a watershed statement: 'Transmission frequencies for radio or television broadcasting and radio telecommunication are national communication resources for public interest.' The article promised 'an independent regulatory body having the duty to distribute the frequencies under paragraph one and supervise radio or television broadcasting and telecommunication businesses as provided by law'. No longer would access to the airwaves be the fiefdom of a closed clique of Generals and Government officials.

According to the Frequency Allocation Organization and Regulation of Broadcasting and Telecommunications Act B.E.2543 (2000), two independent regulators of the state will be established to manage spectrum allocation and to administer license allocations and renewals for broadcasting and telecommunications, in order to achieve the above aims. Article 20 of this law also provides that 20 per cent of available frequencies be allocated to the people's sector, who may use it for non-commercial and community-oriented purposes. The National Telecommunications Commission (NTC) was set up in 2004 while two rounds of selection for its counterpart – the National Broadcast Commission (NBC) -- in 2001 and 2005 failed.

Despite the failed selections of the NBC and the consequent absence of a broadcast regulator, media reform movements seemed to move forward, as exemplified by Wittayu Siang Chumchon/Radio Community Voice that took to the air in December 2001 (Luksana 2004: 214). Using a 10 W transmitter situated in an orchard, the station reached an estimated audience of 20,000–40,000 villagers in Kanchanaburi province in the west of Thailand (Gonzalez 2002: 3).

Wittayu Siang Chumchon's founders had become socially active during protests against a Thai-Burma gas pipeline; they perceived radio had great potential to give voice to this and other local concerns. Radio host Boonsang Jansongratsamee explained: 'This station is about two-way communication and listener participation. We remind people about their rights to access the media and encourage them to make use of the airwaves' (cited by Gonzalez 2002: 3). It can be said that the long history of dual monopoly, with the army and government radio stations landscape was openly challenged for the first time.

CR also faced many obstructions, despite promises made on paper. Ubonrat (1999: 7) reports that the state, mainly through the Public Relations Department (PRD), has staged many efforts to interfere and clamp down on CR. One of the first efforts was to rule that all CR stations broadcast with a 30-watt transmitter, using antenna not higher than 30 metres, and airing signals within a 15-square kilometre radius. This requirement took no account of geographical locations or landscape surrounding each station that may have specific problems and requirements such as mountainous areas or a widely dispersed community. This technical condition became known later as the 30-30-15 requirement.

Besides the technical regulation, the PRD argued on grounds that during the transitional period and in the absence of a new legislation, the people could not claim their rights based explicitly on the Constitution. Based on such rationale, CR was viewed as pirate radio and measures were taken to ban, arrest, and threaten CR operators. But CR practitioners and activists resisted the ban, trying to ally themselves with civil society and independent institutions like the National Human Rights Commission (NHRC) and academics. After a protracted struggle, the PRD which controlled the National Broadcasting Board (acting as interim broadcasting regulator) announced in 2003 that all CR must register with the PRD to remain in operation. In 2004, the PRD issued a landmark measure that permitted a 6-minute advertisement on CR. This in effect transformed CR into commercial radio as more than 1,500 new stations were set up within a few months after the announcement by local entrepreneurs, local and national politicians, and media professionals across the country, including Bangkok. As a result, the reformist rationale of CR was completely stolen by political and commercial forces.

This regulatory mess was worsened with the second failed selection of members for the National Broadcasting Commission in 2005 following the Supreme Administrative Court's ruling that the selection procedure was not transparent and involved major conflicts of interest. Under this disarray, there were no reliable statistics as to the total number of CR stations in operation. According to the figures released by the PRD in 2005, however, an estimated number of 7,000 CR stations were on air. This includes those which registered with the PRD as well as those which did not. Of this, one-thirds belonged to music and media conglomerates wishing to penetrate the grassroots audiences. A significant portion of these became political stations with obvious partisanship. Meanwhile, the stations which represented the original concept of CR only accounted for fewer than 10 per cent of the total number of existing stations (Pirongrong, www.thai-mpc.org, access 1st May 2013).

CR stations were subject to harassment following the major political crisis in 2006 in which daily demonstrations were staged on Bangkok's main thoroughfares by the People Alliance for Democracy (PAD) against Prime Minister Thaksin Shinawatra over many charges of corruption and human rights violations. A Bangkok-based CR station proclaiming to promote democracy was rounded up while about 1,000 more around the country were closed down or threatened with closure. The rationale for the forced shutdown was the usual argument of "interference with aviation signals" (interview, 2012).

Another critical turning point took place in September 2006 when a military junta staged a coup d'état that overthrew the civilian government of Prime Minister Thaksin Shinawatra. The Council for Democratic Reform (CDR) (later the Council for National Security or CNS) abolished the 1997 Constitution and imposed martial law. CR stations in the North and the Northeast were closed down under the argument that CR was a product of the 1997 Charter so they had to expire likewise. However, the CDR revised the decision in early October and allowed CR stations to continue operating but under very strict conditions. These conditions include for instance, obligations to broadcast all orders and announcements of the CDR, refraining from criticisms of a political nature that may lead to misunderstanding or apprehensions, discontinuing of phone-in radio programs, and stringent enforcement of the 30-30-15 technical requirement. In addition, from January to May 2007, the interim government installed by the CDR has consistently requested cooperation from all community radio stations

countrywide to present “balanced and appropriate” news and information “in order to rehabilitate social harmony and peace.” Meanwhile, CR stations continued to experience intimidation of various kinds ranging from surveillance, site search, to station closedown. Self-censorship became a new norm adopted by CR practitioners while a great number of stations resorted to music and apolitical talk as their main program formats.

In principle, all CR stations must cease operation and wait for their licenses to be issued by the new regulator. However, the interim government allowed those that are still operating to continue. The working group on CR was later formed, consisting mainly of sub-committee members and additional appointed members. The working group which began working in late 2008 has been instrumental in drafting the licensing criteria and administering the ongoing CR registration and licensing process.

According to the working group on CR, more than 6,000 local community stations registered with NTC in August 2009 to notify their intent to be on the air, using the CR label. However, Pirongrong (www.thai-mpc.org, access 1st May 2013) notices that the majority of stations that registered in August 2009 are in fact local commercial radio which would fit under the sub-class of commercial radio licenses – local broadcasting - according to the Broadcasting Act 2008. Only 120 stations would be qualified as CR.

THE NEW LAW: AEC AND DIGITALIZATION EFFECTS

The entry into force in December 2010 of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) (hereafter ‘The NBTC Act 2010’) brings about a significant change and concrete action which ensures the development in telecoms and broadcasting industry in Thailand. Such change and current development deal mainly with the new law, the NBTC Act 2010, altogether with the first establishment of the National Broadcasting and Telecommunications Commission (NBTC), an independent convergent regulator. There are eleven commissioners with expertise in different subjects who went through a competitively selective process and were formally appointed by the Head of State, HM King Bhumiphol. The convergent regulator ‘NBTC’ is divided into two sub-commissions, telecoms and broadcasting commissions, for the reason that they can specifically perform their roles and duties in a complementary manner. However, the joint authority and responsibility still remain in terms of 1) Spectrum management which must be consistent with the Radio Frequency Plan and 2) Adopting policy and regulation which promote free and fair competition and with due regard to public interest.

Formerly, the long-term monopoly over telecoms and broadcastings was in the form of concession contracts and state ownership or state-run administration. The NBTC Act 2010, which is consistent with the Constitution of 2007 brings about the significant change in telecoms and broadcasting market in Thailand as it requires ‘liberalization’ in telecoms and broadcasting markets. The radio frequency, which is a national and scarce resource, will be allocated on a market-based approach (auction). The exclusive right for using the spectrum through concession contract will completely terminate (depending on their remaining period according to concession contract). Under the new regime, the telecoms and broadcasting markets in Thailand have been gradually and continuously developed resulting from the new regulatory framework and environment which are carried out by the NBTC.

THE IMPACT:

The regulatory void that has allowed CR to flourish in the last few years has been a mixed blessing. Industrious Thais have taken advantage of the relatively “free market” of airwaves to fill them up with hundreds of small, locally run stations. They continue to operate “under the radar” of the Government to some degree, while offering a critical alternative to the voice of RTG-controlled stations.

But privately, both the PRD and NGOs admitted that the true total number of stations is unknown. Estimates range from 2,000 to 3,000. (Note: The RTG owns and controls 524 officially registered “regular” AM and FM radio stations in the country. The military and police services control 230 radio stations, PRD and the Mass Communications Organization of Thailand (MCOT) control over 170 stations combined. Nearly all of these stations are leased to commercial companies.

CR stations all over the country have now come under a regulation which requires them to abide by the law or face closure. CR stations which have registered with the National Telecommunications Commission were required to meet the criteria set down in the regulation. Those stations which had not registered with the NTC were required to do so by the deadline set in the announcement. CR stations should not be used for political campaigning against or for any particular group or party. They must be truly used for public services as clearly stated in the regulation.

However, during the period of this study (October 2012- January 2013), an estimated 2,000 or more (perhaps as many as 3,000) unregistered CR stations continue to broadcast popular news and “call in” talk shows. Many unregistered “Red Shirt” stations have been reported, but they are still on air (interview, November 2012). A number of “Religious stations” still broadcast using antennae that are too high. One interviewee voiced concern that the NBTC new rule has created a hole for “black” business. For instance, many “associations” are set up and charged 20,000-40,000 baht for membership. These issues have been voiced to the NBTC committee without feedback, and thus many CR stations would not put their trust in NBTC. Moreover, many government agencies and rural authorities have started their own radio stations, hence by-passing the need for CR.

READY FOR DIGITALIZATION?

As stated that the country is preparing for AEC in which broadcasting system will turn into digital. However, most CRs are not ready for digitalization. They face many problems as following. Firstly, Management Problem. Many interviewees reported not enough budget to run the station. Since CRs are not allowed to advertise, they relied on communities’ donation and run on voluntary basis. Some of them are considering to turn to commercial radio or closed down. Thus, they can’t abide NBTC rules. Secondly, Technological Problem. The airwave issues are still not fixed by NBTC such as spillover effect. Moreover, a number of CRs run for many years.

Their broadcasting equipment is old or broken. Finally, Manpower Problem. CRs operators are retired or near retired persons. They have limited knowledge of new technology and new regulations as well as outdated knowledge of broadcasting. CRs require NBTC to set up **Community Radio Fund, Community Broadcasting Foundation, Self-regulation and Co-regulation, and Sustainable Development** in terms of social, institutional, financial and technical areas.

FINAL VERDICT: CAN CRs SURVIVE?

It could be said that most CRs are in very unstable situation. Along with their main management problem, technological problem and manpower problem, CRs are still facing problem from NBTC. Almost all cases referred that NBTC rules are unclear, the officers are unprofessional and is very slow in process. This claim can be seen from a number of illegal CRs are still on air. Above all, only 193 Community radios, 388 Public-service community radios, and 1,004 Commercial Radios - out of more than 6,000 CRs who applied for license, just got license (by June, 2013, <http://thainfcr.org/node/93#sthash.20tv9gXc.dpuf>).

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